



City of  
**LAUNCESTON**

# **COUNCIL AGENDA**

**COUNCIL MEETING  
TUESDAY 10 MARCH 2015**

# City of Launceston

COUNCIL AGENDA

Tuesday 10 March 2015

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

Date: 10 March 2015

Time: 1.00 pm

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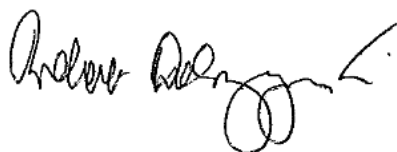
## Section 65 Certificate of Qualified Advice

### 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

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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 23 February 2015 be confirmed as a true and correct record.
2. That the Minutes of the meeting of the Launceston City Council held on 23 February 2015 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**

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Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items 7.1 - 7.4.

**7 PLANNING AUTHORITY****7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings****FILE NO:** DA0623/2014**AUTHOR:** Jacqui Tyson (Town Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Prime Design
Property:	22 Campbell Street, Newstead
Zoning:	General Residential
Receipt Date:	23/12/2014
Validity Date:	23/12/2014
Further Information Request:	24/12/2014
Further Information Received:	27/01/2015
Deemed Approval:	9/03/2015
Extension of time granted	10/03/2015
Representations:	3

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

It is recommended that in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2012, a permit be granted pursuant to a delegation from Council, for DA0623/2014 Residential - multiple dwellings; construction of one and use of two multiple dwellings at 22 Campbell Street, Newstead in accordance with the endorsed plans and subject to the following conditions.

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**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

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**1. ENDORSED PLANS & DOCUMENTS**

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

- a. Site Plan Proposed, Prepared by Prime Design, Drawing No.PD14216-0-02, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- b. Landscape Plan, Prepared by Prime Design, Drawing No.PD14216-0-05, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- c. Site section/Driveway, Prepared by Prime Design, Drawing No.PD14216-0-04, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- d. Demolition Plan, Prepared by Prime Design, Drawing No.PD14216-1-01, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- e. Floor Plan Unit 1, Prepared by Prime Design, Drawing No.PD14216-1-02, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- f. Elevations Unit 1, Prepared by Prime Design, Drawing No.PD14216-1-03, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- g. Floor Plan Unit 2, Prepared by Prime Design, Drawing No.PD14216-2-01, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- h. Elevations Unit 2, Prepared by Prime Design, Drawing No.PD14216-2-02, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- i. Elevations Unit 2, Prepared by Prime Design, Drawing No.PD14216-2-03, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- j. Site Distance Report, Prepared by RK Consulting Engineers, 22 Campbell Street, Newstead, Dated December 2014.

**2. LEGAL TITLE**

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

**3. 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.

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**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

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**4. EXTERIOR AND SECURITY LIGHTING**

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

**5. SCHEDULE OF MATERIALS/COLOURS**

Prior to the commencement of the works, a printed sample and schedule of external building materials, finishes and colours, including details of cladding and roofing materials, must be submitted for approval by Manager Planning Services. The colour schedule should be designed to achieve a coordinated appearance within the proposed development and harmonise with the existing streetscape and should include a painted or rendered finish for the foundation of the proposed dwelling. Once approved, the schedule will be endorsed to form part of the planning permit.

**6. TASWATER**

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2015/00032-LCC) attached.

**7. HOURS OF CONSTRUCTION**

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

- Monday to Friday - 7am and 6pm
- Saturday - 9am to 6pm
- Sundays and Public Holidays - 10am to 6pm

**8. FENCING**

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

- a. 1.2m within 4.5m of the frontage; and
- b. 1.8m elsewhere when measured from the highest finished level on either side of the common boundaries.
- c. A further 500mm of lattice (or similar) of not more than 50% transparency is to be attached to the top of the north eastern boundary fence, from the northern corner of the site to the private open space area of the existing dwelling (unit 1).

**9. MULTIPLE DWELLINGS - SERVICE FACILITIES**

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

- a. Mail receptacles must be provided and appropriately numbered for each dwelling unit.
  - b. Each dwelling must be provided with a minimum 6m exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
-

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

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- c. Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.
- d. Each dwelling is to be provided with one (1) bicycle parking space in accordance with the requirements of the Launceston Interim Planning Scheme 2012 and the Australian Standard AS2890.3.

**10. AMENDED PLANS REQUIRED**

Before the use and or development commences, the endorsed plans shall be amended to show the following requirements:

- a. Plan view and long-section of the proposed driveway off Douglas Street to demonstrate compliance with Tasmanian Standard Drawings (TSD), in particular showing:
  - i. Any proposed alterations to the footpath, with the cross-fall maintained at 4% or less where it crosses the driveway;
  - ii. The longitudinal gradient of the driveway outside the property boundary at 20% or less;
  - iii. The parking area with a cross-fall of 5% or less;
  - iv. A driveway crossover of an approved type (TSD-R16,R17).

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

**11. 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.

**12. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

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.
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**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

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

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".

**13. VEHICULAR CROSSINGS**

Before the commencement of the use, a new vehicular crossover shall 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.

**14. SOIL AND WATER MANAGEMENT PLAN**

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

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

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

**15. FILLING OF LAND**

Site filling that exceeds a depth of 300 mm must comply with the provisions of AS3798 Guidelines on earthworks for commercial and residential developments current at the time of the application. Prior to the use commencing, a Civil Engineer must certify that all the works have been carried out in accordance Australian Standard AS 3798 and the endorsed plan.

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**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

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**16. CONSTRUCTION OF RETAINING WALLS**

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

**17. 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.

**18. NO BURNING OF WASTES**

No burning of solid wastes is to be carried out on the site in such a manner so as to become a proven environmental nuisance to the occupiers of properties nearby.

**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 DA0623/2014. 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.*

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**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

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*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. An extension may be granted subject to the provisions of the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.*

**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) <<http://www.rmpat.tas.gov.au>>*

**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.*

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**REPORT:****1. THE PROPOSAL**

The proposal is for the use and development of two multiple dwellings on a site at 22 Campbell Street, Newstead that is currently developed with a single dwelling and outbuilding. The property is located on the corner of Campbell and Douglas Streets.

The proposal involves relocating a second dwelling onto the site to create a multiple dwelling development. The additional dwelling would be sited beside the existing house and would address the Douglas Street frontage, with a new driveway to be constructed from Douglas Street to service it. The proposed dwelling will contain two bedrooms, bathroom, laundry, and open plan kitchen/dining/living space. A deck will be constructed on the northern corner with access from the living room. The walls of the dwelling are clad weatherboards and the roof is clad in colorbond.

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**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

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The existing two bedroom dwelling addresses the Campbell Street frontage and was constructed in 1935. The existing dwelling is single storey with the exterior walls clad in weatherboard and the roof in colorbond. The existing carport will be demolished to make space for the proposed dwelling and a new carport will be constructed adjoining the existing house to provide one covered parking space in the existing driveway.

The existing paling fence on the Douglas Street frontage will be removed and the metal mesh fence around the remainder of the site will be retained.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The site is located on the northern side of the junction between Campbell and Douglas Streets in Newstead. The neighbouring properties are primarily used for residential purposes and developed with single or multiple dwellings.

The property is located one block east of Penquite Road and the local business precinct of Newstead is less than 400m away. St Thomas More's Catholic Primary School is also nearby to the east of the subject property.

The site is rectangular in shape other than the truncated corner and has an area of 892m<sup>2</sup>. The site falls gently to the north with an approximate slope of 5%. The site is not likely to be within a landslip area. The site is not within 100m of bushfire prone vegetation.

The existing access to the site is directly off Campbell Street via a sealed drive that leads to the carport behind the dwelling. The proposal includes a new second driveway from Douglas Street to service the second dwelling. The streets fronting the site are sealed and drained to Council standard.

The site is currently developed with a dwelling, carport and garden. The existing dwelling is currently connected to reticulated services and new connections will be required for the proposed dwelling.

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- 7.1 **22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**
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### 3. PLANNING SCHEME REQUIREMENTS

#### 3.1 Zone Purpose

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##### 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**

The proposed residential development will contribute to the provision of a range of dwelling types at a suburban density. The area is fully serviced and is close to public amenities including transport routes, open space, schools and the Newstead local business precinct. The style of the development is reasonably considerate of the character of the area as the proposed relocated dwelling is of a similar style and age as dwellings in the area. For these reasons the proposal is considered to meet the zone purpose.

##### **10.3 Use Standards**

##### 10.3.1 Amenity

A1 If for permitted or no permit required uses.

##### **Complies**

The proposed use as Multiple dwellings has a Permitted status.

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**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

A3 If for permitted or no permit required uses.
<b>Complies</b> The proposed use as Multiple dwellings has a Permitted status.

**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.
<b>Consistent</b> The proposal is considered to be appropriate for a fully serviced area that is close to public amenities.
A1 Multiple dwellings must have a site area per dwelling of not less than:
(a) 325 m <sup>2</sup> ; 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.
<b>Complies</b> The site area is 892m <sup>2</sup> . As two dwellings are proposed the site area per dwelling will be 446m <sup>2</sup> which complies with the acceptable solution.

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.



**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

<p><b>Consistent</b> The proposal meets the acceptable solutions and is of a density, scale and siting that is compatible with the area.</p>
<p>A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> <li>(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</li> <li>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</li> </ul>
<p><b>Complies</b> The existing dwelling is setback over 4.5m from the primary frontage to Campbell Street and 3.4m from the secondary frontage to Douglas Street. The proposed dwelling will be setback 3.8m from the secondary frontage to Douglas Street. This complies with point (b) of the acceptable solution.</p>
<p>A2 A garage or carport must have a setback from a primary frontage of at least:</p> <ul style="list-style-type: none"> <li>(a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or</li> <li>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</li> <li>(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.</li> </ul>

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

**Complies**

The proposed carport for the existing dwelling will be sited in line with the existing front façade, which is setback over 8m from the primary frontage to Campbell Street.

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**

The proposed development is sited in accordance with diagram 10.4.2C which applies in this case as the site is on a corner. The proposed carport is to be sited less than 500mm from the side boundary which complies with b) as the length is less than 9m.

**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.

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

<p><b>Consistent</b> Each dwelling has been provided with north facing private open space directly accessible from the living areas that comply with the standards and will meet the needs of the occupants.</p>
<p>A1 Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and</li> <li>(b) for multiple dwellings, a total area of private open space of not less than 60<sup>m2</sup> 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</li> <li>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</li> </ul>
<p><b>Complies</b> The floor area of the existing dwelling (including the proposed carport) is approximately 170<sup>m2</sup> and the floor area of the proposed dwelling is approximately 100<sup>m2</sup>. The site coverage is 30.2% (combined floor area 270m<sup>2</sup>/ site area 892<sup>m2</sup> x 100) which complies with the acceptable solution.</p> <p>In respect of part (b) the existing dwelling has a verandah that will be extended and a grassed area on the north western side that provide 70<sup>m2</sup> of private open space. The proposed dwelling will have a deck and outdoor area along the north eastern side that provide 67<sup>m2</sup> of private open space. This complies with the standard.</p>

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one 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<sup>m<sup>2</sup></sup>; or
    - (ii) 12 m<sup>2</sup>, 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**

The deck extension to the existing dwelling will provide a private open space area that is 24<sup>m<sup>2</sup></sup>, a minimum dimension of 4m, a northerly aspect and can be accessed directly from the kitchen.

The low deck and adjoining outdoor area in the northern corner of the proposed dwelling will have an area of at least 24<sup>m<sup>2</sup></sup>, a minimum dimension of 4m, has a northerly aspect and can be accessed directly from the open plan living space.

**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.

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

<p><b>Consistent</b> The living areas of both dwellings are located on the northern side and will have adequate solar access. There is adequate separation between the dwellings to ensure that daylight and sunlight can enter the habitable rooms and private open space.</p>
<p>A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>
<p><b>Complies</b> The living space of the existing dwelling has windows in the north western elevation that face within 30 degrees of north. The proposed dwelling will have a glass sliding door between the deck and the living space that is on the north eastern elevation and faces within 30 degrees of north.</p>
<p>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):</p> <ul style="list-style-type: none"> <li>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):             <ul style="list-style-type: none"> <li>(i) at a distance of 3 m from the window; and</li> <li>(ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.</li> </ul> </li> <li>(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.</li> <li>(c) That part, of a multiple dwelling, consisting of:             <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height no more than 2.4 m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.</li> </ul> </li> </ul>
<p><b>Complies</b> The proposed dwelling will be located to the north of the habitable rooms of the existing dwelling. The habitable room windows open onto the verandah of the existing dwelling and will be 4m from the internal boundary fence and the separation between the dwellings will be over 5m. The proposal complies with part (a).</p>

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one 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.

**Complies**  
 Shadow diagrams have been provided with the application to demonstrate that the private open space of both dwellings will receive at least 3 hours of sunlight between 9am and 3pm on the 21st of June, in accordance with (b).

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 satisfied and the primary frontage will not be dominated by the proposed carport.

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).

**Complies**  
 The proposed new carport for the existing dwelling will be sited within 12m of the frontage to Campbell Street. It is a single carport and the width of the opening facing the street will be less than 5m.

10.1.6 Privacy for all dwellings

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

Objective: To provide reasonable opportunity for privacy for dwellings.
<p><b>Consistent</b></p> <p>The relative positioning of the dwellings and the use of hard landscaping will ensure privacy between dwellings is maintained.</p>
<p>A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 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:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m:             <ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</li> </ul> </li> </ul>
<p><b>Complies</b></p> <p>The proposed extension to the deck of the existing dwelling will have a maximum floor height above ground level of 900mm so the clause does not apply as it is below 1m. However, as the deck will be built up to the side and internal boundaries a fixed screen to a height of 1.7m will be provided in accordance with the standard to ensure the privacy of the residents and neighbours is protected.</p> <p>The proposed dwelling has no decks or other raised structures within 3m of any boundary.</p>

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):

- (a) The window or glazed door:
  - (i) is to have a setback of at least 3 m from a side boundary; and
  - (ii) is to have a setback of at least 4 m from a rear boundary; and
  - (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and
  - (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site.
- (c) The window or glazed door:
  - (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or
  - (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or
  - (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.

**Relies on Performance Criteria**

The proposed dwelling has a window to the living room in the middle of the southern eastern elevation which faces the existing dwelling. The private open space of the existing dwelling is located on this side and is less than 6m from the window, which does not comply with (a) (iii). In regard to (b), the existing house has two windows to the living room and kitchen in the north western elevation which faces the proposed dwelling. The windows that face one another are not offset by 1.5m, do not have sill heights over 1.7m and will not have permanent screens in accordance with (b). Further assessment against the performance criteria is necessary.



**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

P2 A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:

- (a) window or glazed door, to a habitable room of another dwelling; and
- (b) the private open space of another dwelling; and
- (c) an adjoining vacant residential lot.

**Complies**

It is proposed to finish the window in the southern side of the relocated house with frosted glass. The main area of private open space for the existing dwelling will be screened to 1.7m and the properties will be separated by a 1.8m high fence. This will be sufficient to ensure that there are no direct views between the habitable rooms and private open space of the dwellings.

10.4.8 Waste storage for multiple dwellings

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

**Consistent**

Facilities for bin storage have been provided for each dwelling.

A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m<sup>2</sup> 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**

A bin storage area has been identified for each dwelling at the end of each of the driveways.

10.4.9 Storage for Multiple Dwellings

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

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

<p><b>Consistent</b> Facilities for storage have been provided for each dwelling.</p>
<p>A1 Each multiple dwelling must have access to at least 6 cubic metres of secure storage space.</p>
<p><b>Complies</b> A storage shed will be provided in the private open space of each dwelling as required in the recommended conditions.</p>

**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.

**Consistent**  
Each dwelling will be provided with separate access and there will be no communal areas.

A1 Development for multiple dwellings must clearly delineate public, communal and private areas such as:  
 a) driveways; and  
 b) site services and any waste collection points.

**Complies**  
The private space of the dwellings will be adequately delineated by a new fence. No communal space is proposed.

**10.4.11 Outbuildings and Ancillary Structures for the Residential Use Class other than a single dwelling**

Objective: To ensure:  
 a) that outbuildings do not detract from the amenity or established neighbourhood character; and  
 b) that the dwellings remain the dominant built form within an area; and  
 c) earthworks and the construction or installation of swimming pools are appropriate to the site and respect the amenity of neighbouring properties.

**Consistent**  
The only separate outbuildings included in the proposal are small storage sheds located in the private open space of each dwelling. The proposed carport is attached to the existing dwelling.

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

A1 Outbuildings for each multiple dwelling must have a combined gross floor area not exceeding 45<sup>m<sup>2</sup></sup>.

**Complies**

The only separate outbuildings included in the proposal are the small storage sheds for each dwelling with floor area of less than 10<sup>m<sup>2</sup></sup> each. The carport will be attached to the existing dwellings and has a floor area of approximately 20<sup>m<sup>2</sup></sup>.

A3 Earthworks and retaining walls (other than for a single dwelling) must:

- a) be located at least 900mm from each lot boundary, and
- b) if a retaining wall:
  - i) be not higher than 600mm (including the height of any batters) above existing ground level, and
  - ii) if it is on a sloping site and stepped to accommodate the fall in the land be not higher than 800mm above existing ground level at each step, and
  - iii) not require cut or fill more than 600mm below or above existing ground level, and
  - iv) not redirect the flow of surface water onto an adjoining property, and
  - v) be located at least 1.0m from any registered easement, sewer main or water main.

**Complies**

The application does not include any retaining walls and earthworks will be minimal.

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**

Each dwelling is to be provided with site services required by this objective.

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

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

**Complies**

A mailbox will be provided at the respective frontage for each dwelling.

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**

Parking is suitably provided on site for each dwelling.

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

**Complies**

Each of the dwellings will have a dedicated direct access that is less than 10m so that cars can reverse directly into the street.

A2.2 A tandem car space may be provided in a driveway within the setback from the frontage; and

**Complies**

The proposal utilises tandem car parking arrangements for both dwellings although they are not located within the frontage setback.

A2.3 Provision for turning must not be located within the front setback.

**Complies**

The proposal does not include any provision for turning in the front setback.

A3 A garage or carport (other than for dwellings) must be located at least 5.5m from a frontage.

**Complies**

The proposed carport is sited more than 5.5m from the frontage to Campbell Street.

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

**10.4.16 Subdivision**

**E 4 - Road and Railway Assets Code**

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**

A traffic impact assessment has been provided and compliance with relevant development standards has been demonstrated.

**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 solution of the relevant standard is met.

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

**Complies**

The traffic impact assessment submitted with the application indicates that each dwelling is likely to generate 9 vehicle movements per day, giving a total of 18 for the proposal which easily complies with the acceptable solution.

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

**E4.7 Development Standards**

**E4.7.2 Management of Road Accesses and Junctions**

<p>Objective</p> <p>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><b>Consistent</b></p> <p>A traffic impact assessment has been provided to demonstrate compliance with the relevant criteria.</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><b>Relies on Performance Criteria</b></p> <p>The subject site is a corner lot and has an existing access from Campbell Street. It is proposed to retain the existing access driveway to service the existing dwelling and construct a new access from Douglas Street to service the proposed second dwelling. This will result in two accesses providing both entry and exit which does not comply with the acceptable solution.</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><b>Complies</b></p> <p>The traffic impact assessment concludes that the construction of a second access from Douglas Street will not cause an undue impact on safety, amenity or traffic volumes. The report states that existing traffic volumes on Douglas and Campbell Streets will not be compromised by the additional driveway. The proposed configuration poses the least obstruction to pedestrians and passing traffic and is considered to be a safe and efficient design layout.</p>

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

<p>Objective</p> <p>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.</p>
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**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

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**Consistent**

The acceptable solution is satisfied.

**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 traffic impact assessment contains an analysis of the sight distances. It is demonstrated that the proposed access will have sight distances in accordance with Table E4.7.4.

**E6 - Car Parking and Sustainable Transport Code****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.
-

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

**Consistent**

The access and parking arrangements are appropriate for the site and the proposal.

**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**

An adequate level of car parking is provided to service the proposed use.

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.



**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

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**Relies on Performance Criteria**

Table E6.1 requires car parking for residential purposes at the following rate:

*"If a 1 bedroom or studio dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom) - 1 space per dwelling."*

*"If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom) - 2 spaces per dwelling."*

*" Visitor parking for multiple dwellings in the General Residential Zone - 1 dedicated space per 4 dwellings (rounded up to the nearest whole number)*

And point d) above states:

*"if for dwellings in the General Residential Zone, not less than 100% of the requirements of Table E6.1".*

The development includes an existing dwelling with two bedrooms and a proposed second dwelling with two bedrooms. In terms of visitor parking, one space is required for two multiple dwellings as it is rounded up to the nearest whole number. In order to meet the standard a total of five (5) parking spaces are required.

Under the proposal each of the dwellings will be provided with two dedicated parking spaces in a tandem arrangement as each dwelling will have its own driveway. No visitor parking is proposed as the access will not be shared. The result is a deficit of one (1) parking space. Further assessment against the performance criteria is therefore necessary.

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**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

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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
  - 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.
-

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

**Complies**

It is proposed to vary the car parking provided on the site from five (5) spaces to four (4) spaces by excluding a visitor parking space. This is considered to be reasonable given the separation of access for the two dwellings and there is additional space in the driveway of each dwelling that could be used for visitor parking. The site has two frontages where uncontrolled on street parking is available.

In terms of public transport, the site is located close to public transport with regular bus routes on Penquite Road and Abbott Street which are both within 300m of the site. The shopping area in Newstead is also within walking distance (400m) of the site.

The traffic impact assessment also indicates that the proposed parking arrangement is adequate.

**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 surrounding area and the development provide for bicycle use.

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.

**Relies on Performance Criteria**

Table E6.1 requires bicycle parking for residential purposes at the following rate:

*"1 space per unit or 1 spaces per 5 bedrooms in other forms of accommodation."*

The proposal does not include designated space for bicycle parking and therefore does not meet the acceptable solution. Further assessment against the performance criteria is necessary.

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:

- a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and
- b) location of the site and the distance a cyclist would need to travel to reach the site; and  
availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.

**Complies**

Given the proximity of the site to the city and local services it is likely that residents of the dwellings will use bicycle transport.

Each of the dwellings have sufficient curtilage in which to provide bicycle parking. It is recommended that this be required through a condition.

**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 car parking and accesses will be constructed to an appropriate standard.

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.

**Complies**

The car parking and access strips will be sealed and drained in accordance with the recommended condition.

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one 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 car parking and accesses will be constructed to an appropriate standard.

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

**Complies**

All the proposed parking spaces will be located behind the building line of the dwelling they will serve.

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**

Turning is not 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
  - 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.

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

**Complies**

The car parking and manoeuvring space will have a gradient of less than 10% and will provide for cars to enter and leave the site in a forward direction. The car spaces and access widths can be constructed in accordance with the requirements of Table E6.2 and E6.3, as required in the recommended conditions.

**E6.7.3 Car Parking Access, Safety and Security**

Objective: To ensure adequate access, safety and security for car parking and for deliveries.

**Consistent**

End of trip facilities can be provided in the dwellings.

A1 Car parking areas with greater than 20 parking spaces must be:

- a) secured and lit so that unauthorised persons cannot enter or;
- b) lit and visible from buildings on or adjacent to the site during the times when parking occurs.

**Complies**

Each dwelling provides adequate bathroom facilities to comply with this standard.

**E6.8 Provisions for Sustainable Transport**

**E6.8.1 Bicycle End of Trip Facilities**

Objective: To ensure that cyclists are provided with adequate end of trip facilities.

**Consistent**

End of trip facilities can be provided in the dwellings.

A1 For all development where (in accordance with Table E6.1) over 5 bicycle spaces are required, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycles spaces thereafter.

**Complies**

Each dwelling provides adequate bathroom facilities to comply with this standard.

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

**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**

Parking and secure storage can be provided.

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.

**Relies on Performance Criteria**

The proposal does not include specific under cover parking for bicycles.

P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.

**Complies**

It is considered that bicycle parking can be accommodated within the curtilage of the dwellings in accordance with the recommended conditions.

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.

