



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 12 OCTOBER 2015
1.00pm**

City of Launceston

COUNCIL AGENDA

Monday 12 October 2015

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

Date: 12 October 2015

Time: 1.00pm

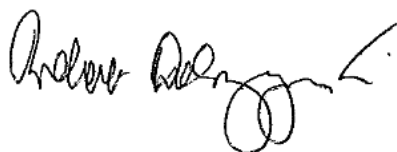
Section 65 Certificate of Qualified Advice

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 - ATTENDANCE AND APOLOGIES

2 DECLARATION OF INTERESTS

Local Government Act 1993 - Section 48

(A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences.)

3 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 28 September 2015 be confirmed as a true and correct record.

4 DEPUTATIONS

No Deputations have been identified as part of this Agenda

Meeting - Public Speaking Protocol Statement (as read by the General Manager)

Only residents, ratepayers or people on the Electoral Roll of City of Launceston may address an item on the Agenda. Before commencing you will need to state your name and address. Generally speaking time is limited to two minutes. No extension of time is permitted. Comments and statements are not to be defamatory, offensive or abusive, or be designed to embarrass any person, including Aldermen or Officers. Statements are not to be repetitive of statements or points already made. Several people repeating a common position should nominate a single speaker on their behalf. The Mayor may ask a member of the gallery to cease speaking if the above procedures are not followed. You must speak for, or against the recommendation, not ask questions of Aldermen or Officers or attempt to enter into debate with Aldermen or Officers. Statements can only be made either directly relating to supporting the recommendation or arguing against it.

5 PETITIONS

Local Government Act 1993 - Sections 57 and 58

No Petitions have been identified as part of this Agenda

6 COMMUNITY REPORTS

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

No Community Reports have been registered with Council as part of this Agenda

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions On Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(1)

(Questions on Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting. Questions on Notice will be researched by Council Officers and both the Question On Notice (as received) and the response will be provided at the Council Meeting and a reply in writing will also be provided.)

7.1.1 Public Questions on Notice - Mr Basil Fitch**FILE NO:** SF6381/SF2385**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider Public Questions on Notice raised by Mr Basil Fitch in accordance with the requirements of Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015*.

QUESTIONS AND RESPONSE:

Questions from Mr Basil Fitch (recorded as received) with responses from Council Officers.

1. Why hasn't the LCC called a public meeting to inform ratepayers and residents of UTAS's intentions and why does secrecy shroud this proposal?

It would be a very inattentive person who would not be aware of the proposal from the University of Tasmania (UTAS) to establish an inner city campus, with a preference from the University for location at Inveresk. There have been numerous articles and details provided in the Examiner and in a specific purpose on line web site established by UTAS that details the proposal and the strategic reasons why UTAS believe moving to an inner city campus location is the most viable business model for growing the University's Northern Campus into the future.

The City of Launceston is a signatory to a Memorandum of Understanding (MoU) with UTAS, the State Government and TasTAFE. In it the City of Launceston has committed to work with the other signatories to further the planning for an inner city UTAS Northern Campus.

UTAS is best positioned to undertake the community consultation, as UTAS have undertaken the detailed planning and discussions with both Federal and State Government regarding both the built form changes required for an inner city campus, the future prospects with the Australian Maritime College remaining at Newnham and occupying the student accommodation (as they currently do) and, importantly, the detailed planning required to establish the Associate Degree courses aimed at significantly increasing the percentage of Tasmanians participating in post-secondary education above the current lamentable figure of 7%.

7.1.1 Public Questions on Notice - Mr Basil Fitch...(Cont'd)

The City of Launceston has responsibility for the future planning of the