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

<p><b>Relies on Performance Criteria</b> The proposal does not include specific under cover parking for bicycles.</p>
<p>P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</p>
<p><b>Complies</b> It is considered that bicycle parking can be accommodated within the curtilage of the dwellings in accordance with the recommended conditions.</p>

**E6.8.5 Pedestrian Walkways**

<p>Objective: To ensure pedestrian safety is considered in development.</p>
<p><b>Consistent</b> The site has adequate pedestrian access to service a residential need.</p>
<p>A1 Pedestrian access must be provided for in accordance with Table E6.5.</p>
<p><b>Complies</b> Separate pedestrian access is not necessary for a use which requires less than 11 parking spaces. Shared access is appropriate.</p>

**4. REFERRALS**

<b>REFERRAL</b>	<b>COMMENTS</b>
<b>INTERNAL</b>	
Infrastructure Assets	<p>Conditional consent provided. Conditions recommended in relation to the following:</p> <ul style="list-style-type: none"> <li>• Amended Plans required</li> <li>• Damage to Council infrastructure</li> <li>• Urban vehicular crossings</li> <li>• Basic - soil and water management plan</li> <li>• Filling of land</li> <li>• Works with/occupation of the road reserve</li> <li>• Construction of retaining walls</li> </ul>
Environmental Health	<p>Conditional consent provided. Conditions recommended in relation to the following:</p> <ul style="list-style-type: none"> <li>• Amenity</li> <li>• No burning of wastes</li> </ul>
Parks and Recreation	N/A
Heritage/Urban Design	N/A



**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

Building and Plumbing	N/A
<b>EXTERNAL</b>	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2015/00032-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

**5. REPRESENTATIONS**

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993, the application was advertised for a 14 day period from 31 January 2015 to 13 February 2015. Three (3) representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

Discussions have been held with the representors to discuss the matters raised in their submissions and a site visit was conducted with one of them. The matters have also been discussed with the applicant and agreement has been reached for some of them. This includes the installation of additional lattice or similar on the northern section of the boundary with 20 Campbell Street and a requirement that the dwellings are completed in complimentary colours. Some other relevant matters have been addressed through standard conditions, such as the construction standard and drainage of the proposed driveway.

<b>ISSUE</b>	<b>COMMENTS</b>
Seek assurances that the plans that have been put into council are actually what will be built on the property. The proposal has certainly not been designed to match the existing dwelling as part of a double unit proposal. We have concerns that it will not be in keeping with the title and look unlike the already existing premises. It should be built from similar materials, painted a similar colour and have a similar roof line and set back. This proposal could have a negative impact on our amenity and house value without these considerations.	Council must assess the plans as they are submitted. If the development is not conducted in accordance with the permit and endorsed plans then it would become an enforcement issue. There is no requirement that multiple dwellings need to be designed to match one another, however a condition has been included to require coordinating colours and finishes to be used that are in keeping with the streetscape.

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

<p>We are concerned that the streetscape on Douglas Street will be affected as this proposed building will be in view driving up our street. All of our houses are set back from the road and the proposed site for the new dwelling is in obvious view from the road when driving South up Douglas Street. This proposed dwelling, whether sub divided or stratum title is in effect on Douglas Street as the entrance is off our street. Therefore it becomes part of the current streetscape. We believe the proposed plans have not taken into consideration this setback requirement.</p>	<p>Douglas Street is the secondary frontage regardless of the fact that the second dwelling will face it and be accessed from it. The proposed dwelling will be sited behind the line of the existing dwelling and complies with the relevant acceptable solution. A condition has been included to require complementary external finishes to be used in order to minimise the impact on the streetscape.</p>
<p>We are also concerned that the proposal does not mention an application for stratum title development. We are of the understanding that unit applications would require this and hope that you could clarify this for us.</p>	<p>If the proposal goes ahead it could be strata titled but there is no requirement for it to occur.</p>
<p>The developer will be putting in an extra driveway running up our boundary fence. We would like to be sure that this driveway would have adequate drainage and if at a higher level than our existing fence base, have a retaining wall in place. We would also seek that a higher fence be constructed.</p>	<p>The new driveway will be required to be constructed and drained to Council standard, as per the recommended conditions. This includes ensuring that drainage is not directed onto neighbouring properties. A 1.8m high fence will be required between the properties.</p>
<p>Firstly I'd suggest that if the property wasn't a corner block then the development wouldn't be able to proceed, as the developer wouldn't be able to provide required access for cars to the second dwelling. In this case, being a corner it has allowed the developer to use offsets on the block with the primary boundary being Campbell St. 10.4.2 primary offset at least 4.5 metres and 3 metres on other boundaries. The primary setback on the majority of the residence on this section of Douglas St. is approximately 5.4 metres.</p>	<p>In the general residential zone corner lots have a different building envelope than standard lots, applying a 3m setback to the secondary frontage and no rear setback as is required on standard lots. In this case the development is facilitated by the nature of the lot but that does not mean that different standards should apply. The proposed dwelling has been sited behind the existing building line to Douglas Street and some landscaping will be provided in the frontage to improve the appearance from the street.</p>

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

<p>Acknowledge the residence is of the period characteristic to the neighbourhood. During the relocation we'd seek assurances that this Character be maintained and in doing so we would ask that the new foundations be rendered and included a bevel to keep in character with neighbouring properties.</p>	<p>The proposed dwelling is of a similar design and constructed of similar materials to the existing dwelling on the site. It is considered reasonable to require the new foundation to be finished in a way that is in keeping with the character of the streetscape.</p>
<p>Even though this is a relocated residence, it's a new development of this location. What are the obligations for the developer to meet the current requirements with respect to "R ratings" and will the latest standards also apply to the existing residence? i.e. The house must achieve a minimum 6 star rating. Ceiling wall and under floor insulation and the possibility of double glazing.</p>	<p>These specific matters are dealt with in the building approval process. The proposal has been assessed against the planning scheme requirements in relation to solar access and complies with the relevant development standards.</p>
<p>Should this development go ahead we will lose the small amount of view over that garden to High Street and our garden will be almost totally surrounded giving us a very claustrophobic feeling, Please do not allow us to be blocked in.</p>	<p>The planning scheme does not protect views. The documents submitted with the application show that there will be no material detriment through overshadowing or direct overlooking.</p>
<p>In the past there has been considerable trouble with the tenants at 22 Campbell Street including late parties, loud music, rubbish being thrown over fences, car doors banging etc. The family living there now will lose the garden if this old house is moved onto the block.</p>	<p>Council is not involved in tenancy arrangements. Ongoing nuisances may be a breach of environmental health legislation and should be reported to the Council. Disturbances at night can be reported to the police.</p>
<p>We see there is no screening for our privacy as we are not removing our own privacy ourselves we feel the owner of next door be requested to provide a higher fence or add a screen.</p>	<p>The existing fence is 1.8m solid timber paling. A condition has been recommended to increase the screening on top of the fence to ensure that a high level of privacy is maintained between the properties.</p>

**6. CONCLUSION**

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

**7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)**

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**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:**

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.

**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.



**Leanne Hurst: Director Development Services**

**ATTACHMENTS:**

1. Locality Map
  2. Plans (circulated separately)
  3. Representations
-

Attachment 1 - 22 Campbell Street Newstead - Locality Map (Page = 1)



**Launceston City Council**  
*A Leader in Community & Government*



## **LOCALITY MAP - DA0623/2014 22 Campbell Street, Newstead**



### **Locality Map**

Scale: This Map Is Not to Scale

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Attachment 3 - 22 Campbell Street Newstead - Representations (Page = 6)

FILE No.	DA0623/2014		
EO	OD	Box	
RCVD 11 FEB 2015		LCC	
Doc No.			
Action Officer	Noted	Replied	
C WANKMORE			

John and Ismay Frith

EGPJ - J Tyson

11-2-2015

Regarding Planning Development DA0623/2014  
Attention: Jacqui Tyson

Dear Mr. Dobrzynski,

We wish to inform you that our property at \_\_\_\_\_ is on the western side of the proposed development for No 22 Campbell Street and we have grave concerns of this happening.

Wednesday February the 4<sup>th</sup> is the first knowledge we had than an old house was to be relocated onto the backyard of No 22. On visiting the council on Monday morning 9<sup>th</sup> of February we were told that a two week period is the usual notification time, also we were told that the notice had gone out on January the 31<sup>st</sup>. How can this be as that date is a Saturday, we believe your office is closed at weekends? Then there is Sunday where no post is delivered so how have we had a full 14 days? Perhaps in future the council will consider that residents have 14 days from the date they receive a notice also may take into consideration not all people purchase a newspaper.

Having viewed the plans on the internet we noticed the plans call the existing house and the one which is to be relocated as unit 1 and unit 2. It seems to us there are two separate houses with two different addresses and there may be no application for stratum title development. Our concern that the old house will be put onto the block and be left there detracting from the streetscape or that it will not match the existing house in style or colour. It seems the two dwelling will be extremely close together so there will be no view between them at all. Will this old house be eventually removed and a more suitable new dwelling be built as per the plans?

Our back garden has no outlook on our Eastern side as our garage and the neighbour's trees block all view and the house at 21 Douglass Street has been extended which blocks our northern fence line so the only little part of unblocked fence line is along the back garden of No 22 Campbell Street from the back to the existing house. Should the development be allowed to go ahead we will loose the only small amount of view over that garden to high street and our garden will be almost totally surrounded which will give us a very claustrophobic feeling. We are both 76 years old and one of us is a semi invalid and we hope to be left in peace to live our lives out here in our home of 41 years in harmony with the people around us and our environment. Please do not allow us to be blocked in.

In the past there has been considerable trouble with the tenants at No. 22 Campbell Street we have been very disturbed by drunken parties extreme loud music, in the early hours of the morning, our garden has been trampled both in the back and front, rubbish has been thrown over the fences, car doors banging and loud voices outside our bedroom window in the next driveway late at night so we have had a lot of lost sleep and anxiety. Should the proposed development be allowed and there are bad tenants we may have much more trouble. At present there are some lovely children and their mother living next to us, great to hear their voices as they play in the garden, this family is to lose out if the old house is moved onto the block.

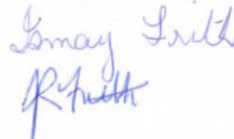


On speaking to your clerk at the council last Monday we were told we needed to have three people write a letter of concern for the council to listen to us as No 22 Campbell Street is on a corner block there are only two neighbours to this property who have the greatest concern and would be directly affected, I hope you will consider this.

On looking at the plans for the development we see there is no screening for our privacy, as we are not removing our own privacy ourselves we feel the owner of next door be requested to provide either a higher fence or add a screen to what is there at present this being from the back of the block to the existing house.

We do hope the council will be very wise and thoughtful and not allow this development to take place. Newstead is a lovely old suburb which has its own charm and we feel the houses around here should be left with their own back yards to allow people to grow veggies or lawn as they wish. Please do not allow developments of this kind to alter this environment. Please keep Launceston a city without crowded living.

Yours faithfully  
Ismay and John Frith.



Telephoned Post Office  
Card delivered Wednesday 4th February 2015  
Application sign posted 4th February, 2015.

**Application details**

DA NO: DA0623/2014  
APPLICANT: Prime Design  
LOCATION: 22 Campbell Street  
NEWSTEAD  
PROPOSAL: Residential - multiple  
dwellings; construction of one  
and use of two multiple  
dwellings  
CONTACT: Jacqui Tyson  
Ph: (03) 6323 3394  
DATE OF  
NOTICE: 31/01/2015

**Notice of application for a Planning Permit**

The Launceston City Council has received an application to use or develop land at the address specified on this card.

Plans and documents can be inspected at the Council's Customer Service Centre, Monday to Friday from 8.30am to 5.00pm or on Council's website at <https://onlineservice.launceston.tas.gov.au> until **13/02/2015**.

Written representations to the General Manager may be made during this time to PO Box 396, LAUNCESTON TAS 7250 or by email to [contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au). However, the full content of your submission may be included in the report (available for public access) if the application is presented at a Council meeting for consideration. It is therefore the responsibility of the author of the representation to ensure that what is written is factual, fair and reasonable and not defamatory against any person. Please provide day time phone contact details with representations.

Before deciding on the application the Council must consider any written comments it receives. An appeal can be made against the Council's decision, but only if the representation is lodged before the specified closing date.

*This is a notice under section 57(3) of the Land Use Planning and Approvals Act 1993.*

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**From:** Peter & Tania Cameron  
**Sent:** Thursday, 12 February 2015 9:18 PM  
**To:** records  
**Subject:** 22 Campbell St. DA0623/2014.

To whom it may concern.

In relation to the proposed development at 22 Campbell St. DA0623/2014.

I doubt that what I say will be able to stop the development from going ahead but we do have some concerns.

Firstly I'd suggest that if the property wasn't a corner block then the development wouldn't be able to proceed, as the developer wouldn't be able to provide required access for cars to the second dwelling.

In this case, being a corner it has allowed the developer to use offsets on the block with the primary boundary being Campbell St. 10.4.2 primary offset at least 4.5 metres and 3 metres on other boundaries.

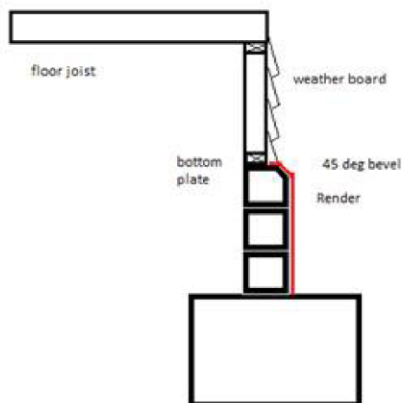
As access to the second dwelling is off Douglas St. it could be said the primary boundary for the second unit is Douglas St. This would be the case if the block was subdivided first before a development taking place.

Either way as the fence is to be removed, the house will be facing Douglas St. and as the drive will also be on Douglas St. one needs to consider 10.4.14.5 with "respects to the existing neighbourhood character and limits unreasonable adverse impacts on the amenity". The primary setback on the majority of the residence on this section of Douglas St. is approximately 5.4 metres.

The developer has also acknowledged this as an issue by setting the building back 3.8 Metres

There have been several cases in the neighbourhood where building applications have been rejected or amended to meet this requirement thereby setting precedence with respect to this application.

Considering previous dealings with the council we doubt you will reject or amend this application but the Council has an obligation to represent our rights as residence and to maintain the existing neighbourhood character and limit adverse impact on amenity, that being visual. We acknowledge the residence is of the period characteristic to the neighbourhood, be moved from Hobart Rd. During the relocation we'd seek assurances that this character be maintained and in doing so we would ask that the new foundations be rendered and included a bevel as in the diagram to keep in character with neighbouring properties. At present the house is sitting on little more than a pile of bricks.



Finally even though this is a relocated residence, it's a new development of this location. What are the obligations for the developer to meet the current requirements with respect to "R ratings" and will the latest standards also apply to the existing residence? i.e. "The house must achieve a minimum 6 star rating." Our understanding is this would be the requirement. Ceiling wall and under floor insulation and the possibility of double glazing. There is no mention of this in the DA and if this is the case the \$150,000 cost estimate seems a bit short.

Peter Cameron

Tania Cameron and Peter Cameron

Attention Planning department, Jacqui Tyson

Dear Mr Robert Dobrzynski,

We are the \_\_\_\_\_ with a building application number DA0623/2014 at 22 Campbell Street for the development of two units on the corner of Campbell and Douglas Street.

We are opposing the application currently before the council as we have a number of concerns we would wish to have addressed before the application is granted. We seek assurances that the plans that have been put into council are actually what will be built on the property and that the proposal complies with setback requirements on Douglas Street required by council for previous applications along Douglas Street.

It came to our attention a number of months ago that the owner possibly intended to crane in a pre-existing building to the backyard of the Campbell Street home in order to rent it out as an extra dwelling. It is our understanding that the owner has been directed to remove it from its current location by council. Initially our concerns were that this would end up on our neighbours property without council approval, however we are pleased that an application has been made and is in front of council to consider. We hope that the plans before council are the intentions of the owner as they appear to show a completely new building to be constructed on site.

We fear that the new building will in fact be a relocated dwelling that is to be craned onto the site. If this is the case it will be a building that we would argue is not what is proposed on the plans with council and has certainly not been designed to match the existing dwelling as part of a double unit proposal. We have concerns that it will not be in keeping with the title and look unlike the already existing premises. We fear the dwelling will not be what is proposed on the plans and indeed be an eyesore unless designed specifically to fit with the pre-existing house. We would want assurances that it would be built from similar materials, painted a similar colour and have a similar roof line and set back. We are of the belief that this proposal could have a negative impact on our amenity and house value without these considerations.

We are concerned that the streetscape on Douglas Street will be affected as this proposed building will be in view driving up our street. All of our houses are set back from the road and the proposed site for the new dwelling is in obvious view from the road when driving South up Douglas Street. When renovating our home we were told that our garage could not protrude beyond the line of homes in Douglas Street. Neighbours have had that same requirement of them when building their garages. This proposed dwelling, whether sub divided or stratum title is in effect on Douglas Street as the entrance is off our street. Therefore it becomes part of the current streetscape. We believe the proposed plans have not taken into consideration this setback requirement.

The application is for a two unit development on the property, however, the existing dwelling is not a unit but a house as the property title would indicate. We are also concerned that the proposal does not mention an application for stratum title development. We are of the understanding that unit applications would require this and hope that you could clarify this for us. The new unit would have access from Douglas Street and a different address would it not?

The developer will be putting in an extra driveway running up our boundary fence. We would like to be sure that this driveway would have adequate drainage and if at a higher level than our existing fence base, have a retaining wall in place. We would also seek that a higher fence be constructed.

We are hoping that council use its discretionary powers to deny this application on the grounds that it will protrude beyond the current houseline in Douglas Street and have serious concerns that the building will possibly not be what is proposed by the developer. Instead we have been told he intends to relocate a temporary donga on the premises once approval is given. We of course hope this is not the case and look forward to hearing from you regarding our genuine concerns.

Yours sincerely,

Tania Cameron and Peter Cameron

## COUNCIL AGENDA

Tuesday 10 March 2015

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### 7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works

**FILE NO:** DA0615/2014

**AUTHOR:** Leon Murray (Development Planner)

**DIRECTOR:** Leanne Hurst (Director Development Services)

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#### **DECISION STATEMENT:**

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

#### **PLANNING APPLICATION INFORMATION:**

Applicant:	Centrum Architects
Property:	42 St Leonards Road St Leonards
Zoning:	Light Industrial
Receipt Date:	22/12/2014
Validity Date:	22/01/2015
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	5/03/2015
Extension of time granted:	10/03/2015
Representations:	40

#### **PREVIOUS COUNCIL CONSIDERATION:**

N/A

#### **RECOMMENDATION:**

It is recommended that in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2012, a permit be granted for DA0615/2014 Storage - subdivision - subdivide 2 lots into 16 lots plus road and roadworks on St Leonards Road at 42 St Leonards Road, St Leonards in accordance with the endorsed plans and subject to the following conditions.

#### **1. ENDORSED PLANS & DOCUMENTS**

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

- a. Subdivision plan, prepared by Centrum Architects, drawing no. TP02, project name subdivision at 42 St Leonards Road, St Leonards, (Revision No. eg Rev 04), dated December 2014;
-

**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

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- b. Traffic impact assessment for 42 St Leonards Road, St Leonards, prepared by Midson Traffic Pty Ltd, dated December 2014;
- c. Traffic impact assessment for 42 St Leonards Road, St Leonards, prepared by Midson Traffic Pty Ltd, dated 17 December 2013;
- d. Traffic impact assessment - addendum to TIA for 42 St Leonards Road, St Leonards, prepared by Midson Traffic Pty Ltd, dated October 2013
- e. Traffic Impact Assessment for 42 St Leonards Road, St Leonards, prepared by GHD Pty Ltd, dated July 2013

**2. 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.

**3. LEGAL TITLE**

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

**4. HOURS OF CONSTRUCTION**

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

**5. TASWATER**

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater TWDA No. 2015-00130-LCC (attached).

**6. COVENANTS ON SUBDIVISIONS**

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

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

**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

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**7. CERTIFICATION FROM BUILDING SURVEYOR**

Prior to sealing the final plan, the applicant must submit the following to the planning authority:

- a. Certificate of Completion for Building &/or Plumbing Permits for the installation of the fire walls;
- b. Statement of certification signed by the appointed Building Surveyor confirming ALL required fire walls have been installed and compliant along the proposed boundary lines (fire source features) as shown on the final plan.

**8. DAMAGE TO COUNCIL INFRASTRUCTURE**

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

**9. 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".

**10. ROAD CROSSINGS FOR SERVICE CONNECTIONS**

Where it is required by a service provider (i.e. TasWater, Telstra, Aurora, etc) to upgrade, relocate or remove the existing connection or install a new connection, the developer must apply to Council's Roads and Hydraulics Manager for approval to install the connection across Roads 1, 2 and 3.

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**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

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The approved installation method is direction drilling/boring. Open trench installation will not be permitted except in EXCEPTIONAL circumstances and requires the written consent of the Council's Roads and Hydraulics Manager who will specify the required construction and reinstatement works.

No work must commence for the installation, alteration or removal of the connection until such time as the service crossing approval has been obtained.

**11. SOIL AND WATER MANAGEMENT PLAN**

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

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

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

**12. FILLING OF LAND**

Site filling that exceeds a depth of 300 mm must comply with the provisions of AS3798 Guidelines on earthworks for commercial and residential developments current at the time of the application. Prior to the final plan being sealed, a Civil Engineer must certify that all the works have been carried out in accordance Australian Standard AS 3798 and the endorsed plan.

**13. 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 will 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.
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**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

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

**14. RETICULATED SERVICES**

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

**15. SUBMISSION AND APPROVAL OF PLANS**

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the Director Infrastructure Services for approval. Such plans and specifications must:

- a. Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
  - i. Electricity infrastructure including street lighting;
  - ii. Communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network;
  - iii. Evidence of assessment by TasGas Networks re provision of reticulated gas network.
- b. Be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. Be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d. Be accompanied by:
  - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
  - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion & Final inspections.

**16. CONSTRUCTION OF WORKS**

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

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

- a. Stormwater
    - i. Provision of a public drainage system, discharging to a natural drainage course or existing public system, to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve;
-



**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

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- ii. The provision of a suitably sized connection to the lowest point of each lot;
  - iii. Provision of an overland flow path for flows up to a 100 year ARI storm event.
- b. St Leonards Road
- i. Provision of a fully constructed road junction from St Leonards Road in accordance with the requirements of Department. Infrastructure, Energy and Resources including all pavement widening, drainage, line marking, signage and any other traffic management devices required;
  - ii. Provision of indented parking bays catering for not less than 6 cars on the eastern side of St Leonards Road to offset the loss of parking caused by (i) above;
  - iii. Provision of a shared vehicular crossing designed for heavy vehicles for proposed Lots 14 and 15;
  - iv. Installation of KC type kerb along the St Leonards Road frontage of the site with a clear space behind the kerb of not less than 2.00m;
  - v. Provision of pedestrian kerb ramps and linking footpath from the internal footpaths to the footpath located on the eastern side of St Leonards Road.
- c. Road 1
- i. Provision of a fully constructed 11 metre wide road, measured face of kerb, for the full length of all the property frontages, complete with KC type kerb and channel and vehicular crossings designed for heavy vehicles for each lot having primary frontage to the road;
  - ii. Provision of a temporary gravel turning head at the end of the cul de sac with a diameter of 18.0 metres measured face of kerb;
  - iii. Provision of 1500 mm wide footpath on one side and all necessary pedestrian kerb ramps at intersections;
  - iv. Provision of all necessary signage, line marking and other traffic control devices.
- d. Road 2
- i. Provision of a fully constructed 11 metre wide road, measured face of kerb to face of kerb, for the full length of all the property frontages, complete with KC type kerb and channel and vehicular crossings designed for heavy vehicles for each lot having primary frontage to the road;
  - ii. Provision of a turning head at the end of the cul de sac with a diameter of 18.0 metres measured face of kerb to face of kerb;
  - iii. Provision of 1500 mm wide footpath on one side and all necessary pedestrian kerb ramps at intersections;
  - iv. Provision of all necessary signage, line marking and other traffic control devices.
-

**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

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- e. Road 3
  - i. Provision of a fully constructed 11 metre wide road, measured face of kerb, for the full length of all the property frontages, complete with KC type kerb and channel and vehicular crossings designed for heavy vehicles for each lot having primary frontage to the road;
  - ii. Provision of a turning head at the end of the cul de sac with a diameter of 18.0 metres measured face of kerb to face of kerb;
  - iii. Provision of 1500 mm wide footpath on one side and all necessary pedestrian kerb ramps at intersections;
  - iv. Provision of all necessary signage, line marking and other traffic control devices.
  
- f. Electricity, Communications & Other Utilities
  - a. An underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Planning Authority;
  - b. An underground telecommunications system must be provided to service all lots and installed to the approval of the Planning Authority;
  - c. Provision of a suitably sized conduit/corridor for the future provision of broadband internet infrastructure;
  - d. Provision of reticulated gas network to service all lots and installed to the approval of the Planning Authority.

All construction works must be undertaken in accordance with the document: Tasmanian Subdivision Guidelines (available from the Local Government Association of Tasmania website). These Guidelines specify:

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

**17. ACCESS OVER ADJACENT LAND**

Where it is necessary, for the construction of the public works, to gain access to land not in the ownership of the developer the supervising engineer must:

- a. Advise Council 21 days before access is required onsite so that notices pursuant to the *Urban Drainage Act 2013* can be issued to the landowner; then
  - b. Contact the adjacent land owners to advise them of the proposed works and assess any of their (reasonable) requirements which should be incorporated in the works; and
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**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

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- c. Ensure that client provides a signed statement advising the Council that they will pay all compensation cost for the easements and the Council's out-of-pocket costs (ie legal, valuation, etc if any). If the compensation claims appears unacceptable then the process under the *Land Acquisition Act 1993* will be followed.

**18. WORKS REQUIRED FOR EACH LOT IN A STAGE**

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

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

**19. CONSTRUCTION DOCUMENTATION**

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

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

**20. EASEMENTS**

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

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**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

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**21. SEALING PLANS OF SUBDIVISION**

No plan of survey will be sealed until the following matters have been completed to the satisfaction of the Director Infrastructure Services:

- a. The satisfactory completion of all public infrastructure works including the provision of engineering certification and as constructed documentation in accordance the Council requirements;
- b. The subsequent issue of a Certificate of Practical Completion by the Director Infrastructure Services;
- c. The lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.

Any other payment or action required by a planning permit condition to occur prior to the sealing of the final plan of survey.

**22. CONVEYANCE OF ROADS**

All roads in the Subdivision must be conveyed to the Council upon the issue by the Director Infrastructure Services, of the Certificate under Section 10 (7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the subdivider.

**23. SEPARATION OF SERVICE CONNECTIONS**

The applicant must locate and identify the existing service connections (water supply, sewer and stormwater) for the existing development of the land and complete the following work:

- a. Ensure that each new title has a single connection to a public stormwater main or kerb adaptor with all other connections being capped;
- b. Where required, reroute internal stormwater or sewer pipes within each lot so as to provide an independent system for each lot;
- c. Stormwater drains that do cross the new title boundary between lots must be upgraded to a public drain standard or where permitted must be subject to private easement;
- d. Ensure each lot has a water connection and meter in accordance with the requirements of TasWater.

The applicant must provide detailed construction plans of all proposed public works prepared by suitably qualified persons and complying with current Council standards and approved by Council's Director Infrastructure Services prior to any works commencing. A fee of 1.5% of the public works estimate (or a minimum of \$250) is payable for any public works. Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion & Final inspections.

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**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

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**24. AS CONSTRUCTED PLANS**

An "as constructed" plan must be provided in accordance with Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from the Infrastructure Services Directorate.

**Notes**General

*This permit was issued based on the proposal documents submitted for DA0615/2014. 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.*

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.*

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) <<http://www.rmpat.tas.gov.au>>*

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**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

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*Permit Commencement.*

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

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**REPORT:****1. THE PROPOSAL**

The applicant seeks approval for the subdivision of two lots into 16 lots plus road and roadworks in St Leonards Road, St Leonards. To provide context to the application's assessment, a brief overview of previous development applications are provided in this section which outlines what has previously been approved and has existing use/development rights. Whilst use and development rights exist for a significant portion of the subdivision, the proposal has been assessed on its own merits against the relevant scheme standards.

*Subdivision*

The applicant proposes to subdivide two lots into 16 lots at 42 St Leonards Road, St Leonards (see Attachment 2). Proposed Lot 13 would contain the previously approved Australia Post logistics centre, proposed Lot 18 would contain the previously approved TasGas operation and proposed Lot 15 would contain the previously approved God Squad clubrooms. The remainder of the lots would be for a range of industrial uses, with proposed Lots 19 and 20 being created in anticipation of possible future uses that are not yet confirmed. The subdivision would also include an internal road network (three roads terminating in cul de sacs) with Road 2 to be shortened to what was originally approved. The previously approved roadworks in St Leonards Road (required for a subdivision of this nature) that would allow safe ingress and egress of the site onto the State-controlled road has already been constructed as was allowed by permit DA0302/2013.

See Attachment 2 for the proposed subdivision layout.

*Previous Applications**DA0302/2013 - Subdivision (two lots into 17 lots) plus road and roadworks*

This application was for the original subdivision. The application included the St Leonards Road road works that were approved by the DSG (then the Department of Infrastructure, Energy and Resources (DIER)) and the application was advertised with the information relating to the road works.

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**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

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*DA0522/2013 - Transport and distribution centre (Australia Post)*

This application sought approval for the Australia Post distribution centre. The intensity of the use and development necessitated the construction of the St Leonards Road road works, irrespective of whether the subdivision were approved or not. The application was advertised with the information on the road works.

*DA0525/2013 - Contractor's depot and business and professional services*

This application was for the TasGas use.

*DA0526/2013 - Community meeting and entertainment - change of use to clubrooms*

This application was for the God Squad club rooms.

*DA0360/2014 - Signage for Australia Post*

This application was for a change in branding for Australia Post.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The site is located on the western side of St Leonards Road, St Leonards. It currently contains three uses (Australia Post, TasGas and the God Squad) that have been previously approved. Roads and other civil works have been substantially undertaken to create the subdivision approved by DA0302/2013.

The area is characterised by the predominance of industrial uses to the south, with a section of residential uses on the other side of St Leonards Road and to the north. To the east lie industrial/rural uses with several dwellings also located in this area. In the wider context the site is ~1.1km to the east of the Elphin Road shopping precinct and ~3km to the east of the city centre.

**3. PLANNING SCHEME REQUIREMENTS****Part C - Special Provisions****9.5 Subdivision**

9.5.1 Notwithstanding any other provision of this planning scheme, with the exception of subclause 9.3.1, all applications for subdivision may be refused or approved at the discretion of the planning authority, unless the subdivision must not be approved under section 84 of the Local Government (Building and Miscellaneous Provisions) Act 1993.

**Complies**

The proposal can be considered by the planning authority and has been recommended for approval.

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**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

**3.1 Zone Purpose**

24 - Light Industrial Zone

24.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.

24.1.2 To focus light industrial use and development into appropriate areas suitable for its needs.

24.1.3 To provide for 'non-industrial' uses that either support, supply or facilitate industrial development.

**Consistent**

The subdivision meets the relevant zone standards and is consistent with the zone purpose as it would provide for new lots for industrial uses.

**24.3 Use Standards**

24.3.1 Emissions

A1 Use or development not listed in Clause E12.6.2 or E12.6.3 must be set back from residential uses a minimum distance of 100m

**Relies on Performance Criteria**

The subdivision would be within 100m of residential uses on the other side of St Leonards Road and immediately to the north.

P1 The use must not cause or be likely to cause an adverse impact to the amenity of sensitive uses through emissions including noise, smoke, odour, dust and illumination.

**Complies**

The subdivision would not cause an adverse impact on the amenity of sensitive uses in the area. The subdivision would not create an adverse impact on the nearby sensitive uses as the recommended conditions for amenity would ensure noise, odour and dust could be managed. On this basis, the performance criterion is met. Development on the future lots would be assessed in its own merits.



7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)

**24.4 Development Standards**

24.4.1 Building Design and Siting

Objective
To ensure that the site and layout, building design and form is visually compatible with surrounding development.
<b>Consistent</b> The relevant acceptable solutions are met.
A2 Buildings must be set back a minimum distance of 5.5m from a frontage.
<b>Complies</b> All buildings would be set back at least 5.5m from the frontage of any lot created by the subdivision.
A3 Buildings can be built up to the side and rear boundaries of the site.
<b>Complies</b> The buildings would be built to the side and rear boundaries or set back off the boundaries.

24.4.2 Streetscape

Objective
To ensure that buildings have an acceptable impact on the streetscape.
<b>Consistent</b> The performance criterion is met.
A1 Excepting walls built to the lot boundary, new buildings or extensions to existing buildings must: <ul style="list-style-type: none"> <li>a) have external walls constructed of a minimum of 50% brick, concrete, masonry or glass. Unless brick or glass, external walls must be painted or finished with a texture coat; and</li> <li>b) have a minimum of 50% glazing to the external walls of offices component of the buildings; and</li> <li>c) be designed and orientated to ensure the main pedestrian entrance into the primary building is visible from the road; and</li> <li>d) incorporate a protected (by curb, landscaping, bollards or similar device) pedestrian pathway from the road to the main entrance to the building.</li> </ul>

**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

<p><b>Relies on Performance Criteria</b> The acceptable solution is not met.</p>
<p>P1 New buildings or extensions to existing buildings must be designed to ensure that:</p> <ul style="list-style-type: none"> <li>a) the building materials complement the building material evident in the immediate vicinity; and</li> <li>b) the entrance to a building must be clearly visible or the location identifiable from the road; and</li> <li>c) a safe and accessible access for pedestrians is provided from the road to the main entrance to the building; and</li> <li>d) buildings built on corner lots must be designed to address both frontages.</li> </ul>
<p><b>Complies</b> The buildings (e.g. TasGas and Australia Post) have been approved under previous permits with due consideration to how they would relate to the street when the subdivision were to proceed. Whilst they would not contain 50% glass etc. they have been finished in materials that complement the original fabric of the building and provide clearly visible entrances. On this basis, the performance criterion is met.</p>

**24.4.3 Turning and Access**

<p><b>Objective</b></p> <ul style="list-style-type: none"> <li>a) To ensure that service vehicles can safely and effectively deliver to the site</li> </ul>
<p><b>Consistent</b> The acceptable solution is met.</p>
<p>A1 It must be demonstrated that a standard rigid truck (10.0m) can enter, turn, unload and exit the site in a forward direction without impact or conflicting with areas set aside for parking or landscaping</p>

**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

**Complies**

The TasGas and Australia Post uses have been assessed in previous applications on the basis of the proposed lot layouts. At the time these applications were assessed it was demonstrated a 10.0m truck could enter and leave both lots in a forwards motion. This standard was not relevant to the God Squad application due to the nature of the use.

24.4.4 Site Landscaping

**Objective**

To ensure that new development provides acceptable levels of site landscaping.

**Consistent**

The performance criterion is met.

A1.1 Unless a building is built to the boundary of the lot, a landscaped area with a minimum width of 3.0m must be provided along the frontage of the property (excluding vehicle crossover); or

A1.2 A minimum of 50% of the area within the frontage setback is to be landscaped; and

A1.3 A minimum of 1 tree (capable of growing to a minimum of 10.0m in height) per 250m<sup>2</sup> of lot area must be provided. Trees must be located, within a minimum 3.0m diameter landscaped area; and

A1.4 All security fencing over 1.5m high must be located a minimum of 1.0m back from the frontage and the space between the fence and the boundary must be landscaped.

**Relies on Performance Criteria**

When the landscaping for the God Squad, TasGas and Australia Post uses was assessed (based on the indicative lot layout) it relied on the performance criterion.

P1 Landscaping must be provided at a level that enhances the appearance of the site, softens and screens the views of commercial buildings and provides shade for occupants of the site and car parking areas.

**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

**Complies**

The landscaping that has been provided for TasGas and Australia Post (within the indicative lots created by DA0302/2013) meets the performance criterion as it is sufficient to soften the views into the site and has enhanced the appearance of the site to what it looked like originally. Moreover, the trees that have been planted will, when mature, provide shade for occupants of the site and car parking areas. The landscaping for the God Squad use is outstanding in terms of being completed. However, when the landscaping is completed it would meet the performance criterion.

24.4.5 Subdivision

**Objective**

- a) To ensure that subdivision:
- b) provides appropriate lot area and dimensions; and
- c) provides each lot with appropriate access and services; and
- d) does not compromise the sustainable development of adjoining properties.

**Consistent**

The relevant acceptable solutions or performance criteria are met.

**A1.1 Each lot must:**

- a) have a minimum area of at least
  - i) 100m<sup>2</sup>; or
  - ii) the area specified in a table to this zone; and
- b) be able to contain a 20m diameter circle; or
- c) required for public use by the Crown, a an agency, or a corporation all the shares of which are held by Councils or a municipality; or
- d) for the consolidation of a lot with another lot with no additional titles created; or
- e) to align existing titles with zone boundaries and no additional lots are created; or
- f) be for the provision of public utilities.

A1.2 Lots must have new boundaries aligned from buildings that satisfy the setback standards.

**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

<p><b>Complies</b>                  Each lot would have a minimum lot size of 100m<sup>2</sup> and can contain a 20m diameter circle. The setbacks (created by the subdivision) to existing buildings on the site would meet the acceptable solutions.</p>
<p>A2 Each lot must have a frontage of at least 20.0m.</p>
<p><b>Complies</b>                  Each lot would have a frontage of at least 20m.</p>
<p>A3 Subdivision must not adjoin the general residential, village, low density residential, urban mixed use, environmental living or rural living zones.</p>
<p><b>Relies on Performance Criteria</b>                  The subdivision would abut the General Residential zone where it meets 16 St Leonards Road.</p>
<p>P3 The subdivision layout must be designed to mitigate adverse environmental impacts and minimise potential for nuisance or loss of amenity having regard to:</p> <ul style="list-style-type: none"> <li>a) lot layout and design; and</li> <li>b) orientation; and</li> <li>c) access considerations; and</li> <li>d) topography; and</li> <li>e) the need for landscape buffers; and</li> <li>f) separation to surrounding sensitive land uses.</li> </ul>
<p><b>Complies</b>                  The subdivision of itself would not create any negative environmental impacts. The Australia Post, TasGas and God Squad uses were approved with conditions relating to amenity and the creation of the titles would not have an effect on any noise, light etc. that emanates from the use. Any future use and development of proposed Lot 14 (adjacent to 16 St Leonards Road) must demonstrate how it would not detrimentally impact on the nearby sensitive uses.</p>

**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

<p>A4 Each lot must be connected to a:</p> <ul style="list-style-type: none"> <li>a) reticulated water supply; and</li> <li>b) reticulated sewerage system.</li> </ul>
<p><b>Complies</b> Each lot can be connected to the reticulated water and sewer system.</p>
<p>A5 Each lot must be connected to a reticulated stormwater system.</p>
<p><b>Complies</b> Each lot can be connected to the reticulated stormwater system.</p>

**E 4 - Road and Railway Assets Code**

<p>E4.1.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> <li>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</li> <li>b) maintain opportunities for future development of road and rail infrastructure; and</li> <li>c) reduce amenity conflicts between roads and railways and other use or development.</li> </ul>
<p><b>Consistent</b> The applicant's traffic impact assessment (TIA) has been endorsed by the Department of State Growth (DSG) as addressing the relevant performance criteria.</p>

**E4.6 Use Standards**

**E4.6.1 Use of road or rail infrastructure**

<p>Objective</p> <p>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.</p>
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**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

<p><b>Consistent</b> The relevant performance criteria are met.</p>
<p>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</p>
<p><b>Relies on Performance Criteria</b> The uses on the site and likely uses that would eventually be on-site would generate more than 40 vehicle trips per day.</p>
<p>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.</p>
<p><b>Complies</b> The submitted TIA identifies how the constructed access and junction onto St Leonards Road was safe for the original 17 lot subdivision when it is developed to capacity. The addendum to the original TIA that supports the current application has also been endorsed by the DSG who have no further requirements in terms of works required to make the junction safe for all road users, including pedestrians and cyclists. Therefore, the performance criterion is met.</p>

**E4.7 Development Standards**

**E4.7.2 Management of Road Accesses and Junctions**

<p>Objective</p> <p>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><b>Consistent</b> The acceptable solution is met.</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><b>Relies on Performance Criteria</b> The development would rely on the already-constructed junction and the existing access for proposed Lot 15.</p>

**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

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 submitted TIA has been deemed adequate by the DSG in terms of the road junction and existing access for proposed Lot 15 as part of the original subdivision application and the addendum to the TIA (reflecting the current 16 lot proposal) also demonstrates how the number, location, layout and design of the access and junction will deliver an acceptable level of safety for all road users. Therefore, the performance criterion is met.

**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 originally submitted TIA demonstrated the acceptable solution was met for the proposed junction. As the junction has been constructed in the location identified in the TIA the acceptable solution is still met.



**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

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E6 - Car Parking and Sustainable Transport Code

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 car parking requirements for each use on the site has been approved by previous permits prior to the issue of the original subdivision permit. The subdivision would not alter any parking requirements that lawfully exist and the standards of this code are not applicable.

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7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Assets	<p>Conditional consent provided. Whilst the removal of on-street parking spaces was approved by the DSG, Infrastructure Assets has recommended that the for a footpath (required by a condition of permit DA0302/2013) on the western side of St Leonards Road is no longer required to be provided by the applicant. Instead, it has been recommended that the applicant constructs six indented parking bays on the eastern side of St Leonards Road. Whilst providing on-street parking on a State-controlled road is not Council's responsibility, the applicant has agreed to construct these parking bays. Other conditions were recommended in relation to:</p> <ul style="list-style-type: none"> <li>• As constructed plans</li> <li>• Easements</li> <li>• Reticulated Services</li> <li>• Works within/occupation of the road reserve</li> <li>• Conveyance of roads</li> <li>• Construction documentation</li> <li>• Road crossings for service connections</li> <li>• Damage to Council infrastructure</li> <li>• Separation of service connections</li> <li>• Soil and water management plan</li> <li>• Sealing plans of subdivision</li> <li>• Works required for each lot in a stage</li> <li>• Access over adjacent land</li> <li>• Submission and approval of plans</li> <li>• Construction of Works</li> <li>• Protection of pipelines</li> <li>• Filling of land</li> <li>• Certification from a Building Surveyor</li> </ul>
Environmental Health	<p>Conditional consent provided. Conditions recommended relating to:</p> <ul style="list-style-type: none"> <li>• Amenity</li> </ul>

**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

Parks and Recreation	N/A
Heritage/Urban Design	N/A
Building and Plumbing	Noted building and plumbing permits would be required. Due to the proposed lots passing through existing buildings, there is a recommended condition to require written verification from a building surveyor that all relevant building requirements (e.g. fire separation) are met prior to sealing the final plan of survey.
<b>EXTERNAL</b>	
TasWater	Conditional consent provided. TasWater has issued a Submission to Planning Authority Notice SPAN TWDA20015/00130-LCC.
State Growth	<p>No objections. The State Growth has no objections to the proposal and have stated the addendum to the originally endorsed TIA for DA0302/2013 adequately demonstrates the relevant standards of the Road and Rail Assets Code are met. Due to the number of representations received, the Acting Manager Traffic Engineering was contacted to discuss the issues raised in the representations. A verbal response was provided and is summarised below:</p> <ul style="list-style-type: none"> <li>• The application for Australia Post included the TIA recommending upgrades to St Leonards Road and was advertised as part of the application;</li> <li>• The application for the 17 lot subdivision included the TIA recommending upgrades to St Leonards Road and was advertised as part of the application;</li> <li>• On-street parking in front of properties is not an inherent right and there is opportunity for on-street parking further to the south of the road upgrades;</li> <li>• The addendum to the TIA has been endorsed as adequate and forms part of the current subdivision application. As no additional conditions have been provided for this application the initial conditions of approval are deemed adequate, the road is still considered to be safe with the road upgrades and no further action would be taken with respect to the intersection or traffic generated by uses within the subdivision; and</li> <li>• The Minister (Rene Hidding) has been contacted by concerned residents about the road works on St Leonards Road. A ministerial memo was sent to Minister Hidding stating the road works were advertised through previous development applications, the addendum to the previously endorsed TIA was reviewed and there were no changes recommended in terms of required road works.</li> </ul>

**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
Environment Protection Authority	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 31 January 2015 to 13 February 2015. Forty (40) pro forma representations were received with some persons lodging the same representation more than once. 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.

<b>ISSUE</b>	<b>COMMENTS</b>
With the current traffic arrangements the proposal could cause traffic mayhem when trying to drive along St Leonards Road as there are no areas to pull off and let traffic pass by safely.	The Department of State Growth (DSG) has previously provided in-principle endorsement of the traffic impact assessment (TIA) for the Australia Post and initial subdivision applications; which both required the road works. It has been stated that re-assessment of the TIA would not reveal any further changes to be made to the road as it has been designed to the required standards. Council's Infrastructure Assets Department have recommended that five indented parking bays are constructed on the eastern side of St Leonards Road to provide for more on-street parking. The applicant has agreed to fund the construction of these parking bays.
The potential for an accident is high when businesses can't receive deliveries or leave premises without a near miss on a daily basis.	The Department of State Growth (DSG) has previously provided in-principle endorsement of the traffic impact assessment (TIA) for the Australia Post and initial subdivision applications; which both required the road works. It has been stated that re-assessment of the TIA would not reveal any further changes to be made to the road as it has been designed to the required standards.

**7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)**

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<p>The amount of traffic and road strain that the recent development has caused is a nightmare and without some restructure of the current roadway St Leonards Road is a disaster waiting to happen.</p>	<p>The subdivision and development potential of 42 St Leonards Road was considered in the TIA. The TIA identified St Leonards Road as being capable of catering for the traffic generated at 42 St Leonards Road, even when it would be developed to capacity. The DSG has reviewed the TIA, determined the subdivision and future development would not have a detrimental impact on the safety of the road.</p>
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**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

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- 7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)
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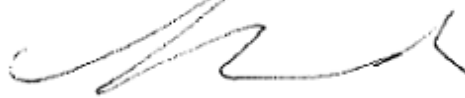
**BUDGET & FINANCIAL ASPECTS:**

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.



**Leanne Hurst: Director Development Services**

**ATTACHMENTS:**

1. Locality Map
  2. Plans (circulated separately)
  3. Representations (circulated separately)
-

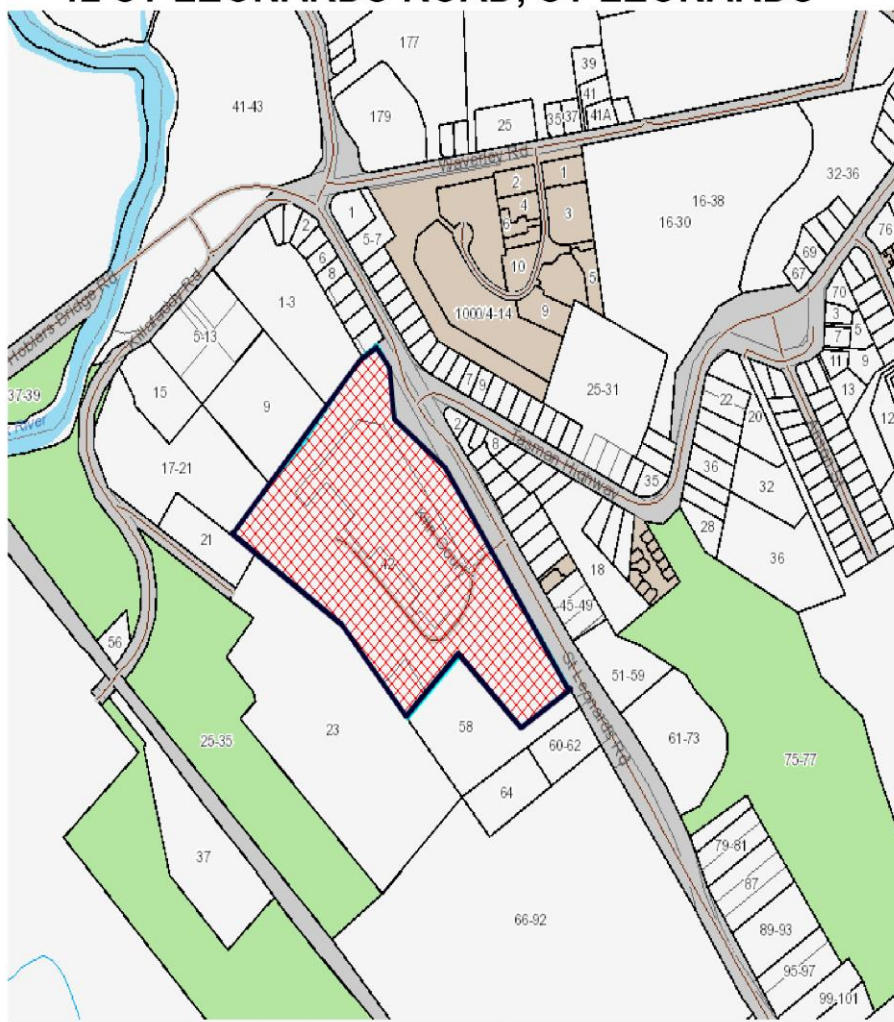
Attachment 1 - 42 St Leonards Road, St Leonards (Pages = 1)



**Launceston City Council**  
*A Leader in Community & Government*



### LOCALITY MAP - DA0615/2014 42 ST LEONARDS ROAD, ST LEONARDS



### Locality Map

Scale: This Map Is Not to Scale

## COUNCIL AGENDA

Tuesday 10 March 2015

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### 7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling

**FILE NO:** DA0600/2014

**AUTHOR:** George Walker (Development Planner)

**DIRECTOR:** Leanne Hurst (Director Development Services)

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#### **DECISION STATEMENT:**

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

#### **PLANNING APPLICATION INFORMATION:**

Applicant:	Jade Mitchell Heys
Property:	7 Highland Rise, Kings Meadows
Zoning:	General Residential, Low Density Residential
Receipt Date:	17/12/2014
Validity Date:	19/12/2014
Further Information Request:	22/12/2014
Further Information Received:	21/01/2015
Deemed Approval:	8/03/2015
Extension of time granted	10/03/2015
Representations:	7

#### **PREVIOUS COUNCIL CONSIDERATION:**

There are no records of previous Council decisions for the subject property.

#### **RECOMMENDATION:**

It is recommended that in accordance with Section 51 and Section 57 of the Land Use Planning and Approvals Act 1993 and the Launceston Interim Planning Scheme 2012, a permit be granted pursuant to a delegation from Council, for DA0600/2014 Residential - single dwelling; construction of a new dwelling on land located at 7 Highland Rise, Kings Meadows in accordance with the endorsed plans and subject to the following conditions:

##### **1. ENDORSED PLANS & DOCUMENTS**

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

- a) Planning Information Job No. 15001 Drawing No. A01 Drawn By Martin J Mol Building Consultants Pty Ltd dated January 2015;
-



**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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- b) Site and Drainage Plan Job No. 15001 Drawing No. A02 Drawn By Martin J Mol Building Consultants Pty Ltd dated January 2015;
- c) Concept Plan Job No. 15001 Drawing No. A03 Drawn By Martin J Mol Building Consultants Pty Ltd dated January 2015;
- d) Reflected Ceiling Plan Job No. 15001 Drawing No. A04 Drawn By Martin J Mol Building Consultants Pty Ltd dated January 2015;
- e) Roof and Ceiling Plan Job No. 15001 Drawing No. A05 Drawn By Martin J Mol Building Consultants Pty Ltd dated January 2015;
- f) Elevations Job No. 15001 Drawing No. A06 Drawn By Martin J Mol Building Consultants Pty Ltd dated January 2015;
- g) Floor Plan Job No. 15001 Drawing No. A07 Drawn By Martin J Mol Building Consultants Pty Ltd dated January 2015;

**2. AMENDED PLANS REQUIRED**

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

- a) the additional parking area identified by the blue shading on the Planning Information Plan (Job No 15001 Drawing No. A01) is to be removed and converted to site landscaping which is to be included in the site landscaping plan as required by this permit;
- b) notwithstanding condition 2(a) above, the main driveway area identified by the red shading on the Planning Information Plan (Job No 15001 Drawing No. A01) can be extended to allow vehicles to reverse out of the internal garage and manoeuvre onsite in order to exit the driveway in a forward direction. Accordingly, the amended plan must include a vehicle turn path for a standard B85 vehicle demonstrating the specified manoeuvre.

**3. LEGAL TITLE**

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

**4. 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.

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**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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**5. USE OF RESIDENTIAL DWELLING**

The use of the dwelling, in particular the rooms annotated on the Concept Plan (Job No. 15001 Drawing No. A03) as 'lounge/meeting' and 'waiting', for non-residential uses is limited to the parameters of a home occupation which is defined as the use of a dwelling where:

- a) no more than 40m<sup>2</sup> of floor area of the dwelling is used for non-residential purposes;
- b) the person conducting the home occupation normally uses the dwelling as their principle place of residence;
- c) it does not involve employment of persons other than a resident;
- d) there is no more than the occasional visitor to the site for non-residential purposes;
- e) any load on a utility is no greater than for a domestic use;
- f) there is no activity that causes electrical interference to other land;
- g) there is, on the site, no storage of hazardous materials;
- h) there is, on the site, no display of goods for sale;
- i) there is, on the site, no advertising of the home occupation other than 1 sign (non-illuminated) not exceeding 0.2m<sup>2</sup> in area;
- j) there is, on the site, no refuelling, servicing or repair of vehicles not owned by a resident;
- k) nor more than 1 commercial vehicle is on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and
- l) any vehicle used for non-residential purposes is parked on the site.

The use of the dwelling for a home based business or any other non-residential purposes is not authorised by this permit.

**6. HOURS OF CONSTRUCTION**

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

- Monday to Friday - 7am and 6pm;
- Saturday - 9am to 6pm;
- Sundays and Public Holidays - 10am to 6pm.

**7. SITE LANDSCAPING PLAN**

Prior to the commencement of the works, a landscape plan must be submitted to the satisfaction of Council's Manager Planning Services. The plan must be drawn to scale and must include the following details:

- a) Major identifying site features such as building footprints, topography, contours existing vegetation and street boundaries.
  - b) Show all proposed garden areas and plantings which must include local native species that occur within the area.
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**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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- c) Show all proposed garden beds, fences, retaining walls, lawn, sealed surfaces and pathways.

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

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

**8. DAMAGE TO COUNCIL INFRASTRUCTURE**

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

**9. 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 shall 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.

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**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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**10 VEHICULAR CROSSINGS**

Alterations to the vehicular crossover may be required 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.

**11. SOIL AND WATER MANAGEMENT PLAN**

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

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

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

**12. FILLING OF LAND**

Site filling that exceeds a depth of 300 mm must comply with the provisions of AS3798 Guidelines on earthworks for commercial and residential developments current at the time of the application. Prior to the use commencing, a Civil Engineer must certify that all the works have been carried out in accordance Australian Standard AS 3798 and the endorsed plan.

**13. CONSTRUCTION OF RETAINING WALLS**

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

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**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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**14. 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.

**15. No burning of wastes**

No burning of solid wastes is to be carried out on the site in such a manner so as to become a proven environmental nuisance to the occupiers of properties nearby.

**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 DA0600/2014. 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 withdrawn or determined.*
-

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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*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.*

**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) <<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. A copy of Council's Notice to Waive Right of Appeal is attached.*

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**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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**REPORT:****1. THE PROPOSAL**

The applicant is seeking approval for the construction of a single dwelling on land located at 7 Highland Rise, Kings Meadows (the subject property). The single storey dwelling will be approximately 373.99m<sup>2</sup> in area and 5m in height and will comprise 5 bedrooms two of which will contain ensuites, a large open plan living area, kitchen and dining area, internal garage, study, lounge and meeting area, bathroom and laundry facilities and a large alfresco and courtyard area that will span the north-western and north-eastern sides of the dwelling. The proposed dwelling will be located centrally on the lot with a concrete driveway and natural rock retaining wall proposed to the south-west. The driveway and parking area will be approximately 228m<sup>2</sup> in area and will be located between the dwelling and the frontage. Additional landscaping has been proposed to the north-east, south-west and south of the lot which will include native shrubs and larger tree species.

The proposed use and development has been categorised as 'Residential' (single dwelling) which is identified as 'No Permit Required' within the Low Density Residential zone. However, the development application relies upon assessment against performance criteria within the Car Parking and Sustainable Transport Code and Scenic Management Code. Subsequently, the status of the application is discretionary pursuant to Clause 8.8.1 (b) of the Scheme.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The subject property is a vacant lot approximately 1,504m<sup>2</sup> in area and is of a standard rectangular configuration. The subject property is located on the eastern side of Highland Rise and is perpendicular to the intersection of Highland Rise and Bushland Grove. The subject property is relatively level and is unaffected by significant slope albeit the front section of the lot where the driveway will be located is subject to a gradient of approximately 15% to the south-west.

The subject property is located within a band of Low Density Residential zoned land that extends between Ridgewood Lane to the south-east to Rose Lane to the north-west. The properties located within the band of Low Density zoned land typically comprise above average sized dwellings. The land to the rear of the subject property is zoned General Residential and is fully developed with a mixture of single and multiple dwelling types. The subject property adjoins similar sized and shaped lots to the north-west and south-east which are currently vacant. Overall, the surrounding area is characterised by a mixture of medium-low density residential development interspersed with remnant mature trees.

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**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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**3. PLANNING SCHEME REQUIREMENTS**

**3.1 Zone Purpose**

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12.0 - Low Density Residential

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

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

12.1.3 To ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development on public views.

**Consistent**

The proposed development is consistent with the purpose of the zone in that it will:

- provide for a single dwelling on a larger lot where environmental constraints have been identified; and
- be of a design, scale and materiality that is consistent with existing development within the surrounding area.

**12.4.1 Clauses 12.4.1.1 only apply to development within the Residential Use Class.**

12.4.1.1 Site Coverage

Objective

- a) To ensure that the site coverage respects the existing or preferred neighbourhood character; and
  - b) To reduce the impact of increased stormwater runoff on the drainage system; and
  - c) To ensure sufficient area for landscaping and private open space.
-



**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

<p><b>Consistent</b> The proposed development has been assessed as being consistent with the objectives of the standard. Refer to the assessment against specific provisions of the standard in the following section.</p>
<p>A1.1 Site coverage must not exceed 50% of the total site; and</p> <p>A1.2 Development must have a minimum of 25% of the site free from buildings, paving or other impervious surfaces.</p>
<p><b>Complies</b> The site coverage of the proposed development has been calculated to be approximately 24.5% of the site. Approximately 39% of the site will be free from impervious surfaces. Therefore the acceptable solution has been met. It should be noted that a condition has been recommended to reduce the size of the proposed concrete driveway and parking area. Should this condition be endorsed, then the area of impervious surfaces will increase.</p>

**12.4.1.2 Building Height**

<p><b>Objective</b> To ensure that the building height of dwellings respects the existing or desired future character statements.</p>
<p><b>Consistent</b> The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard in the following section.</p>
<p>A1 Building height must not exceed 8.0m.</p>
<p><b>Complies</b> The proposed dwelling will have a maximum height of approximately 5m. Therefore the acceptable solution is met.</p>

**12.4.1.3 Frontage Setbacks**

<p><b>Objective</b> To ensure that the setbacks of dwellings from the road respect the existing or preferred neighbourhood character and make efficient use of the site.</p>
--

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

<p><b>Consistent</b> The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard in the following section.</p>
<p>A1.1 Primary frontage setbacks must be a minimum:</p> <ul style="list-style-type: none"> <li>a) of 8.0m, or</li> <li>b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 12.4.1.3 below; and</li> </ul> <p>A1.2 Buildings must be set back a minimum of 3.0m from any other frontage.</p>
<p><b>Complies</b> The subject property is not an internal or corner lot. Accordingly, the required frontage setback is 8m. The proposed dwelling will be setback approximately 16m from the frontage. Therefore the acceptable solution has been met.</p>

**12.4.1.4 Rear and Side Setbacks**

<p>Objective</p> <p>To ensure that the:</p> <ul style="list-style-type: none"> <li>a) height and setback of dwellings from a boundary respects the existing neighbourhood character and limits adverse impact on the amenity and solar access of adjoining dwellings; and</li> <li>b) separation of buildings is consistent with the preferred low density character and local area objectives, if any.</li> </ul>
<p><b>Consistent</b> The proposed development has been assessed as being consistent with the objectives of the standard. Refer to the assessment against specific provisions of the standard in the following section.</p>
<p>A1 Buildings must be set back 5.0m from the rear boundary.</p>

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

<p><b>Complies</b> The proposed dwelling will be setback approximately 14.9m from the rear boundary. Therefore the acceptable solution has been met.</p>									
<p>P1 Building set back to the rear boundary must be appropriate to the location, having regard to the:</p> <ul style="list-style-type: none"> <li>a) ability to provide adequate private open space for the dwelling; and</li> <li>b) character of the area and location of dwellings on lots in the surrounding area; and</li> <li>c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings; and</li> <li>d) impact on the solar access of habitable room windows and private open space of adjoining dwellings; and</li> <li>e) locations of existing buildings and private open space areas; and</li> <li>f) size and proportions of the lot.</li> </ul>									
<p><b>Complies</b></p>									
<p>A2 Buildings must be set back from side boundaries 3.0m plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1.0 metre for every metre of height over 6.9m.</p>									
<p><b>Complies</b> The minimum side setback distances for the proposed dwelling have been determined by calculating the maximum height of the portion of the building that is closest to the boundary in accordance with the acceptable solution. The following table illustrates the comparison between the required setback distance and the proposed setback distance for each side boundary.</p>									
<table border="1"> <thead> <tr> <th colspan="2"><b>Dwelling</b></th> </tr> <tr> <th><b>Required Setback</b></th> <th><b>Proposed Setback</b></th> </tr> </thead> <tbody> <tr> <td>Side 1 (north-west): 3m</td> <td>3m</td> </tr> <tr> <td>Side 2 (south-east): 3m</td> <td>3m</td> </tr> </tbody> </table>		<b>Dwelling</b>		<b>Required Setback</b>	<b>Proposed Setback</b>	Side 1 (north-west): 3m	3m	Side 2 (south-east): 3m	3m
<b>Dwelling</b>									
<b>Required Setback</b>	<b>Proposed Setback</b>								
Side 1 (north-west): 3m	3m								
Side 2 (south-east): 3m	3m								
<p>It has been determined that the proposed complies with the required side boundary setbacks. It should be noted that the higher sections of the dwelling fit within the envelope required by the acceptable solution. Therefore the acceptable solution has been met.</p>									

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

12.4.1.5 Location of Car Parking

Objective

- a) To provide convenient parking for resident and visitor vehicles; and
- b) To minimise the impacts of garage doors to the neighbourhood.

**Consistent**

The proposed development has been assessed as being consistent with the objectives of the standard. Refer to the assessment against specific provisions of the standard in the following section.

A1 A garage or carport must be located:

- a) within 10m of the dwelling it serves; and
- b) with a setback equal to or greater than the setback of the dwelling from the primary road frontage.

**Relies on Performance Criteria**

In this situation the proposed garage will be attached to the dwelling it serves and is aligned with the primary façade of the dwelling. However, due to the angle of the dwelling against the alignment of the Highland Rise frontage, the garage will be approximately 5m closer to the frontage than the primary façade of the dwelling. Therefore assessment against the performance criteria is required.

P1 Car parking facilities must be:

- a) close and convenient to dwellings and residential buildings; and
- b) located to minimise visual impact to the streetscape; and
- c) provided in a form that is appropriate to the area and development.

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

**Complies**

It is considered that the proposed garage complies with the performance criteria based on the following grounds:

- the proposed garage will have a frontage setback greater than the minimum frontage setback required by clause 12.4.1.3 (A1.1) (a) of the Scheme. Furthermore the proposed garage will be aligned with the primary façade of the dwelling and will not protrude forward of the dwelling which is considered to be consistent with the objectives of the standard. Discretion is only invoked due to the angle of the dwelling against the alignment of the Highland Rise frontage. It is therefore considered that the proposed garage will not unduly interrupt or detract from the streetscape character of Highland Rise;
- the variation of 5m is considered negligible taking into account the minimum setback from the Highland Rise frontage will be approximately 16m and the subsequent separation distance that ensues;
- the form of the garage is considered to be compatible with existing residential development along Bushland Grove, Highland Rise and the lower Mount Pleasant Estate residential area.

A2 The total width of the door or doors on a garage facing a road frontage 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.

**Complies**

The proposed width of the garage door facing the Highland Rise frontage will be approximately 5.2m. Therefore the acceptable solution is met.

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

12.4.1.6 Outbuildings and Ancillary Structures

Objective

To ensure that:

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

**Consistent**

The proposed development has been assessed as being consistent with the objectives of the standard. Refer to the assessment against specific provisions of the standard in the following section.

A3 Earthworks and retaining walls must:

- a) be located at least 1.5m from each lot boundary, and
- b) if a retaining wall be not higher than 1m (including the height of any batters) above existing ground level, and
- c) not require cut or fill more than 1m below or above existing ground level, and
- d) not redirect the flow of surface water onto an adjoining property, and
- e) be located at least 1m from any registered easement, sewer main or water main.

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

**Relies on Performance Criteria**

In this situation, the plans indicate that the earthworks will be as follows:

- within 1.5m of the side property boundaries;
- retaining walls will be less than 1m above natural ground level;
- no cut or fill greater than 1m above or below natural ground level is required;
- earthworks are unlikely to redirect the flow of surface water; and
- all earthworks will be located greater than 1m from any registered easement, sewer or water main.

Due to the location of the proposed earthworks in relation to the property boundaries, assessment of the performance criteria is required.

P3 Earthworks and retaining walls must be designed and located to ensure that:

- a) groundwater and stormwater are dealt with appropriately to eliminate any nuisance for adjoining properties; and
- b) the potential for loss of topsoil or soil erosion are adequately dealt with; and
- c) the potential visual impact on neighbouring properties including any increased potential for overlooking or overshadowing are adequately addressed.

**Complies**

It is considered that the proposed cut complies with the performance criteria based on the following grounds:

- the proposed cut is required to accommodate the dwelling and is not expected to be of a depth or scale that will impact groundwater or stormwater runoff onto adjoining properties;
- the visual impact of the proposed cut will be negligible once the dwelling is erected and the proposed landscaping is established;
- it is considered that topsoil and soil erosion will be adequately dealt with during the building permit process; and
- Conditions have been applied to the permit to control the construction of retaining walls and soil and water management.

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

**12.4.3 Subdivision**

**E6 - Car Parking and Sustainable Transport Code**

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 proposed use and development has been assessed as being consistent with the purpose of the Code. Refer to the assessment against the specific provisions of the Code in the following section.

**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 proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard in the following section.



**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(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.

**Complies**

Table E6.1 of the Scheme requires 1 car parking space per bedroom or 2 spaces per 3 bedrooms for residential use in any other zone other than the General Residential zone. In this situation 5 bedrooms have been proposed, therefore a total of 4 car parking spaces are required. In this instance the double garage will accommodate 2 car parking spaces and there is sufficient space within the driveway for 2 additional spaces. Therefore the acceptable solution is met.

**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 proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard in the following section.

- 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.

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

**Complies**

The car parking spaces, access strip (driveway), manoeuvring and circulation area of the proposed dwelling will be constructed of concrete and will be drained to a legal point of discharge. The acceptable solution is therefore considered to be 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 proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard in the following section.

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

**Relies on Performance Criteria**

The subject property is located within the Low Density Residential zone. Accordingly the exemption afforded to dwellings within the General Residential zone does not apply. The proposed dwelling requires 4 car parking spaces to be provided pursuant to clause E6.6.1 (A1). It has been determined that 4 car parking spaces are able to be provided however, two of the spaces will be located at the front of the dwelling within the driveway. Furthermore, the proposed extended car parking area will allow for additional vehicles to be parked in front of the building line. Therefore assessment against the performance criteria is required.

P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:

- a) the layout of the site and the location of existing buildings; and
- b) views into the site from the road and adjoining public spaces; and
- c) the ability to access the site and the rear of buildings; and
- d) the layout of car parking in the vicinity; and
- e) the level of landscaping proposed for the car parking.

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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**Complies**

In this situation, the proposed dwelling has been positioned further back from the frontage than the minimum frontage setback requirement in order for it to be located on a flatter area of the lot and avoid the steeper section toward the front of the lot. Two distinct sections of the driveway have been proposed. The first section will comprise the main driveway that will extend from the existing crossover to the attached garage and main entrance to the dwelling and will be approximately 139m<sup>2</sup> in area. The second section extends to the north-west of the main driveway and will be approximately 97m<sup>2</sup> in area. The layout and design of the main driveway is considered to be compatible with the streetscape of Highland Rise and the amenity of the surrounding area on the basis that:

- the proposed driveway responds to the layout of the proposed dwelling in terms of providing a suitable access from the existing crossover to the attached driveway. The driveway will also provide for the two additional car parking spaces that are unable to be provided for behind the building line of the dwelling;
  - the existing landscaping in the south-west corner of the lot which includes a natural rock retaining wall and native shrubs, in addition to the proposed landscaping between the frontage and the proposed dwelling is expected to soften the main driveway when viewed from Highland Rise and adjoining properties; and
  - the main driveway will be typical of existing driveways within Bushland Grove, Highland Rise and the lower Mount Pleasant Estate area insofar that the driveway will extend between with existing crossover to the attached garage and will provide sufficient space for vehicles to park in front of the dwelling. The proposed configuration of the main driveway is considered to be typical of suburban areas.
-

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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In relation to the additional section of driveway that is proposed to extend to the north-west of the main driveway, it is considered that it does not meet the performance criteria based on the following grounds:

- the additional 97m<sup>2</sup> area of driveway is not considered to be compatible with established pattern of driveways within the surrounding area which includes Bushland Grove, Highland Rise and the lower Mount Pleasant Estate area which are typically configured with a singular driveway extending between the crossover and attached garage;
- the significant area of concrete in between the frontage and the dwelling is considered to be detrimental to the streetscape of Highland Rise and is not considered to be a suitable outcome for the recently established area. A more suitable outcome would be to remove the hardstand area to allow for additional landscaping between the frontage and the dwelling; and
- the main driveway will supply ample space for the proposed dwelling to achieve compliance with the car parking requirements without the need for additional hardstand areas.

Overall, the additional hardstand area is considered to be excessive and unwarranted. Rather than refusing the entire application on the basis that the additional hardstand area is considered not to comply with the performance criteria, it is recommended that a condition be applied to the permit to the effect that the additional hardstand area to be removed and included within the site landscaping plan. Therefore the proposed driveway area complies with the performance criteria by way of a condition.

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**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

- 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
    - 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.

**Relies on Performance Criteria**

The proposed car parking and manoeuvring area will have a gradient greater than 10%. The existing vehicular crossover will be retained and utilised. Whilst the design and form of the proposed driveway is of a typical residential standard, the gradient of greater than 10% invokes discretion. Therefore assessment against the performance criteria is required.

- 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.

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

**Complies**

The proposed driveway and manoeuvring is considered to comply with the performance criteria based on the following grounds:

- the proposed driveway is considered to be of a design, layout, slope and dimension that will assist in the safe, convenient and efficient use. The width of the main driveway will allow vehicles parked within the attached garage to manoeuvre onsite in order to exit the site in a forward direction. The proposed driveway is large enough to service standard B85 vehicles which are typical for residential use and development; and
- the proposed driveway will enable vehicles parked within the attached garage to turn within the site in order to exit in a forward direction which will enhance the safety of the road network within the area. Notwithstanding, the vehicles parked in front of the dwelling within the main driveway may need to reverse onto Highland Rise when exiting the property. Given that both Bushland Grove and Highland Rise are no through roads and that it will generally be local traffic using the road network, it is considered that the volume of traffic will not be adversely affected by vehicles reversing from the site. Furthermore, the movement of vehicles reversing onto streets within residential areas is a common expectation which many drivers are aware of when driving through urban environments.

**E6.8 Provisions for Sustainable Transport**

**E7 - Scenic Management Code**

E7.1.1 The purpose of this provision is to:

- a) ensure that siting and design of development protects and complements the visual amenity of defined tourist road corridors; and
- b) ensure that siting and design of development in designated scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape.

**Consistent**

The proposed use and development has been assessed as being consistent with the purpose of the Code. Refer to the assessment against the specific provisions of the Code in the following section.

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

**E7.6 Development Standards**

**E7.6.1 Scenic Management – Tourist Road Corridor**

<p>Objective</p> <p>a) To enhance the visual amenity of the identified tourist road corridors through appropriate:</p> <ul style="list-style-type: none"> <li>i) setbacks of development to the road to provide for views that are significant to the traveller experience and to mitigate the bulk of development; and</li> <li>ii) location of development to avoid obtrusive visual impacts on skylines, ridgelines and prominent locations within the corridor; and</li> <li>iii) design and/or treatment of the form of buildings and earthworks to minimise the visual impact of development in its surroundings; and</li> <li>iv) retention or establishment of vegetation (native or exotic) that mitigates the bulk or form of use or development; and</li> <li>v) retention of vegetation (native or exotic) that provides amenity value to the road corridor due to being in a natural condition, such as native forest, or of cultural landscape interest such as hedgerows and significant, exotic feature trees; and</li> </ul> <p>b) To ensure subdivision provides for a pattern of development that is consistent with the visual amenity objectives described in (a).</p>
<p><b>Consistent</b></p> <p>The proposed development has been assessed as being consistent with the objectives of the standard. Refer to the assessment against specific provisions of the standard in the following section.</p>
<p>A1 Development (not including subdivision) must be fully screened by existing vegetation or other features when viewed from the road within the tourist road corridor.</p>

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

**Complies**

In this situation the subject property is located approximately 600m to the east of the Midlands Highway which is identified as a Tourist Road Corridor. The established vegetation buffer located along the western most boundary of the Mount Pleasant Estate subdivision parallel with the Midlands Highway, coupled with the remnant mature eucalyptus trees scattered throughout the estate and the established residential dwellings will ensure the proposed development is screened from the Tourist Road Corridor. Therefore the acceptable solution is met.

**E7.6.2 Local Scenic Management Areas**

**Objective**

- a) To site and design buildings, works and associated access strips to be unobtrusive to the skyline and hillsides and complement the character of the local scenic management area; and
- b) To ensure subdivision and the subsequent development of land does not compromise the scenic management objectives of the local scenic management area.

**Consistent**

The proposed development has been assessed as being consistent with the objectives of the standard. Refer to the assessment against specific provisions of the standard in the following section.

A1 Development (not including subdivision) must be in accordance with the scenic management criteria for a local scenic management area identified in Table 7.1 – local scenic management areas.

**Relies on Performance Criteria**

There are no local criteria set for the scenic management area. Therefore assessment against the performance criteria is required.



**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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P1 Development (not including subdivision) must have regard to the:

- a) character statement and scenic management objectives of the particular area set out in Table 7.1 – local scenic management areas; and
- b) impact on skylines, ridgelines and prominent locations; and
- c) retention or establishment of vegetation to provide screening in combination with other requirements for hazard management; and
- d) design or treatment of development including:
  - i) the bulk and form of buildings including materials and finishes; and
  - ii) earthworks for cut or fill; and
  - iii) complementing the physical (built or natural) characteristics of the site or area.

**Complies**

It is considered that the proposed development complies with the performance criteria based on the following grounds:

- the subject property is located within the Western Hillside Precinct which is primarily characterised by residential development within a treed setting. As such, the proposed development will be consistent with the general character of the area;
  - the proposed development will not result in the removal of any significant remnant vegetation. Additional landscaping has been proposed which will assist in softening the proposed development within the streetscape. The matter of the visual impact of the proposed driveway and hardstand area has been dealt with by way of a permit condition;
-

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

<ul style="list-style-type: none"> <li>the scale, design and materiality of the proposed dwelling will be consistent with the established development located in the lower area of the estate. The external colours of the dwelling are largely natural in material and tone which will assist in reducing the overall visual impact of the dwelling;</li> <li>the matter of bushfire protection have been resolved within the bushfire assessment that accompanied the development application. Specifically, the proposed development has been assessed as being exempt from the bushfire code pursuant to clause E1.4 of the scheme.</li> </ul> <p>With regard to the remaining performance criteria the following is observed:</p> <ul style="list-style-type: none"> <li>the subject property is not located on a significant skyline or landscape feature and is expected to be softened by existing vegetation within the surrounding area and proposed landscaping when viewed from public viewpoints;</li> <li>proposed earthworks are minimal in extent and scale and are not expected to create a visual impost within the locality; and</li> <li>the single storey dwelling will be of a design, scale and materiality that is considered compatible with the established pattern of development within the estate.</li> </ul>
A3 No vegetation is proposed to be removed
<b>Complies</b> No significant remnant vegetation will be removed.

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Assets	Conditions apply.
Environmental Health	Conditions apply.
Parks and Recreation	No objections.
Heritage/Urban Design	No referral required.
Building and Plumbing	Notes apply.

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

<b>EXTERNAL</b>	
TasWater	No referral required.
State Growth	No referral required.
TasFire	No referral required.
Tas Heritage Council	No referral required.
Crown Land	No referral required.
TasRail	No referral required.
EPA	No referral required.
Aurora	No referral required.

**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 24 January 2015 until 9 February 2015. A total of six (6) representations were received during this period. 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.

Of the six representations that were received the primary concern that was raised related to the potential for a business to be operated from the proposed dwelling. The concerns were based on the following observations which were identified by the representors:

- the client listed on the building plans and the bushfire assessment report is the Free Reformed Church of Launceston which suggests that the dwelling will be utilised for conducting activities associated with the church;
- the floor plan indicates that there will be a meeting/lounge room, waiting room and accompanying toilet within close proximity to the main entrance to the dwelling, which suggests that activities such as counselling, private meetings and other group activities associated with the church may occur at the dwelling;
- the large driveway and vehicle parking area suggests that the dwelling will be able to accommodate a greater number of cars which would be anticipated with activities that are associated with the church;
- the large number of bedrooms (5) in addition to the other rooms and enlarged driveway and car parking area suggests that the dwelling may be utilised as a training centre, relief accommodation, respite centre or other similar activities associated with the church.

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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The representors also highlighted that the property (along with the other properties within Highland Rise and Bushland Grove) is subject to a restrictive covenant which, among other items, expressly prohibits properties from being utilised for activities other than for a residential dwelling. As such, the representors were concerned that the proposed dwelling, if utilised for business activities, would contravene the covenant. However, it was identified that the property is not subject to such a covenant.

After contacting the applicant to clarify the matters raised by the representors, the following justification was provided.

The land is owned by a trustee of the Free Reformed Church of Launceston and the purpose of the dwelling is to provide accommodation for the pastor of the church and their immediate family. The design of the dwelling has been selected for the following reasons:

- the pastor will locate a private office toward the front of the dwelling which will provide a secluded area away from the primary living areas of the dwelling to enable the pastor to study and write as well as conduct some administrative tasks associated with the church. Due to the line of the pastor's work it is expected that people will infrequently call in to discuss matters associated with the church. However, it is not intended that the dwelling will be utilised as a meeting or business hub for activities associated with the church, notwithstanding some informal visits will be expected; and
- the pastor is from overseas and will be expecting visitations from family and friends. The design of the dwelling provides for two distinct areas which will allow adults and children to socialise in separate areas.

The activities that the applicant has detailed are considered to fit within the definition of a home occupation which is listed under clause 5.2.1 of the Scheme. Specifically, clause 5.2.1 exempts use of part of a dwelling by a resident for non-residential purposes from requiring a permit under the Scheme if:

- a) no more than 40m<sup>2</sup> of floor area of the dwelling is used for non-residential purposes;
  - b) the person conducting the home occupation normally uses the dwelling as their principle place of residence;
  - c) it does not involve employment of persons other than a resident;
  - d) there is no more than the occasional visitor to the site for non-residential purposes;
  - e) any load on a utility is no greater than for a domestic use;
  - f) there is no activity that causes electrical interference to other land;
-

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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- g) there is, on the site, no storage of hazardous materials;
- h) there is, on the site, no display of goods for sale;
- i) there is, on the site, no advertising of the home occupation other than 1 sign (non-illuminated) not exceeding 0.2m<sup>2</sup> in area;
- j) there is, on the site, no refuelling, servicing or repair of vehicles not owned by a resident;
- k) nor more than 1 commercial vehicle is on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and
- l) any vehicle used for non-residential purposes is parked on the site.

A site meeting was convened to facilitate open dialogue between the applicant and the representors due to the concerns that were raised by the applicants. The structure of the meeting allowed the applicant to outline the proposal and summarise the design rationale of the dwelling and the way that the dwelling was intended to be utilised, which is summarised below:

- the land owner is a trustee of the Free Reformed Church of Launceston and the dwelling will be occupied by the incumbent Pastor of the church. The Pastor will move from overseas and has 5 children. Subsequently the dwelling has been designed to include 5 bedrooms which will be utilised by the Pastor and his wife and children. An additional bedroom with an ensuite has been incorporated into the dwelling for extended family and friends to stay when they visit from overseas;
  - a separate study area, 'waiting area' and informal meeting room has been designed to be secluded from the main living areas of the dwelling. These areas will be utilised by the Pastor for private work purposes including studying and writing sermons. The applicants acknowledged that some forms of counselling will occur at the dwelling such as pre-marriage counselling which would occur 1 hour per week over a six week period (with up to 4 weddings occurring each year) as well as one-on-one counselling for matters such as marriage/relationship breakdowns or to assist with other circumstances. They advised that the church does not offer traditional counselling services to people outside of the church and that counselling is not a key focus of the church's activities;
  - the applicants also acknowledged that bible study groups of up to 12 people would occur at the dwelling on a rotational basis which would result in up to 2 meetings being held at the dwelling per year;
  - other social gatherings that are not directly associated with church activities would also occur at the dwelling.
-

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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After the applicant outlined the intent of the proposed dwelling the representors responded with a number of questions that related to the concerns raised within their submissions which included:

- clarification as to how the dwelling could be utilised as a business by the Pastor;
- clarification of how the proposed use does not constitute a community meeting and entertainment use as defined within the planning scheme;
- the frequency of group meetings and gatherings and the number of people in attendance per meeting/gathering;
- clarification of the types of counselling services provided;
- confirmation that the land owner was aware of the landscape buffer at the rear of the property; and
- clarification as to how a business could be operated from the dwelling.

The representors were advised that the use of a dwelling for non-residential purposes can occur as a home occupation which is exempt from requiring a planning permit under the planning scheme. Different examples of the types of non-residential uses that constituted a home occupation were provided. A key issue that was raised by the representors related to how the number of people and frequency of visits associated with a home occupation could be controlled. It was advised that a home occupation specifies that there can be no more than the occasional visitor to the site for non-residential purposes. However, it was acknowledged that the planning scheme does not provide a definition of an occasional visitor.

The representors were advised that a condition would be applied to the planning permit in order to reinforce that the use of the dwelling is permitted for residential uses only and that any non-residential uses of the dwelling can only occur within the parameters of a home occupation. The representors requested whether the frequency of meetings and gatherings and total number of people per meeting or gathering could be limited by the permit condition.

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**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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In this instance, it is important to separate general social activities involving members of the church from formal church activities (such as counselling) that constitute a home occupation. It is understood that general members of a church congregation regularly participate in group meetings or study sessions that are typically small in number (8-12 people) and for this reason they can be comfortably held within a private dwelling of a group member. Meetings or study sessions are generally held on a rotational basis between alternative dwellings. In addition it is common practice for church members to hold social events at their homes where they invite other members of the church. These events may occur after services are held at the church or for a variety of other occasions. These types of activities are not considered to be a community meeting and entertainment use or home occupation as defined within the planning scheme. Rather, it is considered that these activities are subservient to the residential use of the dwelling in which they are held. Other similar activities would include book clubs, cross-stitch clubs and the like. On this basis, it is not considered reasonable to limit the frequency of meetings or gatherings and the number of people per meeting or gathering by way of condition. Notwithstanding, it is considered reasonable to condition the non-residential activities that have been proposed such as the counselling services to operate within the parameters of a home occupation.

Overall, the meeting enabled the majority of concerns raised to be discussed. All parties were advised that a condition relating to the use of the dwelling would be forwarded to them for review. Whilst the meeting assisted in clarifying some of the issues, it was evident that some of the representors were still concerned that the dwelling would operate as a business and not for the purposes that has been applied for. All parties were advised of the process that would follow the meeting which included their appeal rights.

The following conditions have been proposed after reviewing the representations and taking into account the discussions had at the meeting:

**USE OF DWELLING**

The use of the dwelling, in particular the rooms annotated on the Concept Plan (Job No.15001 Drawing No. A03) as 'lounge/meeting' and 'waiting', for non-residential uses is limited to the parameters of a home occupation which includes:

- a) no more than 40m<sup>2</sup> of floor area of the dwelling is used for non-residential purposes;
  - b) the person conducting the home occupation normally uses the dwelling as their principle place of residence;
  - c) it does not involve employment of persons other than a resident;
  - d) there is no more than the occasional visitor to the site for non-residential purposes;
-

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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- e) any load on a utility is no greater than for a domestic use;
- f) there is no activity that causes electrical interference to other land;
- g) there is, on the site, no storage of hazardous materials;
- h) there is, on the site, no display of goods for sale;
- i) there is, on the site, no advertising of the home occupation other than 1 sign (non-illuminated) not exceeding 0.2m<sup>2</sup> in area;
- j) there is, on the site, no refuelling, servicing or repair of vehicles not owned by a resident;
- k) nor more than 1 commercial vehicle is on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and
- l) any vehicle used for non-residential purposes is parked on the site.

The use of the dwelling for a home based business or any other non-residential purpose is not authorised by this permit.

**AMENDED PLANS**

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

- a) the additional parking area identified by the blue shading on the Planning Information Plan (Job No 15001 Drawing No. A01) is to be removed and converted to site landscaping which is to be included in the site landscaping plan as required by this permit;
  - b) notwithstanding condition 2(a) above, the main driveway area identified by the red shading on the Planning Information Plan (Job No 15001 Drawing No. A01) can be extended to allow vehicles to reverse out of the internal garage and manoeuvre onsite in order to exit the driveway in a forward direction. Accordingly, the amended plan must include a vehicle turn path for a standard B85 vehicle demonstrating the specified manoeuvre.
-



**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

<b>ISSUE</b>	<b>COMMENTS</b>
<p>Concern that the client listed on the building plans and the bushfire assessment report is the Free Reformed Church of Launceston suggests that the dwelling will be utilised for conducting activities associated with the church.</p>	<p>The Free Reformed Church of Launceston is entitled to apply for a planning permit. The application form and building plans indicate that the proposed dwelling will be utilised for residential purposes. Accordingly, the application has been assessed as a single dwelling under the Scheme. It is considered that the concern relating to the potential of the dwelling to be utilised for the purpose of conducting business activities associated with the church has been appropriately addressed by way of a permit condition which restricts the use of the dwelling.</p>
<p>Concern that the floor plan indicates that there will be a meeting/lounge room, waiting room and accompanying toilet within close proximity to the main entrance to the dwelling, which suggests that activities such as counselling, private meetings and other group activities associated with the church may occur at the dwelling.</p>	<p>The proposed use and development described in the application form and building plans was for a single dwelling which is categorised as a residential use under the scheme. It is acknowledged that the internal configuration of the proposed dwelling and the rooms and areas that have been annotated on the building plans suggest that the front section of the dwelling could be utilised for business consultation or counselling purposes. However, the Scheme does not regulate the internal configuration of residential dwellings. Again, it is considered that the concern relating to the potential of the dwelling to be utilised for the purpose of conducting business activities associated with the church has been appropriately addressed by way of a permit condition which restricts the use of the dwelling.</p>

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

<p>Concern that the large driveway and vehicle parking area will enable a larger number of vehicles to be parked on site to facilitate larger groups of people to attend activities that are associated with the church.</p>	<p>It is acknowledged that the driveway and extended parking area is larger than a typical suburban driveway and has the capacity to accommodate a larger number of vehicles. The proposed driveway has been assessed against the relevant provisions of the planning scheme that relate to the location and function of car parking areas. The main driveway which is identified by the red shading on the Planning Information drawing (Job No. 15001 No. A01) has been assessed as being compliant with the relevant sections of the planning scheme. However, the additional hardstand area which is identified by the blue shading on the Planning Information drawing (Job No. 15001 No. A01) has been assessed as not complying with the relevant performance criteria of the scheme. Accordingly, a condition has been applied to the permit requiring the additional hardstand area to be removed from the plan and for the area to be incorporated into the site landscaping. The recommended condition is considered to sa</p>
<p>Concern that the large number of bedrooms (5) in addition to the other rooms and enlarged driveway and car parking area suggests that the dwelling may be utilised as a training centre, relief accommodation, respite centre or other similar activities associated with the church.</p>	<p>The proposed use and development described in the application form and building plans was for a single dwelling which is categorised as a residential use under the scheme. Accordingly, the development application has been assessed as a single dwelling under the Scheme. The building plans that have been provided indicate that the dwelling will contain 5 bedrooms, two of which will comprise ensuites which is not unusual for single dwellings within Low Density zoned land. The speculation that the dwelling will be utilised for a training centre, relief accommodation, respite centre or other activities associated with the church is unfounded. Notwithstanding, it is considered appropriate to apply a condition to restrict the use of the dwelling to residential purposes only.</p>

**7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)**

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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

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Leanne Hurst: Director Development Services**

**ATTACHMENTS:**

1. Locality Map
  2. Plans (circulated separately)
  3. Representations
-

Attachment 1 - 7 Highland Rise Kings Meadows - Locality Map (Pages = 1)



Launceston City Council  
*A Leader in Community & Government*



**LOCALITY MAP - DA0600/2014 Residential -  
single dwelling; construction of a new dwelling  
on land located at 7 Highland Rise, Kings  
Meadows**



**Locality Map**

Scale: This Map Is Not to Scale

Attachment 3 - 7 Highland Rise Kings Meadows - Representations (Pages = 8)

## **George Walker**

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**From:**  
**Sent:** Tuesday, 27 January 2015 9:15 PM  
**To:** Council  
**Subject:** Objection: DA0600\_2014. UPDATED

Hi George, since writing to you earlier, I have had a couple more thoughts to add.

Attention: George and The General Manager, Launceston City Council

Dear Sir,

Following our telephone conversation, I submit an objection to the development at 7 Highland Rise DA0600-2014.

I have concerns that the property is going to be used for purposes other than only as a private dwelling.

Covenants in the Title expressly prohibit properties in the area from being used for purposes other than as a private residence.

On Page 4 of 6, the 'Annexure Page' (points 9 12 and 13); and on Page 5 (point 19) details how the property cannot be used for purposes other than as a residential building and that it's use should not become a nuisance, annoyance or disturbance to other owners in the area.

The house plans submitted to the Launceston City Council suggest that this property is going to be used as something other than just a private dwelling. There is a "meeting room" and a "waiting room" with an accompanying W.C. It appears that the W.C. may be for the use of clients etc who will be using the waiting room, as there is another separate bathroom right near the W.C. (presumably for people using bedrooms 2, 3 and 4). Bedrooms 1 and 5 each have their own en suites.

Another reason why I have concerns that this proposed erection is to be used for reasons other than a private dwelling is that the Bushfire Risk Assessment Report was requested by a business, namely 'The Free Reformed Church of Launceston'. I suggest that if a property was to be owned and used as a private dwelling, that a business would not be requesting the preparation of said report.

The name of the client as ascribed by the Architect is also the 'Free Reformed Church of Launceston' which adds further weight to my suggestion that the proposed development is to be used for a purpose other than a private residential house.

The large area that is proposed to be a concreted parking area also suggests that extra parking for more cars than a normal household has, also suggests that is is not the intention of the owner that this be used as a residential property.

I ask that the LCC please follow up on this matter.

Thank you.

Lisa Jillamen

Sent from my iPad

**George Walker**

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**From:**  
**Sent:** Monday, 2 February 2015 11:40 AM  
**To:** Council  
**Subject:** Building application objection

Dear Sir/General Manager,

I am considering purchasing a block in Stage 6 of Mount Pleasant Estate, Kings Meadows. I have noticed a building application notice on 7 Highland Rise.

I have been assured that according to the covenants on the Titles, businesses cannot be run from houses in Stage 6, Mount Pleasant Estate.

I looked at the plans for the property at 7 Highland Rise and wonder if a business is going to be established in this house. The plans for the house indicate a business has commissioned the bushfire assessment and also the architecture firm involved. Furthermore, this business has also lodged the plans with the council under the business name. The plans indicate a large parking bay at the front of the property as well as a meeting room and a waiting room, with an adjoining powder room. All of these factors point to the extreme likelihood that a business is going to be run from this premises and that it is not a private residential dwelling.

Could you please clarify with the business that is making this application, and advise me, as before I make an offer on a block, I would like to know if somehow the business that owns 7 Highland Rise is somehow bypassing the covenants on the Title, or deliberately ignoring them, to run a business from this site.

Thank you.

A Forrest

**George Walker**

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**From:** Daniel Ellis  
**Sent:** Monday, 2 February 2015 11:44 AM  
**To:** Council  
**Subject:** Fw: Fwd: Objection: 7 Highland Rise DA0600\_2014

Attention: The General Manager  
RE: Objection: 7 Highland Rise DA0600\_2014

Dear Sir

I have had a look at the application DA0600\_2014 and think that this "private dwelling" looks more like a house and business in the one premises.

According to the rules in the Titles for the properties in Highland Rise I understand that it is against the rules for a business of any kind to be run from any property in the area.

I am very worried about this property, if it is going to run any kind of business from there, that there will be increased traffic or other unsavoury elements that might upset mine and my neighbours peace and tranquility.

I bought my block in Highland Rise (as I presume others did too) with the knowledge that it is against the rules for a business to store equipment or be run in our street. Given that it is against the rules I ask that the LCC do not give building approval for this project.

Thank you.

Daniel Ellis

Development Application Representation Letter

18-Fmx-018 - Version 21/11/2012

Development Application Number DA0600/2014

Address of Development

7 HIGHLAND RISE
KINGS MEADOWS TAS 7249

Details of Represoror

Title MR Given Name/s WAYNE + MARILYN

+ MRS Surname TENNANT

Unit/Street No Street

Suburb State Postcode

Phone H B M

Email

Reason for Representing

AS landowners in the street I am concerned it appears the proposed residence use does not comply with the zoning for this area, which is low profile residential and ask the council to ensure compliance. The provision of a waiting area, with lounge and toilet facilities and cloak room attached and car parking suitable for multiple cars suggests a business, consultancy or shelter may be planned for this building. We oppose this building proposal if such activity is intended in a family residential area.

Representor's Signature [Handwritten Signature]

Date 5 / 2 / 15



Town Hall St John Street Launceston Tasmania PO Box 396 Launceston Tasmania 7250

T 03 6323 3000 F 03 6323 3001 TTY 03 6323 3003 E council@launceston.tas.gov.au www.launceston.tas.gov.au



- PLEASE NOTE: If a report on a Planning Application matter goes to Council, the full content of the submission will be included in the report and will be available for public access. It is therefore the responsibility of the author of the submission to make sure that what is written is factual, is fair and reasonable, and is not defamatory against any person.

**Personal Information Protection Statement**  
As required under the *Personal Information Protection Act 2004*

1.	Personal information will be collected from you for the purpose of dealing with your application, and may be used for other purposes permitted by the <i>Local Government Act 1993</i> and regulations made by or under that Act.
2.	Failure to provide this information may result in your application not being able to be accepted and processed.
3.	Your personal information will be used for the primary purpose for which it is collected and may be disclosed to contractors and agents of the Launceston City Council.
4.	Your basic personal information may be disclosed to other public sector bodies where necessary for the efficient storage and use of the information.
5.	Personal information will be managed in accordance with the <i>Personal Information Protection Act 2004</i> and may be accessed by the individual to whom it relates on request to Launceston City Council. You may be charged a fee for this service.

File No. DA6600/2014			
EO	OD	Box	✓
Doc. No.			
Action Officer		Date Received	
C.WRANKMORE		05/02/2015	

E-COPY R. JAMIESON  
G. WALKER

**George Walker**

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**From:** Fiona Armstrong  
**Sent:** Sunday, 8 February 2015 11:32 PM  
**To:** Council  
**Subject:** Objection to DA0600/2014 - 7 Highland Rise Kings Meadows

General Manager  
Launceston City Council

Dear Sir / Madam,

Re: DA0600/2014 - 7 Highland Rise Kings Meadows

I wish to submit my objection to the Development Application for 7 Highland Rise, Kings Meadows. This application has been submitted as a domestic residential dwelling, but after viewing the plans submitted I believe it may be used as a place of business. The covenants covering all of the subdivision of Mount Pleasant Estate stipulates that:

Item 13 - "That the main building erected on any portion of the lot shall not be used for any purpose other than a private residential house".

Item 9 - "Not to erect or use on the lot any shop building or erection whatsoever for the purpose of selling offering or exposing for sale therein any articles, services, wares or merchandise whatsoever"

Item 15 - "...no trade manufactory or business whatsoever shall be carried on or be permitted or allowed to be carried on any part of the lot"

There appears to be two sets of plans for this property, one which shows a waiting room and meeting room and the other an extra front external entrance suitable for business use. Also, with the current larger than normal capacity of 5-6 bedrooms and extra parking space at the front of the property, I believe the property has the potential to be used as a training centre, relief accommodation, respite or some form of counselling service and not in keeping with a domestic residential family home.

Regards,  
Fiona Armstrong



The General Manager  
Launceston City Council  
PO Box 396  
Launceston TAS 7250

[contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au)

Dear Sir,

**Re: DA0600/2014 7 Highland Rise, Kings Meadows**

I write to make **Representation** to the proposed development application for Residential - single dwelling; construction of a new dwelling at the above mentioned location.

I make my submission as follows:

My property backs directly onto the proposed construction.

Launceston Interim Planning Scheme Zone Purpose Statement Clause 12.1.1.1 requires that development at that location:

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

**Impact on / reduction of Amenity**

Use Standard Amenity Clause 12.3.1 objective requires:

*“To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.”*

---

Documents included in the Development Application show that the proposed building may not be used for a residential dwelling only, which will not be in keeping with the existing or preferred neighbourhood character.

Non-residential use is evidenced by:

- a. Document A03 - Concept Plan  
Includes reference to "waiting" area and "meeting" room within the building envelope;
- b. Document A01 – Site Information Plan, and  
Document A02 – Site & Drainage Plan  
Include reference to the extent of proposed concrete driveway and parking area are not consistent with requirements for a residential dwelling.

I am concerned about the reduction of amenity to my adjoining property due to the likelihood of an environmental nuisance through noise or illumination, caused by the possibility of large numbers of persons attending the site on a regular basis.

I consider the loss of amenity to be unacceptable given that I purchased my property in October 1998, when the land bordered on a rural and bushland setting.

I made a justifiable assumption at that time that any future development on the site would be on an appropriate usage basis.

I request that Council respond in writing in order for me to make a fully informed determination of the potential impacts on my property.

Yours sincerely,



Philip Andrew Lynch

9 February 2015

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## COUNCIL AGENDA

Tuesday 10 March 2015

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**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)**

**FILE NO:** DA0594/2014

**AUTHOR:** Leon Murray (Development Planner)

**DIRECTOR:** Leanne Hurst (Director Development Services)

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### **DECISION STATEMENT:**

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

### **PLANNING APPLICATION INFORMATION:**

Applicant:	Les Penzes Architects
Property:	3 Denison Grove, West Launceston
Zoning:	General Residential
Receipt Date:	12/12/2014
Validity Date:	12/12/2014
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	10/03/2015
Representations:	5

### **PREVIOUS COUNCIL CONSIDERATION:**

Council approved the construction and use of two multiple dwellings by permit DA0629/2007.

### **RECOMMENDATION:**

It is recommended that in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2012, a permit be granted, for Residential - multiple dwellings; construction and use of a second dwelling and construction of a retaining wall (retrospective) at 3 Denison Grove, West Launceston in accordance with the endorsed plans and subject to the following conditions.

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**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

---

**1. AMENDED PLANS REQUIRED**

Prior to the issue of a building permit, amended plans must be submitted to the satisfaction of the Manager Planning Services to replace plans annotated as "Amended Plans Required" and attached to the permit. Once approved, these amended plans will be endorsed by the Manager Planning Services and will then form part of the permit. The amended plans must be reviewed by a registered surveyor and be based on a site survey and LIDAR data (provided on attachment A). The plans must show:

- a. The maximum height of the dwelling being no greater than 8m above natural ground level. The building's height must be certified by a registered surveyor.;
- b. A minimum distance of 3m from the western edge of the first floor deck to the western property boundary;
- c. The location of the dwelling and retaining walls as they have been constructed;
- d. Annotation on the plans the extent of 1.8m high fencing (required by the permit condition for fencing) for private open space areas within 3m of each side boundary.

**2. LEGAL TITLE**

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

**3. 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.

**4. WASTE DISPOSAL BINS - DOMESTIC**

An area on the subject land must be set aside for the purpose of a waste disposal/collection bin and must meet the following:

- a. Common storage areas must have minimum dimensions of 2.4m by 1.8m;
- b. Exterior individual and common storage areas must be screened so they are not visible from any public road or thoroughfare;
- c. Be located in a convenient position that allows ease of access from the building and moving the bin to the kerbside on collection days;
- d. Be provided prior to the commencement of the use, maintained and used for the duration of the use.

**5. TASWATER**

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater TWDA No. 2014/01402-LCC (attached).

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**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

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**6. HOURS OF CONSTRUCTION**

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

- a. Monday to Friday - 7am and 6pm;
- b. Saturday - 9am to 6pm;
- c. Sundays and Public Holidays - 10am to 6pm.

**7. SITE LANDSCAPING PLAN**

Prior to the commencement of works, a landscape plan must be submitted for approval by the Manager Planning Services. The plan must be prepared by a suitably qualified person, must be drawn to scale and must include the following details:

- a. Landscaped (i.e. pervious) areas comprising a minimum 25% of the site area;
- b. Planting of a strip of low-flammability screen planting for a distance of 5m north of where the retaining wall meets the eastern boundary. This screen planting must be semi-mature when planted and reach a height of 4m when mature;
- c. Planting of a minimum of three trees within the front setback of the dwelling. These trees must be low-flammability and reach a height of 4m when mature;
- d. Major site features such as building footprints, topography, contours existing vegetation and street boundaries;
- e. Existing and proposed garden areas and plantings (including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity);
- f. Any stabilisation works required as a result of tree or vegetation removal;
- g. All proposed garden beds, fences, retaining walls, lawn, hard surfaces and pathways; and
- h. Suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas.

Once approved by the Manager Planning Services the plan will be endorsed and will form part of the permit. The landscaping must be:

- i. Have suitable soil provided as a growth medium to ensure the vegetation's long term viability;
  - j. Installed in accordance with the endorsed plan;
  - k. Completed prior to the use commencing;
  - l. Maintained for the life of the development. It must not be removed, destroyed or lopped without the written consent of the Council.
-

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

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**8. SCREEN PLANTING**

A dense screen of trees or shrubs must be planted north of the retaining wall to a point 5m north of the retaining wall to ensure reasonable privacy for the adjoining property. The plant screen must be of low flammability species that obtain a minimum growth height of at least 4 metres when mature. This screen planting must be semi-mature when planted and maintained for the life of the development.

**9. FENCING**

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

- a. Be 1.8m high when measured from the as constructed ground level on the retaining wall;
- b. Be maintained for the life of the development by the applicant or any subsequent owner of the dwelling approved by this permit.

Prior to the commencement of the use, all other private open space with a height greater than 1m above natural ground level must be provided with a solid (i.e. no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed at the developer's cost and to a minimum height of 1.8m where it is within 3m of a side boundary. The colour of the fence along the northern edge of the retaining wall must be dark brown or dark green.

**10. CONSENT FOR ELEVATED WALKWAY**

Consent for the proposed elevated walkway to be partially located within the road reserve of Denison Road is granted by the Director Infrastructure Services on behalf of the Road Authority subject to the following conditions

- a. The walkway must be manufactured so as to be fully removable from the road reserve and must be designed with dedicated lifting points to allow removal by mechanical lifting.
- b. No part of the structure will be permitted with 300mm of the continuation of a line projected from the rear edge of the existing footpath in Denison Road.
- c. The deck of the elevated walkway where it is grounded in the road reserves must be not greater than 200mm above the edge of seal on Denison Road.
- d. The elevated walkway structure must be free from sharp edges and metal burrs.

The road authority will not maintain the elevated walkway. Should it fall into disrepair or become unsightly or unmaintained then Council may remove the walkway at the owner's cost and will not be liable for any replacement.

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**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

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**11. 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 following suite of Australian Standards AS 2890.1 Off-street car parking, AS 2890.2 Off-street commercial vehicle facilities (*where applicable*), AS 2890.3 Bicycle parking facilities and AS 2890.6 Off-street parking for people with disabilities;
- 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 provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas; and
- f. Have exterior lights that are installed in such positions as to effectively illuminate all pathways, car parking areas and porch areas. Such lighting must be controlled by a time clock or sensor unit and shielded to prevent direct light being emitted outside the site.

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

**12. DAMAGE TO COUNCIL INFRASTRUCTURE**

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

**13. 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.

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**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

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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.

#### **14. 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 and the maintenance of all culverts, pipes and open drains within the road reserve.

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.

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**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

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**15. AMENITY**

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

**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 (insert application reference). 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.*
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**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

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*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) <<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. A copy of Council's Notice to Waive Right of Appeal is attached.*

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.*

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**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

Street addresses for Multiple Dwellings

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

<i>Dwelling No</i>	<i>Street Address</i>
<i>Unit 1</i>	<i>3 Denison Grove</i>
<i>2</i>	<i>32 Denison Road</i>
<i>Body Corporate</i>	<i>3 Denison Grove</i>

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

**REPORT:**

**1. THE PROPOSAL**

The applicant seeks retrospective approval for the construction of the second dwelling at 3 Denison Grove, West Launceston (see Attachment 2). The previously approved multiple dwelling has been partially constructed but is not consistent with permit DA0629/2007 in that the floor level of the subject building is ~1m higher than what the permit approved and a retaining wall (and subsequent fill) has been constructed and placed along the northern boundary and in between the constructed dwelling(s) on the same site.

A brief description of what is proposed and which has been partially constructed is of a dwelling with one bedroom (plus study) and be two storeys high. It would be clad in similar materials to the existing dwelling on the site and have decks on the ground and first floor. The retaining wall is estimated to be between 1.5m - 1.8m and private open space would be provided on top of the fill that is behind the retaining wall.

Due to the nature of the proposal, its history and some points raised by representors, legal advice was sought on the following matters:

- Whether the existing 2007 permit can be given any weight in terms of comparing 'what has been approved and can be constructed under the 2007 permit' or whether this application must be assessed on a de novo basis, or afresh and what use and development on the site must be considered by this application;

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

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- Whether discrepancies in the advertised plans are of a magnitude that the application cannot be determined; and
- Whether Denison Road is considered a scenic drive where it is located in front of the site and how this determination impacts the planning authority's ability to interpret the Cataract Gorge Management Code standards.

A summary of the response received was as follows:

- This application must be carefully considered against the existing standards in the planning scheme and any representations made. Insofar as weight given to previous approvals and what could be lawfully constructed under the existing permit the advice is that the application for the second dwelling must be decided on a *de novo* basis or afresh, without consideration to what has previously been approved. This is because the *Land Use and Planning Approvals Act 1993* and the planning scheme (the scheme) do not explicitly state previous approvals can be relied upon to justify approval. Moreover, clause 8.10.1 of the scheme mandates the planning authority must take into consideration '*all applicable standards and requirements in this planning scheme*';
- Whilst the submitted plans are not accurate there is sufficient information to make a determination. To refuse an application on grounds of insufficient evidence may lead to a negative outcome for the planning authority should this matter proceed to the Resource Management and Planning Appeals Tribunal (RMPAT) and the application can be considered on its merits and there is ample opportunity to properly consider whether it meets the acceptable solutions or performance criteria and associated objectives;
- Whilst Denison Road is defined in the scheme as a scenic drive, the section of Denison Road in front of the site is not mapped as being in the Cataract Gorge Management Area and the relevant section cannot be considered a scenic drive. However, Denison Grove (that runs along the site's northern boundary) is considered a scenic drive.

It must also be noted that regardless of the outcome of this application the original permit allowing a second dwelling remains valid and allows the construction and use of a second dwelling, provided it is in accordance with the original permit.

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- 7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)

## 2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located on the northern side of Denison Road, West Launceston (see Attachment 1). It has a truncated rectangle shape and currently contains one of the dwellings approved by permit DA0692/2007 with the remainder of the site (the southern area) currently partially developed with the second unit. The 653m<sup>2</sup> site slopes downhill (from Denison Road) towards Denison Grove at an approximate grade of ~23%. Some remnant vegetation exists on-site but most of the existing vegetation has been cleared to facilitate the development approved by the 2007 permit. The site abuts residential properties to the east and west, with the site having frontage to Denison Road at its southern boundary and Denison Grove at its northern boundary. In the wider context the site is ~310m to the west of the West Launceston Primary School and ~1.7km to the south-west of the city centre.

## 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**

The use is permitted in the zone and is inherently consistent with the zone purpose.

- 7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)

**Local Area Objectives - There are no local area objectives**

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

**10.3 Use Standards**

**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 m<sup>2</sup>; 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**

Site area per dwelling is defined in Table 4.1.3 of the scheme as "*.....the area of the site (excluding any access strip) divided by the number of dwellings*". As the site is 653m<sup>2</sup> in area and two dwellings are proposed, the density equates to one dwelling per 326.5m<sup>2</sup>.

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.



**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

<p><b>Consistent</b> The relevant performance criteria are met.</p>
<p>A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> <li>(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</li> <li>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</li> </ul>
<p><b>Relies on Performance Criteria</b> The dwelling's setback as on the submitted plans is ~1.7m from the frontage and increases to ~3.6m at the south-west corner of the slab.</p>
<p>P1 A dwelling must:</p> <ul style="list-style-type: none"> <li>(a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and</li> <li>(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.</li> </ul>

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

<p><b>Complies</b>                  Whilst the setback is less than the acceptable solution, it would be compatible with the existing dwellings in the street. This is because the sloping nature of the block would result with the lower level of the dwelling being below the level or the carriageway which would reduce its visual impacts to be similar to the dwelling on 1 Denison Road. Moreover, the relatively wide verge (~5.8m wide) between the carriageway and the front boundary provides (in effect) the front setback which contributes to the impression the dwelling is setback further from the street than it is. It would not be significantly different to other dwellings on the northern side of Denison Road, the performance criterion is met.</p>
<p>A2 A garage or carport must have a setback from a primary frontage of at least:</p> <ul style="list-style-type: none"> <li>(a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or</li> <li>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</li> <li>(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.</li> </ul>
<p><b>Complies</b>                  The garage would be set back ~1.7m at its closest point. However, the estimated fall within 10m of the street is 28%. Therefore, the garage could be 1m off the front boundary.</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"> <li>(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"> <li>(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</li> <li>(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</li> </ul> </li> <li>(b) only have a setback within 1.5 m of a side boundary if the dwelling:                         <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or</li> <li>(ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).</li> </ul> </li> </ul>

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

**Relies on Performance Criteria**

The building would be outside the building envelope on the eastern, western and northern sides.

P3 The siting and scale of a dwelling must:

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

**Complies**

Whilst the dwelling would lie outside the building envelope, the encroachments outside the envelope are considered relatively minor (~1.3m at its highest point) and do not raise sufficient concerns regarding the siting and scale of the dwelling or the potential increase in detriment to adjoining properties. The proposed dwelling is also considered consistent with other dwellings in the immediate locality. For example, the already-constructed dwelling on the same site is of a similar design and character, as is the dwelling to the east at 1 Denison Grove. Other examples in reasonable proximity and contribute to the existing character of the area can be seen at 33 Denison Road. Due to the orientation of the lot the overshadowing cast by the building would not cause an unreasonable loss of amenity as the building to the east (1 Denison Grove) would be sufficiently separated to reduce the impacts of potential sunlight loss.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

The applicant has submitted plans that indicate the maximum building height would be 8m (to accord with the Cataract Gorge Management Code) and this will be discussed later in the report. However, the extent of the encroachment outside the envelope in terms of visual bulk etc. will be assessed under this standard. This encroachment is not considered to be significant enough to warrant refusal. This is because the area is already characterised by dwellings that lie outside the building envelope due to the sloping nature of the area, The dwelling is also set back far enough from adjoining properties or cannot be easily seen from rooms of adjoining dwellings to minimise its visual impacts

The retaining wall and fence abutting 5 Denison Grove would lie outside the acceptable solution allowing buildings and structures to be constructed to 3m high on the boundary (clause 10.4.2 A3). It is considered that if the block wall remains as constructed but the solid 1.8m high fence along the northern extent of the retaining wall is finished in a green or brown (see further assessment against the Cataract Gorge Code for fencing) the visual impacts would be reduced to an acceptable level by the visual variation provided by different construction materials and colours. Overshadowing would not be a significant issue as it would be located to the east of the adjacent driveway of 5 Denison Grove and not in proximity to any habitable rooms. The separation of the retaining wall to the adjoining property (5 Denison Grove) is compatible with other properties on steeper slopes that rely on retaining walls in close proximity to the boundary. On this basis, the performance criterion is considered to be met.

**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.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

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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 m<sup>2</sup> 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 (a) that based on roofed area as defined in the scheme would be 23%. The dwelling would (b) have at least 60m<sup>2</sup> area provided by the ground floor deck (and areas on both sides of the deck) and the first floor deck. The site (c) would have more than 25% of the site area free from impervious surfaces and this could be ensured by requiring the recommended landscape plan to demonstrate this.

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**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(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 m<sup>2</sup>; or
    - (ii) 12 m<sup>2</sup>, 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**  
 The private open space for the dwelling (24m<sup>2</sup>) would meet the minimum requirements by the ground floor deck alone. The areas on both sides of the deck and the first floor deck would provide further opportunities for recreation.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

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 dining/lounge room on the first floor would be within 30° east of north.

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.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

<p><b>Not Applicable</b> The proposed multiple dwelling would be the southernmost dwelling on the site.</p>
<p>A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <p style="padding-left: 40px;">(i) at a distance of 3 m from the northern edge of the private open space; and</p> <p style="padding-left: 40px;">(ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.</p> <p>(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.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <p style="padding-left: 40px;">(i) an outbuilding with a building height no more than 2.4 m; or</p> <p style="padding-left: 40px;">(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.</p>
<p><b>Not Applicable</b> The proposed multiple dwelling would be the southernmost dwelling on the site.</p>

**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.



**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

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).

**Complies**

The garage would be within 12m of the frontage but would be located almost perpendicular to the road and would not be highly visible (in comparison to other garages/carports in the area). Moreover, the single garage/carport would be less than 6m wide.

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.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

**Complies**

Whilst the decks of the dwelling would be greater than 1m above natural ground level, the ground floor deck would not face a window or glazed door to a habitable room in the dwelling on the same site and it meets the acceptable solution in that respect. It would also have a minimum side setback of 3m on both sides. The first floor deck would be set back 3m from the side boundaries and meets the acceptable solution. The private open space area adjacent to 5 Denison Grove would be screened to a height of 1.7m which meets the acceptable solution but triggers discretion with respect to the building envelope (see previous assessment regarding the building envelope).

A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):

- (a) The window or glazed door:
  - (i) is to have a setback of at least 3 m from a side boundary; and
  - (ii) is to have a setback of at least 4 m from a rear boundary; and
  - (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and
  - (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site.
  
- (c) The window or glazed door:
  - (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or
  - (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or
  - (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

**Complies**

The windows of the lounge room would be ~1.5m high and set back more than 4.0m from the side boundary. Therefore, the acceptable solution is met. As bathrooms are not defined as habitable rooms in the scheme, the standard does not apply to the window in this room on the western side of the dwelling.

A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:

- (a) 2.5 m; or
- (b) 1 m if:
  - (i) it is separated by a screen of at least 1.7 m in height; or
  - (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.

**Not Applicable**

No shared parking driveway or space is proposed.

**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.

**Not Applicable**

No front fence is proposed.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

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).

**Not Applicable**

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 can be met.

A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m<sup>2</sup> 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**

A waste storage area can be provided to accord with the acceptable solution and could be secured by permit condition.

7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)

10.4.9 Storage for Multiple Dwellings

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

**Consistent**

The acceptable solution can be met.

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

**Complies**

The dwelling can be provided with 6m<sup>3</sup> of storage within the studio or the garage/carport area.

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 common property is proposed.

A1 Development for multiple dwellings must clearly delineate public, communal and private areas such as:

- a) driveways; and
- b) site services and any waste collection points.

**Not Applicable**

10.4.11 Outbuildings and Ancillary Structures for the Residential Use Class other than a single dwelling

Objective: To ensure:

- a) that outbuildings do not detract from the amenity or established neighbourhood character; and
- b) that the dwellings remain the dominant built form within an area; and
- c) earthworks and the construction or installation of swimming pools are appropriate to the site and respect the amenity of neighbouring properties.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

<p><b>Consistent</b> The relevant acceptable solutions or performance criteria can be met.</p>
<p>A3 Earthworks and retaining walls (other than for a single dwelling) must:</p> <ul style="list-style-type: none"> <li>a) be located at least 900mm from each lot boundary, and</li> <li>b) if a retaining wall:             <ul style="list-style-type: none"> <li>i) be not higher than 600mm (including the height of any batters) above existing ground level, and</li> <li>ii) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 800mm above existing ground level at each step, and</li> <li>iii) not require cut or fill more than 600mm below or above existing ground level, and</li> <li>iv) not redirect the flow of surface water onto an adjoining property, and</li> <li>v) be located at least 1.0m from any registered easement, sewer main or water main.</li> </ul> </li> </ul>
<p><b>Relies on Performance Criteria</b> The retaining wall and fence would be built on the boundary.</p>
<p>P3 Earthworks and retaining walls associated with residential buildings and multiple dwellings must be designed and located to ensure that:</p> <ul style="list-style-type: none"> <li>a) no structural issues are caused for adjoining structures; and</li> <li>b) groundwater and stormwater are dealt with appropriately to eliminate any nuisance for adjoining properties; and</li> <li>c) the potential for loss of topsoil or soil erosion are adequately dealt with; and</li> <li>d) the potential visual impact on neighbouring properties including any increased potential for overlooking or overshadowing are adequately addressed.</li> </ul>

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

**Complies**

The retaining wall would require building approval. Assessment of the building application for the wall would require design by an engineer for footings, drainage, stormwater overflow onto adjoining properties etc. It is considered the visual impacts of the retaining wall and fence would be acceptable as the height of the wall (~1.5-1.8m) is less than the visual impacts of a standard boundary fence and the fence itself that would be a height of 3.5m-3.6m for a length of approximately 5.5m would, if finished in a dark, muted colour e.g. brown or green provide visual difference and the visual impacts would be acceptable as the fence would return to a more regular fence height for the majority of the boundary. Therefore, the performance criterion is met.

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**

The acceptable solution can be met.

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

**Complies**

A mail box can be provided on the front boundary.

E6 - Car Parking and Sustainable Transport Code

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.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

**Consistent**

The relevant acceptable solutions or performance criteria are met.

**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 acceptable solution is met.

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.

**Complies**

Two parking spaces are required and two are provided.

**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 relevant acceptable solutions are met.



**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(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**

A1.1 - Bicycle parking could be provided within the garage or dwelling.

A1.2 - N/A.

**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.

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.

**Complies**

The car parking, access strips and manoeuvring spaces would be formed to an adequate level and drained, provided with an impervious all weather seal and clearly delineated by the garage and carport areas.

**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 relevant acceptable solution is met.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

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**

Less than four parking spaces are proposed.

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**

Turning would not be 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
  - 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.

**Complies**

The car parking and manoeuvring spaces would be flat and less than four parking spaces are proposed. The vehicular access can provided in accordance with the requirements of Table E6.2. The parking spaces and access ways have been designed to meet AS2890.1.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

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**

Bicycle parking can be provided in accordance with the acceptable solutions or performance criteria.

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.

**Relies on Performance Criteria**

Bicycle parking would be accessible from a road but no bicycle hoops are proposed.

P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.

**Complies**

It is considered onerous to provide a bicycle hoop for the multiple dwelling when any bicycle parking would be in secure areas like the garage, study or deck. As these locations are similar to where bicycle are parked for other dwellings bicycle use would be encouraged and the performance criterion is met.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

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 parking could be provided with the required dimensions.

**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 spaces are required no separate pedestrian access is required.

**E17 - Cataract Gorge Management Area Code**

E17.11 The purpose is to protect the Cataract Gorge Reserve from incremental loss and degradation of its character and values. The clause aims to ensure that development within the Cataract Gorge Management Area is appropriately planned, located, designed and constructed to minimise the impact on the natural, historic, cultural, heritage, landscape and scenic character and values of the Cataract Gorge Reserve.

**Consistent**

The site is on the periphery of the Gorge itself and the section of Denison Road is outside the Gorge Management Area. The site is located in a residential street that has some bushland character although it can be seen as suburban in nature. Development of this peripheral site in the way proposed is unlikely to be to the detriment to the Gorge.

As the relevant acceptable solutions or performance criteria are met the code purpose is met.

- 7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)

**E17.7 Development Standards**

E17.7.1 Inappropriate development

<b>Objective:</b>
<b>To prevent inappropriate development</b>
<b>Consistent</b> The acceptable solutions are met or are not applicable.
A1 Subdivision must not create internal lots in management unit 1.
<b>Not Applicable</b> Subdivision is not proposed.
A2 Must not be a new building or structure (except landscaping, fences, pergolas, dog kennels and the like), on slopes with a Maximum Average Slope steeper than 1:3.
<b>Complies</b> The site slopes downhill at an average grade of ~23% or 1:4.
A3 Must not be for Residential in management unit 14.
<b>Not Applicable</b> The site is in management unit 9.
A4 Development within the Residential Use class must be for single dwelling only in management units 12,13,15 & 18
<b>Not Applicable</b> The site is in management unit 9.
A5 Development must not be visible on the Military Crest or on the face of the slope equal to the point 11 vertical metres directly below the Military Crest when viewed from prime viewpoints or from scenic drives.
<b>Not Applicable</b> The military crest that is located proximate to Fraser and Emma Streets ~180m to the south which is outside the Cataract Gorge Management Area.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

E17.7.2 Intensification

Objective
To ensure that development density is consistent with achieving the management objectives within the management units.
A1 Lot density:
<ul style="list-style-type: none"> <li>a) Must not be more than one lot per 1000m<sup>2</sup> with a minimum lot size of 500m<sup>2</sup> in the General Residential Zone of management units 1, 2, 3, 6 &amp; 9.</li> <li>b) must not be more than one lot per 1500m<sup>2</sup> with a minimum lot size of 1500m<sup>2</sup> in the Low Density Residential Zone of management units 4, 5, 6, 7, 8, 9 &amp; 10.</li> <li>c) must not be more than one lot per 7500m<sup>2</sup> of site area with a minimum lot size of 1500m<sup>2</sup> in management units 11A and 11B.</li> </ul>
<b>Not Applicable</b>
This standard applies to subdivision which is not being applied for.
A2 Multiple Dwellings must not exceed a minimum site area per dwelling of 7500m <sup>2</sup> in management units 11A and 11B.
<b>Not Applicable</b>
The site is in management unit 9.

E17.7.2 Siting of Buildings, Structures and Works

Objective
To ensure that development is consistent with achieving the management objectives within the management units.
<b>Not Applicable</b>
This standard does not apply to the proposal as it is not located in the areas specified in the acceptable solution.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

A1 Buildings in management units must:

- a) be setback at least 30m from the Cataract Gorge Reserve boundary for 23, 27 & 28 Coniston Place, in management unit 1; and
- b) not be located within the 'no building' areas in Schedule 1 to this code.

**Not Applicable**

The site is in management unit 9 and is not in the no build area of Schedule 1 of the code.

A2 New access strips and roads

- a) must not be at a greater angle than 30o to the contour where the Maximum Average Slope is greater than 1:5; or
- b) must be constructed to ensure that the crossfall of the access strip be one-way and directed into the hill, for vehicle safety and drainage purposes; and
- c) must direct storm water runoff to the road storm water drainage system.

**Not Applicable**

The proposal would not create any access strips or roads.

A3 New access strips and roads:

- a) are no steeper than 25% (1 in 4) for distances of no more than 6 metres; and
- b) are no steeper than 20% (1 in 5) for balance of the access strip; and
- c) where there is a grade shift to 1 in 4, there must be an area with a grade of no more than 1 in 6 prior to this area, for a distance of at least 5 metres; and
- d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

<p><b>Not Applicable</b> The proposal would not create any access strips or roads.</p>
<p>A3 Access ways and driveways are:</p> <ul style="list-style-type: none"> <li>a) constructed with surface materials that blend with the surrounding environment ;and</li> <li>b) landscaped with dense planting; and</li> <li>c) provided with erosion control measures immediately after construction to minimise the visual impact of the construction.</li> </ul>
<p><b>Complies</b> The driveway would be finished in concrete which is similar to other driveways in the locality. The recommended landscaping plan condition would ensure landscaping can be provided to screen the development to help it blend in with the surrounding environment and the recommended erosion and sediment control plan condition would ensure point c) can be met.</p>
<p>A4 Excavation or filling:</p> <ul style="list-style-type: none"> <li>a) does not occur within 2.0 metres of any lot boundary; and</li> <li>b) does not exceed 1.8 metres in height; and</li> <li>c) is retained; and</li> <li>d) building work is stepped with the terrain to minimise excavation or filling on the land; and</li> <li>e) all slopes that have excavation or filling conducted on them are revegetated with endemic trees, shrubs and ground covers immediately after the works have been undertaken; and</li> <li>f) does not encroach within 3.0m of existing trees; and</li> <li>g) excavation or filling does not alter a military crest.</li> </ul>
<p><b>Relies on Performance Criteria</b> The retaining wall has been built on the boundary.</p>



**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

<p>P4 The visibility of excavation and filling from prime viewpoints and scenic drives must be inevent or suitably minimised (i.e. via siting, design and treatment of the excavations, removal of the fill, use of screening vegetation, etc)</p>
<p><b>Complies</b>                  The retaining wall would not be highly visible from any other prime viewpoint or scenic drive as it would be partially screened by the existing dwelling on the site and could be further screened by landscaping (secured by the recommended landscaping condition) to the north of the retaining wall on the site. It should be noted that the section of Denison Road that the proposed dwelling fronts onto lies outside Cataract Gorge Management Code and cannot be considered a scenic drive at this location.</p>
<p>A5 Power lines and associated service infrastructure must be underground in management units 2, 3, 8, 9, 10, 11A, 12, 13, 14, 15 and 18; and in management units 1, 4 &amp; 5 when located between the building and Cataract Gorge Reserve boundary.</p>
<p><b>Not Applicable</b>                  Power lines are not proposed.</p>
<p>A 6.1Areas between the ground floor (including outdoor deck areas) and ground level are screened from view from prime view points and scenic drives.</p> <p>A6.2Tennis courts, ponds and swimming pools do not occur on land with a maximum average slope greater than 25% (1 in 4).</p>
<p><b>Complies</b>                  A6.1 - The area between the ground floor and ground level would be screened by the retaining wall and the dwelling at the front of the property.                  A6.2 - N/A. No swimming pool is proposed.</p>
<p>A7 Fences and boundaries up to 1.8m high coloured with dark natural tones.</p>
<p><b>Relies on Performance Criteria</b>                  The fencing on the site boundary (abutting 5 Denison Grove) would be ~3.6m above natural ground level in one section.</p>

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

P7 The visibility of fences and boundaries from the prime view point locations and scenic drives must be inevent or suitably minimised (i.e via siting, design, and treatment of the boundaries, screening vegetation, etc.).

**Complies**

The fencing along the boundaries would not be highly visible from prime viewpoints and scenic drives as it would be perpendicular to Denison Grove. Moreover, the recommended screen planting and fence colour (of the fences that may be seen from Denison Grove) would be suitably minimised and would be characteristic of fences in the area. Therefore, the performance criterion is considered to be met.

**E17.7.3 Height and Bulk of Buildings**

**Objective**

To ensure that the height and bulk of buildings are consistent with achieving the management objectives within the management units.

**Consistent**

The performance criterion is met.

**A1 Building height must not exceed 6m**

**Relies on Performance Criteria**

The dwelling is proposed to be a maximum of 8m high.

**Complies**

The applicant's plans have been identified as having discrepancies but the extent of the inaccuracy is not of the magnitude that the application cannot be determined. Legal advice has been sought on how to interpret this standard. The advice is that whilst Denison Road is defined in the code as a scenic drive, the scheme overlay map indicates the section of Denison Road in front of the proposed dwelling lies outside the bounds of the Cataract Gorge Management Code area and the part of the standard relating to being inevent does not apply to the development as seen from Denison Road. What must be considered is whether it is inevent from Denison Grove as this is the only place it could be seen from (the site cannot be seen from the prime viewpoints that are also identified on the overlay map).

The dwelling would be inevent (which includes becoming inevent over time) from Denison Grove as it would be nestled in behind the existing dwelling on the site. Moreover, the recommended landscaping would ensure the dwelling would become inevent over time. On this basis, the performance criterion is met.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

A2 Site coverage must not exceed 250m <sup>2</sup>
<b>Complies</b> The combined roofed area for the existing and proposed dwellings (that defines site coverage) would be ~205m <sup>2</sup> of which ~102m <sup>2</sup> would be for the proposed dwelling.

**E17.7.4 Tree and Vegetation Removal**

<b>Objective</b>  To ensure that the removal, destruction or lopping of trees or the removal of vegetation is consistent with achieving the management objectives within the management units.
<b>Not applicable</b> No vegetation is proposed to be removed from site.
A1 No acceptable solution
<b>Not Applicable</b> No vegetation is proposed to be removed on-site. It has not been possible to determine who has removed this vegetation from within the road reserve (see representations section).

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Assets	Conditional consent provided. Conditions recommended in relation to: <ul style="list-style-type: none"> <li>• Consent for elevated walkway</li> <li>• Car Parking Construction</li> <li>• Damage to Council Infrastructure</li> <li>• Works Within/Occupation of the Road Reserve</li> <li>• Urban - Vehicular Crossings</li> </ul>
Environmental Health	Conditional consent provided. Conditions recommended relating to: <ul style="list-style-type: none"> <li>• Amenity</li> </ul>
Parks and Recreation	N/A

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

Heritage/Urban Design	N/A
Building and Plumbing	Noted building and plumbing permits would be required. Further to this, the existing building order is still in effect and any of the works completed would still require building approval should a planning permit be granted.
<b>EXTERNAL</b>	
TasWater	Conditional consent provided. TasWater has issued a Submission to Planning Authority Notice (SPAN) TWDA 2014/01402 - LCC. This includes approval for the retaining wall and its proximity to the sewer main that runs along 5 Denison Grove.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
Environment Protection Authority	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 24 December 2014 to 14 January 2015. Five (5) representations were received throughout both advertising processes. 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.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

ISSUE	COMMENTS
Visual impacts.	The proposal has been assessed against the relevant scheme standards and has been recommended for approval. The recommended landscape plan would ensure the visual impacts of the development would become inevident over time when seen from scenic drives. This is an inherently subjective evaluation.
Overlooking issues onto adjoining properties.	The proposal meets the acceptable solutions in terms of overlooking and privacy.
Visual impacts/insensitivity of the development e.g. the retaining walls, bulk of buildings etc.	The proposal has been assessed on its merits with all development elements considered. It is considered the relevant acceptable solutions are met or performance criteria are met. With respect to the fence, a 2.1m high fence could be built on a side boundary without planning approval. The recommended fencing on the common boundary of 5 Denison Grove would be ~3.6m high at its highest point but transition back to 1.8m high where the retaining wall would meet natural ground level. The area of the fence on this part of the boundary that would lie outside a normal 2.1m high fence would be ~3.6m <sup>2</sup> (see Attachment 2). When considering 3.6m <sup>2</sup> in the context of the remainder of fencing on the boundary it is a relatively minor protrusion would not have a detrimental impact on adjoining properties in terms of visual bulk.
Inaccuracies in the advertised plans.	It is acknowledged the advertised plans have some small discrepancies with the partially constructed dwelling. Legal advice was sought as to whether the magnitude of this was sufficient to warrant refusal of the application. It was advised there is sufficient information to determine the application and to refuse the application for that reason may not be sustainable upon appeal.

**7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**

<p>The dwelling would exceed the absolute maximum of 8m and privacy issues.</p>	<p>An analysis of the submitted plans and most recent LIDAR data indicates the dwelling is as close to 8.0m as can reasonably be deduced from the information available (approximately +/- 200mm). It is recommended that, if approved, a condition is imposed. This condition would require (prior to the issue of a building permit) written verification from a licensed surveyor that any part of the dwelling as approved would not be any higher than 8m above the prior natural ground level. This could be achieved by using the most recent LIDAR data (Council's Spatial Sciences Manager identifies the accuracy of this data to be +/- 75mm). This would provide the applicant with several options to meet the 8m height limit but would ensure that a building permit is not issued until such information has been provided.</p>
<p>The proposal does not meet the relevant standards.</p>	<p>It is considered that, with appropriate conditions, the proposal can meet the relevant standards of the scheme.</p>

**6. CONCLUSION**

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

**ECONOMIC IMPACT:**

The Launceston Interim Planning Scheme 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.

- 7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)**
- 

**SOCIAL IMPACT:**

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such social impacts have been considered.

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2012

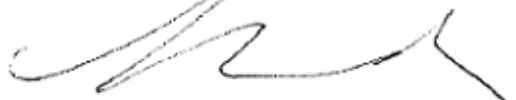
**BUDGET & FINANCIAL ASPECTS:**

N/A

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Leanne Hurst: Director Development Services**

**ATTACHMENTS:**

1. Locality Map
  2. Plans (circulated separately)
  3. Representations (circulated separately)
  4. Legal advice (circulated separately)
-





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

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**Tuesday 24 February**

- Attended Cataract Gorge Challenge launch
- Attended Tamar River Odyssey Dinner Cruise with Governor, Her Excellency Professor Warner and Mr Warner and Legislative Council members

**Wednesday 25 February**

- Attended Launceston Cup Official Luncheon and presented trophy to City of Launceston Race winner

**Thursday 26 February**

- Attended AFL Hawthorn v Collingwood NAB Cup Match

**Friday 27 February**

- Attended Local Government Regional Breakfast Series
- Officiated at Trevallyn Primary School Student Leaders function
- Officiated at UTAS Annual Student Welcome
- Attended Launceston Tamar Valley Tourism Association Seaport Twilight Market
- Attended New Horizons Club Awards Night

**Saturday 28 February**

- Attended Cricket Match on Big Screen in Civic Square

**Sunday 1 March**

- Officiated at Womens 5K Race

**Wednesday 4 March**

- Officiated at Peace Garden and Community Festival for Peace
-

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

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### Friday 6 March

- Officiated at Football Federation Tas Welcome BBQ
- Attended Encore Theatre Company Opening Night performance of EVITA

### Saturday 7 March

- Officially opened National Jaguar Rally
-

**9 ALDERMEN'S/DELEGATES' REPORTS**

**10 QUESTIONS BY ALDERMEN**

**11 COMMITTEE REPORTS****11.1 Tender Review Committee Meetings - 9 & 16 February 2015****FILE NO:** SF0100**AUTHOR:** Raj Pakiarajah (Manager Projects)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

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**DECISION STATEMENT:**

To receive and consider reports from the Tender Review Committee (a delegated authority committee).

**RECOMMENDATION:**

That Council receive the reports from the Tender Review Committee meetings held on 9 and 16 February 2015.

---

**REPORT:****9 February 2015**

- Kings Meadows High School Detention Basin Upgrade - CD.032/2014

The Tender Review Committee accepted the tender submitted by Baker Civil Contracting Pty Ltd for the construction of Kings Meadows High School Detention Basin Upgrade, at a cost of \$1,499,492.00 (excl. GST).

**16 February 2015**

- Internal Financial and Risk Audit Services 2014/15 to 2016/17 - CD.030/2014

The Tender Review Committee accepted the tender submitted by Crowe Horwath for the Internal Financial and Risk Audit Services for a four year contract, at an estimated cost of \$90,000 (excl. GST).

- Fuel Products Supply - CD.038/2014

The Tender Review Committee accepted the tender submitted by Caltex under the State Government, for the fuel supply, at an estimated annual cost of \$784,784.89 (excl. GST).

**ECONOMIC IMPACT:**

The economic impact has been considered in the development of these projects.

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**11.1 Tender Review Committee Meetings - 9 & 16 February 2015...(Cont'd)**

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**ENVIRONMENTAL IMPACT:**

The environmental impact has been considered in the development of these projects.

**SOCIAL IMPACT:**

The social impact is considered in the development of these projects.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Budget 2014/2015.

**BUDGET & FINANCIAL ASPECTS:**

The projects are funded in accordance with the approved 2014/2015 Budget.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Harry Galea: Director Infrastructure Services**

**11.2 QVMAG Museum Governance Advisory Board Committee Meeting 18 February 2015****FILE NO:** SF2244**AUTHOR:** Leila Wagner (Personal Assistant)**DIRECTOR:** Richard Mulvaney (Director Queen Victoria Museum and Art Gallery)

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**DECISION STATEMENT:**

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

**RECOMMENDATION:**

That Council receive the report from the QVMAG Museum Governance Advisory Board meeting held on 18 February 2015.

---

**REPORT:**

The key points raised by the Museum Governance Advisory Board were:

- **Strategic Planning and Policy Meeting:** The Chairman noted he drafted some points for the Strategic Planning and Policy (SPPC) meeting (workshop). The Chairman invited the Board to review and comment.
- **Director's Report (including Financial Report):** The Chairman noted the report (including financial report) taken as read and invited comments from the Board.

The success of the Innovation Circle and the Summer School Program was noted and that QVMAG is increasing its digital capacity. This has included social media with the introduction of Facebook last year and in the last few weeks a Blog Site ([www.qvmagblog.cpm](http://www.qvmagblog.cpm)).

- **QVMAG Friends (Jill Dearing):** Jill Dearing reported that the QVMAG Friends Committee is concerned by the drop-off in members attending functions. The Committee is working on getting more people involved with the organisation.
  - **QVMAG Arts Foundation (Keith Adkins):** Keith Adkins reported that the Visual Arts and Design team have successfully chosen five artists for the next Masterpiece for the Tasmania Fundraiser.
-

**11.2 QVMAG Museum Governance Advisory Board Committee Meeting 18 February 2015...(Cont'd)**

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- **General Business:** The Chairman noted that his, Janine Healey's and Robin Holyman's board terms will expire in September 2015 and that consideration should be given to suitable replacements.

**ECONOMIC IMPACT:**

Consideration contained in Report

**ENVIRONMENTAL IMPACT:**

Consideration contained in Report

**SOCIAL IMPACT:**

Consideration contained in Report

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024

**BUDGET & FINANCIAL ASPECTS:**

N/A

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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

  
**Richard Mulvaney: Director Queen Victoria Museum & Art Gallery**

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**11.3 Audit Panel Meeting 20 February 2015****FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

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**DECISION STATEMENT:**

To receive and consider a report from the Audit Panel following the meeting on 20 February 2015.

**RECOMMENDATION:**

That the report from the Audit Panel meeting held on 20 February 2015 be received.

---

**REPORT:****6.1 Auditor General Correspondence**Details:

Correspondence noted and no further action to be taken.

Action:

The Panel received the reports.

**7.1 Outstanding Audit Tasks**Details:

The Panel noted the progress on Cash Handling policy and procedures; Information Technology; Payroll and Tasmanian Audit Office outstanding items.

Action:

The Panel received the reports and approved the closure of outstanding items.

**8.1 Budget Adjustments**Details:

The Panel received the report that detailed the projects that need to be reclassified from Capital to Operations and Operations to Capital to comply with the Asset Capitalisation Framework and the requirements of section 82 of the *Local Government Act 1993*.

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**11.3 Audit Panel Meeting 20 February 2015...(Cont'd)**

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Action:

The Panel recommended to the Council that the changes be made.

**8.2 Budget Reallocations**Details:

The Panel received the report on transfers within the budget that do not require a change to the total budget.

Action:

The Panel noted the reallocations and transfers.

**8.3 Operations Summary**Details:

The Panel received the Executive Summary and an Overview of the Year to Date.

Action:

The Panel noted the report and that the financial reports will be presented to the Council.

**8.4 - 9.5 Financial Reports**Details:

The Panel received the Operating and Capital reports together with reports on Debtors and Investments.

Action:

The Panel noted the reports.

**10.1 Flood Levee Project**Details:

To consider the Status Report of the project to date.

Action:

The Panel noted the report.

**10.2 Appointment of Internal Auditors**Action:

Crowe Horwath appointed as the new internal auditors.

---

**11.3 Audit Panel Meeting 20 February 2015...(Cont'd)**

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**ECONOMIC IMPACT:**

No economic impact.

**ENVIRONMENTAL IMPACT:**

No environmental impact.

**SOCIAL IMPACT:**

No social impact.

**STRATEGIC DOCUMENT REFERENCE:**

Priority Area 5: Governance Services.

5.1.4 Ensure the city is managed in a financially sustainable manner.

**BUDGET & FINANCIAL ASPECTS:**

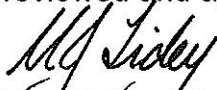
The Audit Panel reviews reallocations made within the existing budget and makes a recommendation to the Council for those items that require a change to the budget pursuant to section 82 of the *Local Government Act 1993*.

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

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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

  
Michael Tidey, Director Corporate Services

## 12 COUNCIL WORKSHOPS

The following Council Workshops were held on 2 March 2015:

- Cityprom Parking Requests
  - Managing Ethical Risks at Council
  - Carr Villa
-

**13 PETITIONS**

Nil

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**14 NOTICES OF MOTION - FOR CONSIDERATION****14.1 Notice of Motion - Mayor Alderman van Zetten - Amalgamations****FILE NO:** SF5547**AUTHOR:** Mayor Alderman van Zetten**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To consider a Notice of Motion from Mayor Alderman van Zetten in regards to voluntary amalgamation.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

That Council:

1. In light of the process proposed by the Minister for Local Government aiming to initiate a conversation on voluntary amalgamation, the City of Launceston write to the Mayors of adjoining Councils seeking to initiate such discussions; and
  2. Indicate interest in understanding what benefits voluntary amalgamations could provide for ratepayers.
- 

**REPORT:**

Mayor Alderman van Zetten will speak to this item.

**Background information provided by Mayor Alderman van Zetten**

The Mayor, Deputy Mayor and General Manager were invited by the Minister for Local Government to attend a presentation and discussion on voluntary amalgamation on Thursday 12 February 2015.

The Minister sees the process of engagement between Councils and with the State Government as proceeding through a series of steps, commencing with a discussion among elected members.

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**14.1 Notice of Motion - Mayor Alderman van Zetten - Amalgamations...(Cont'd)**

---

The Government's central goal is to improve the State's economy by ensuring Tasmania is competitive - locally, nationally and internationally. The Government is also committed to improving our standard of living by:

- Enhancing Tasmania as an attractive place to live and work;
- Addressing community expectations for improved, appropriate and efficient service delivery; and
- Ensuring our environment is managed in a sustainable way.

The Government considers that in the current economic climate, voluntary amalgamations offer councils the opportunity to improve their financial situation through efficiency gains, with the potential to increase service delivery to the broader community and to improve strategic decision making, particularly at the regional level.

The Government recognises if Tasmania is to have a strong and sustainable local government sector in the face of economic constraints, climate change and the impact of demographic change, then reform is essential.

The Minister for Planning and Local Government, the Hon Peter Gutwein MP, has identified four criteria which must be met before an amalgamation proposal is considered.

Amalgamations must:

1. Be in the interest of ratepayers;
2. Improve the level of service for communities;
3. Preserve and maintain local representations; and
4. Ensure that the financial status of the entities is strengthened.

The Government will provide financial assistance towards the development of feasibility studies. Funding of up to \$25,000 for an amalgamation proposal involving two councils, or up to \$50,000 for a proposal involving three or more councils will be provided. The State Government funding will only be provided on the basis that it, at least, be matched by participating councils.

Funding of up to \$5,000 may also be provided for professional facilitators, on a case by case basis, to help the free flow of discussion and decision making between councils.

**BUDGET & FINANCIAL ASPECTS:**

N/A

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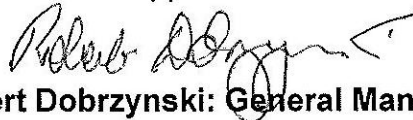
**14.1 Notice of Motion - Mayor Alderman van Zetten - Amalgamations...(Cont'd)**

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**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Robert Dobrzynski: General Manager**

**ATTACHMENTS:**

1. Notice of Motion - Mayor Alderman van Zetten
  2. Presentation by the Minister for Planning & Local Government, Peter Gutwein MP (Circulated Separately)
  3. Voluntary Council Amalgamations - Questions and Answers - February 2015 (Circulated Separately)
-

**Attachment 1 - Notice of Motion - Mayor Alderman van Zetten**

## LAUNCESTON CITY COUNCIL

**MEMORANDUM**

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FILE NO: SF5547/ SF0327  
AvZ:dp  
DATE: 16 February 2015

TO: Robert Dobrzynski                      General Manager  
c.c.      Committee Clerks

FROM: Albert van Zetten                      Mayor

**SUBJECT: Notice of Motion - Amalgamation**

---

In accordance with Clause 16 (5) of the Local Government Regulations 2005 (Meeting Procedures) please accept this Notice of Motion for placement on the agenda of the Meeting of Council to be held on 10 March 2015.

**Motion**

1. In light of the process proposed by the Minister for Local Government aiming to initiate a conversation on voluntary amalgamation, the City of Launceston write to the Mayors of adjoining Councils seeking to initiate such discussions; and
2. Indicate interest in understanding what benefits voluntary amalgamations could provide for ratepayers.

**Background**

The Mayor, Deputy Mayor and General Manager were invited by the Minister for Local Government to attend a presentation and discussion on voluntary amalgamation on Thursday 12 February 2015.

The Minister sees the process of engagement between Councils and with the State Government as proceeding through a series of steps, commencing with a discussion among elected members.

The Government's central goal is to improve the State's economy by ensuring Tasmania is competitive - locally, nationally and internationally. The Government is also committed to improving our standard of living by:

- Enhancing Tasmania as an attractive place to live and work;
- Addressing community expectations for improved, appropriate and efficient service delivery; and
- Ensuring our environment is managed in a sustainable way.

The Government considers that in the current economic climate, voluntary amalgamations offer councils the opportunity to improve their financial situation through



## LAUNCESTON CITY COUNCIL

### MEMORANDUM

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efficiency gains, with the potential to increase service delivery to the broader community and to improve strategic decision making, particularly at the regional level.

The Government recognises if Tasmania is to have a strong and sustainable local government sector in the face of economic constraints, climate change and the impact of demographic change, then reform is essential.

The Minister for Planning and Local Government, the Hon Peter Gutwein MP, has identified four criteria which must be met before an amalgamation proposal is considered.

Amalgamations must:

1. Be in the interest of ratepayers;
2. Improve the level of service for communities;
3. Preserve and maintain local representations; and
4. Ensure that the financial status of the entities is strengthened.

The Government will provide financial assistance towards the development of feasibility studies. Funding of up to \$25,000 for an amalgamation proposal involving two councils, or up to \$50,000 for a proposal involving three or more councils will be provided. The State Government funding will only be provided on the basis that it, at least, be matched by participating councils.

Funding of up to \$5,000 may also be provided for professional facilitators, on a case by case basis, to help the free flow of discussion and decision making between councils.

The Mayor will speak to this item.

### Attachments

1. Voluntary Council Amalgamations - Questions and Answers - February 2015.
2. Presentation by the Minister for Planning & Local Government, Peter Gutwein MP.



**Albert van Zetten**  
**MAYOR**

**14.2 Notice of Motion - Alderman Williams - Marriage Equality****FILE NO:** SF5547**AUTHOR:** Alderman Williams**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

---

**DECISION STATEMENT:**

To consider a Notice of Motion from Alderman Williams in regards to marriage equality.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

That Council:

1. Publicly support marriage equality irrespective of sex, sexual orientation or gender identity.
  2. Writes to Tasmania's Federal Members of Parliament and the Commonwealth Human Rights and Equal Opportunity Commission advising them of council's support; and
  3. Writes to all political parties with representation in the Federal Parliament encouraging them to prioritise debating changes to the Marriage Act and allow a conscience vote on marriage equality.
- 

**REPORT:**

Alderman Williams will speak to this item.

**Background information provided by Alderman Williams**

This Notice of Motion seeks to add the City of Launceston to a growing list of nationwide councils that are requesting a review of federal legislation which currently discriminates against members of the LGBTIA (Lesbian Gay Bisexual Transgender Intersex Asexual) community. While the legislation itself is the responsibility of the Federal Government, this is a matter that impacts upon the people of Launceston. Just as council may lobby for state or federal support for economic-based improvements to our region, council also has the ability to lobby for social and health improvements for our residents, strengthening our commitment to triple-bottom-line governance. This complies with the role of councillors as described under the *Local Government Act* (1993) which requires that councillors represent our community and act in the best interests of our community.

---

**14.2 Notice of Motion - Alderman Williams - Marriage Equality...(Cont'd)**

---

Current federal marriage legislation prohibits same-sex couples from marrying, but also precludes many intersex and transgender persons from doing so as well. In this, the law discriminates against any person within the sexual and gender spectrum who does not biologically *and* sexually conform to one particular position on that spectrum, and in doing so, is in contradiction with other state and federal anti-discrimination legislation governing the treatment of LGBTIA persons in the workplace, learning centre or other parts of our community. This inconsistency in our legislative framework has a direct impact on the social and health well-being of members of our community, with mental health problems and suicide rates of LGBTIA people (directly caused by the effects of discrimination) dramatically high in our nation.

Therefore, the motion:

- Seeks to express council's support for all members of our community, irrespective of sex, sexual orientation or gender identity
- Makes the statement that local government is well-placed to represent the needs and views of our community and communicate this to other tiers of government
- Takes into consideration the social and health impacts on our community that LGBTIA discrimination has, and includes this in council's triple-bottom-line approach to governance
- Respects the federal processes required to review marriage legislation, and seeks to support this process, particularly to see a conscience vote that will allow true representation to occur
- Does not seek to engage in any debate that may cause offense to or disrespects any person's ideology or personal position on LGBTIA issues

***Officer comments: Robert Dobrzynski (General Manager)***

Policy matter for Council consideration.

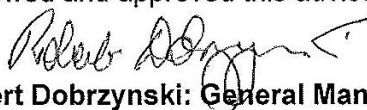
**BUDGET & FINANCIAL ASPECTS:**

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.



**Robert Dobrzynski: General Manager**

**ATTACHMENTS:**

1. Notice of Motion - Alderman Williams
-

## LAUNCESTON CITY COUNCIL

### MEMORANDUM

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FILE NO: SF5547 : SF2277  
EW  
DATE: 25 February 2015

TO: Robert Dobrzynski                      General Manager  
c.c.      Committee Clerks

FROM: Emma Williams                      Alderman

**SUBJECT: Notice of Motion - Support for Marriage Equality**

---

In accordance with Clause 16 (5) of the Local Government Regulations 2005 (Meeting Procedures) please accept this Notice of Motion for placement on the agenda of the Meeting of Council to be held on 10 March 2015.

### Motion

That Council resolve to –

1. Publicly support marriage equality irrespective of sex, sexual orientation or gender identity.
2. Writes to Tasmania's Federal Members of Parliament and the Commonwealth Human Rights and Equal Opportunity Commission advising them of council's support; and
3. Writes to all political parties with representation in the Federal Parliament encouraging them to prioritise debating changes to the Marriage Act and allow a conscience vote on marriage equality.

### Background

This Notice of Motion seeks to add the City of Launceston to a growing list of nationwide councils that are requesting a review of federal legislation which currently discriminates against members of the LGBTIA (Lesbian Gay Bisexual Transgender Intersex Asexual) community. While the legislation itself is the responsibility of the Federal Government, this is a matter that impacts upon the people of Launceston. Just as council may lobby for state or federal support for economic-based improvements to our region, council also has the ability to lobby for social and health improvements for our residents, strengthening our commitment to triple-bottom-line governance. This complies with the role of councillors as described under the *Local Government Act* (1993) which requires that councillors represent our community and act in the best interests of our community.

Current federal marriage legislation prohibits same-sex couples from marrying, but also precludes many intersex and transgender persons from doing so as well. In this, the law discriminates against any person within the sexual and gender spectrum who does not biologically *and* sexually conform to one particular position on that spectrum, and in doing so, is in contradiction with other state and federal anti-discrimination legislation governing the treatment of LGBTIA persons in the workplace, learning centre or other parts of our community. This inconsistency in our legislative framework has a direct

## LAUNCESTON CITY COUNCIL

### MEMORANDUM

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impact on the social and health well-being of members of our community, with mental health problems and suicide rates of LGBTIA people (directly caused by the effects of discrimination) dramatically high in our nation.

Therefore, the motion:

- Seeks to express council's support for all members of our community, irrespective of sex, sexual orientation or gender identity
- Makes the statement that local government is well-placed to represent the needs and views of our community and communicate this to other tiers of government
- Takes into consideration the social and health impacts on our community that LGBTIA discrimination has, and includes this in council's triple-bottom-line approach to governance
- Respects the federal processes required to review marriage legislation, and seeks to support this process, particularly to see a conscience vote that will allow true representation to occur
- Does not seek to engage in any debate that may cause offense to or disrespects any person's ideology or personal position on LGBTIA issues

#### **Attachments**

Nil



**Alderman Emma Williams**

**DIRECTORATE AGENDA ITEMS**

**15 DEVELOPMENT SERVICES**

**Nil**

**16 FACILITIES MANAGEMENT**

**Nil**

**17 QUEEN VICTORIA MUSEUM AND ART GALLERY**

**Nil**

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**18 INFRASTRUCTURE SERVICES****18.1 Annual grant payment for Conservation Covenants in the City of Launceston****FILE NO:** SF2666/SF0523**AUTHOR:** Chris Moore (Parks Strategy Planner)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

---

**DECISION STATEMENT:**

To consider a report on the continuation of Council's support for Conservation Covenants in the Launceston municipal area through a grant scheme.

**PREVIOUS COUNCIL CONSIDERATION:**

Item 16.1 - Council Meeting 15 November 2010

*This report determined that Council would support Conservation Covenants through a grant scheme for the next 5 years.*

Item 10.2 Council Meeting 3 October 2005

*This report determined that Council would also support Protected Areas on Private Land (PAPL) Covenants concurrently with the Private Forest Reserve Program Covenants.*

**RECOMMENDATION:**

That Council resolves to:

1. continue to support Conservation Covenants, through a grant scheme, for a further 5 year period within the City of Launceston municipality, for covenants prepared pursuant to Section 34 of the *Nature Conservation Act 2002* and bound to title pursuant to Section 102 Land Titles Act 1980, and
  2. determine to restrict grant support for all existing and future covenants to the first ten years of the covenant.
- 

**REPORT:**

The Private Land Conservation Program (PLCP) is a voluntary program that helps protect Tasmania's natural values on private land. Landowners may enter into a covenant to manage defined areas specifically for nature conservation. They are legally binding and are registered on the land title. Covenants give assurance that natural values, such as flora and fauna, wetlands and geoconservation areas will persist for generations. They also contribute to Australia's network of protected areas, the National Reserve System.

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## **18.1 Annual grant payment for Conservation Covenants in the City of Launceston...(Cont'd)**

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As at August 2014 there were 755 Conservation Covenants covering 96,032 hectares registered on private land in Tasmania. Thirty six of these Covenants covering 1432 hectares are in the Launceston municipality.

Council currently supports these Covenants by providing each landowner with grant funding of \$5.00 per hectare, with a minimum of \$50.00 and a maximum of \$500.00 per landowner per year. The current total contribution is \$4,675.00 per annum. The Department of Primary Industries, Parks, Water and Environment (DPIPWE) anticipate that the amount of covenants will grow slowly over the next few years.

Council support is currently not time limited, grants are provided for all covenants in the municipality, the earliest of these dating back to 2003. Considering that these older covenants are on land which has had positive management intervention for at least ten years, it is recommended that grants are only available to support these covenants for the first ten years. This would not reduce the incentive for landowners to enter into new covenants; it would recognise that after ten years the land should be well managed with initial problems resolved. This change in the program would result in seven recipients being removed from the program over the next 12 months.

All covenants are accompanied by a Nature Conservation Plan. This plan provides the landowner with information to assist them in effectively managing their property. DPIPWE monitor the covenants and periodically undertake vegetation condition assessments. Stewardship officers are also engaged to support landowners.

DPIPWE acknowledge that Council's continuing recognition and support of the participating landowners is very important to the program. Recently the Parks Strategy Planner has inspected a sample of the covenant sites in the municipality. All of the sites inspected were well managed with evidence of ongoing weed control and revegetation through planting. Typically landowners spend their contribution money on herbicides or fencing materials. There is also an indirect benefit to nearby Council areas including roadsides. These areas are generally less weedy reducing Council's overall weed costs.

### **ECONOMIC IMPACT:**

The program has a positive economic benefit through encouraging visitations to the rural areas of Launceston.

### **ENVIRONMENTAL IMPACT:**

The program has a positive environmental impact through nature conservation.

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**18.1 Annual grant payment for Conservation Covenants in the City of Launceston...(Cont'd)**

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**SOCIAL IMPACT:**

The program has a positive social impact through networking of people interested in conservation.

**STRATEGIC DOCUMENT REFERENCE:**

The key directions within Council's Strategic Plan (2014-2024) considered relevant are:

- 1.1.6 - To contribute towards artistic, cultural and heritage outcomes
- 2.1.4 - To promote Launceston's rich heritage and natural environment
- 5.1.5 - To reduce our and the community's impact on the natural environment

**BUDGET & FINANCIAL ASPECTS:**

Currently \$5,000.00 per annum is provided in the 2014/2015 Parks and Recreation Department budget.

If the recommendation to restrict grant funding to support covenants for their first ten years is approved then the overall contribution by Council will reduce from the current level of funding to approximately \$3,800.00 in 2015/2016. For the following five years grants will remain in the order of \$4,000.00 per annum as older covenants are removed and any new covenants added.

**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**

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**19 CORPORATE SERVICES****19.1 Rating Exemptions and Remissions for Crown Lease Jetties and Slipways Policy (23-PI-008)****FILE NO:** SF0523**DIRECTOR:** Michael Tidey (Director Corporate Services)

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**DECISION STATEMENT:**

To consider changes to the Rating Exemptions and Remissions for Crown Lease Jetties and Slipways Policy (23-PI-008)

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

That Council approve the Rating Exemptions and Remissions for Crown Lease Jetties and Slipways Policy (23-PI-008) as set out below.

***PURPOSE:***

To set out the manner of rating certain leased/ licensed jetties and slipways.

***SCOPE:***

This policy applies to the General rate levied under the Local Government Act 1993. Applies to individual's private use only.

***POLICY:***

To provide a remission of 100% of all Council Rates and charges to those ratepayers (the lessees/licensees) holding current Crown leases/licences for jetties and slipways subject to the following criteria:

1. the lessee/licensee must be a ratepayer of the City of Launceston area; and
2. the land subject to the lease/licence must adjoin the lessee's/licensee's land; and
3. the land subject to the lease/licence must be for the purpose of a jetty/slipway and solely used for private recreational purposes pertaining to the lessee.

***PRINCIPLES:***

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

***RELATED POLICIES & PROCEDURES:***N/A

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**19.1 Rating Exemptions and Remissions for Crown Lease Jetties and Slipways Policy (23-PI-008)...(Cont'd)**

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***RELATED LEGISLATION:***

Local Government Act 1993, Section 129 (Remission of Rates)  
Valuation of Land Act 2001

***REFERENCES:***

N/A

***DEFINITIONS:***

N/A

***REVIEW:***

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

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**REPORT:**

The Policy is due for the scheduled review. It is recommended that the Policy with the only change being to extend the scheduled review cycle out to five years.

**ECONOMIC IMPACT:**

N/A

**ENVIRONMENTAL IMPACT:**

N/A

**SOCIAL IMPACT:**

N/A

**STRATEGIC DOCUMENT REFERENCE:**

Goal 8. S secure, accountable and responsive organisation.

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**19.1 Rating Exemptions and Remissions for Crown Lease Jetties and Slipways Policy (23-PI-008)...(Cont'd)**

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**BUDGET & FINANCIAL ASPECTS:**

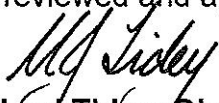
The annual amount of the remission under the policy is approximately \$2,700 and is provided in the Council's annual budget.

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

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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

  
**Michael Tidey; Director Corporate Services**

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**19.2 Annual Plan 2014-2015 Progress to 31 January 2015****FILE NO:** SF6088 / SF5652**AUTHOR:** Leanne Purchase (Corporate Planning Administration Officer)**DIRECTOR:** Michael Tidey (Director Corporate Services)

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**DECISION STATEMENT:**

To receive the report on progress against Council's 2014-2015 Annual Plan Actions for the period ending 31 January 2015.

**PREVIOUS COUNCIL CONSIDERATION:**

Item 4.3 - Strategic Planning & Policy Committee - 1 December 2014 - *Progress against proposed 2014/15 Annual Plan Actions*

Item 19.1 - Council - 8 December 2014 - *Proposed City of Launceston 2014/15 Annual Plan*

Item 4.5 - Strategic Planning & Policy Committee - 2 March 2015 - *Progress against 2014/15 Annual Plan Actions*

**RECOMMENDATION:**

That Council:

1. Accepts the report on progress against Annual Plan 2014-2015 Actions for the period ending 31 January 2015.
  2. Accepts a revised completion date of 30 April 2015 for the Action *Paterson Street East Car Park toilet facility - Complete the replacement and upgrade of the public toilet facility at the Paterson Street East Car Park*
  3. Accepts a revised completion date of 31 May 2015 for the Action *Seaport boardwalk renewal - Renew decking from the Seaport business area to Home Point by resurfacing the existing timber deck with synthetic boards and upgrading derelict poles*
-

## 19.2 Annual Plan 2014-2015 Progress to 31 January 2015...(Cont'd)

### REPORT:

This report provides an update on the progress of Actions from the City of Launceston's Annual Plan 2014-2015. Progress is summarised in the following table:




Action status	Actions	% of total Actions
Off target (off track)* - less than 60% of target achieved	7	16.3
On target (on track) - at least 80% of target achieved	25	58.1
In progress - between 60% and 79% of target achieved	7	16.3
Not started*	1	2.3
Deferred*	1	2.3
Completed	2	4.7
<b>Total number of Actions</b>	<b>43</b>	<b>100</b>

\* see information supplied in Report

The attached document provides additional detail on progress against Actions, which are listed in order of Priority Areas taken from the Strategic Plan 2014-2024 and also contains the relevant 10-Year Goals for each Priority Area.

Key Directions and Actions in the document are listed in tables following on from their relevant Priority Area. The table includes the following information: the status of each Action, progress comments on Actions, the Directorate responsible for each Action, percentage complete for each Action and the progress against targets set for each Action.

Progress against targets set for each Action is indicated with one of the following icons:

	At least 80% of target achieved
	Between 60% and 79% of target achieved
	Less than 60% of target achieved

**19.2 Annual Plan 2014-2015 Progress to 31 January 2015...(Cont'd)**

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The following seven (7) Actions are off-track as at 31 January 2015:

**Action:** Duck Reach Redevelopment Project -

Complete the Expression of Interest process for the Duck Reach Redevelopment Project

**Responsible Director:** Rod Sweetnam

**Comments:** Advertising for an Expression of Interest process will be undertaken during February 2015, seeking submissions from interested parties to undertake a redevelopment of the Duck Reach site. Following a four (4) week advertising period, a report will be presented to the Strategic Planning and Policy Committee for consideration of the submissions received.

**Action:** Seaport boardwalk renewal -

Renew decking from the Seaport business area to Home Point by resurfacing the existing timber deck with synthetic boards and upgrading derelict poles

**Responsible Director:** Harry Galea

**Comments:** Project on track for completion by end of May 2015. Some delays have occurred due to a request from businesses at the Seaport to avoid construction during the Christmas and peak tourist period. Delays have also occurred in the availability and delivery of construction bearers.

**Action:** Community Development Framework -

Develop and communicate a Community Development Framework

**Responsible Director:** Leanne Hurst

**Comments:** Framework outline drafted and distributed to Community Development team for review.

**Action:** Community Engagement Framework -

Facilitate an integrated Council wide Community Engagement Framework progressively over a three (3) year period

**General Manager:** Robert Dobrzynski

**Comments:** Two (2) of the seven (7) major Levels of Service - Design and Delivery areas have been completed with another two (2) to be completed in the 2014 calendar year. The remaining three (3) are due to be completed by September 2015 as per the Community Engagement Schedule of Activity. Adjustments to the Major Levels of Service Schedule were made in February 2014 (Parking moved to October to allow for the free parking trial and Major Facilities moved forward to May 2014). Due to changes in the ISD Directorate, roads, road verges and trees was moved to March 2015. This means two (2) areas will now be completed in the 2014 calendar year (as opposed to the three (3) that were initially planned) and the final three (3) areas will be completed in the 2015 calendar year. These changes still mean that all seven (7) areas will be completed, as planned, in September 2015.

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**19.2 Annual Plan 2014-2015 Progress to 31 January 2015...(Cont'd)**

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**Action:** Food Safety and Public Health services - Implement eServices through the Department to improve efficiency and effectiveness of Food Safety and Public Health services

**Responsible Director:** Leanne Hurst

**Comments:** Project planning commenced - key processes for online development identified and liaison with IT department ongoing.

**Action:** Paterson Street East Car Park toilet facility - Complete the replacement and upgrade of the public toilet facility at the Paterson Street East Car Park

**Responsible Director:** Rod Sweetnam

**Comments:** Construction works have commenced on site during late January, which were delayed to align with the operational requirements of the facility. The new toilet facility expected to be completed by April 2015.

**Action:** Combined Drainage: TasWater Stormwater Charge - Support the process, including arbitration proceedings under the provisions of the Urban Drainage Act, of resolving the dispute between TasWater and the Council in regard to charges for stormwater services

**Responsible Director:** Michael Tidey

**Comments:** Coordinated the preparation of documents and analysis for the mediation hearing. Commenced work for the arbitration hearing, waiting on TasWater to provide further information through the document discovery process. The Council team are doing everything we can to progress this matter but we are dependent on the legal process.

The following Action is not started as at 31 January 2015:

**Action:** Smoke-free area in the Launceston CBD - Facilitate the expansion of the smoke-free area in the Launceston CBD and review regulatory processes

**Responsible Director:** Leanne Hurst

**Comments:** Amendment to State legislation is required to facilitate declaration of additional smoke-free areas in the Launceston CBD.

The following Action is deferred as at 31 January 2015:

**Action:** Willis Street Precinct - Complete the Willis Street Precinct Plan

**Responsible Director:** Leanne Hurst

**Comments:** Deferred awaiting advice regarding the possible relocation of UTAS to the site.

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**19.2 Annual Plan 2014-2015 Progress to 31 January 2015...(Cont'd)**

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**ECONOMIC IMPACT:**

The Actions included in the Annual Plan 2014-2015 are aligned with the Strategic Plan 2014-2024 priority areas, several of which are framed to deliver economic benefits to Launceston. In particular, priority areas 6 *A city building its future* and 7 *A city that stimulates economic activity and vibrancy* are relevant.

**ENVIRONMENTAL IMPACT:**

Actions aligned to priority area 5 *A city that values its environment* are directly relevant to our natural environment.

**SOCIAL IMPACT:**

Actions aligned to priority area 4 *A diverse and welcoming city* have significant social implications.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024.

**BUDGET & FINANCIAL ASPECTS:**

Where relevant, budgetary implications are considered in the City of Launceston's 2014-2015 Budget.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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

  
Michael Tidey, Director Corporate Services

**ATTACHMENTS:**

1. Attachment 1 - Annual Plan 2014-2015 Progress to 31 January 2015 (Circulated Separately)
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**20 GENERAL MANAGER****21 URGENT BUSINESS**

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

**22 INFORMATION / MATTERS REQUIRING FURTHER ACTION**

Nil

**23 CLOSED COUNCIL ITEMS****23.1 Report from Mayor Alderman Albert van Zetten****RECOMMENDATION:**

That Agenda Item 23.1 be considered within closed Council pursuant to the authority contained within regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2005*, which permits the meeting to be closed to the public for business relating to the following:

**23.1 Report from Mayor Alderman Albert van Zetten**

15(2)(a) as it concerns personnel matters.

**24 MEETING CLOSURE**

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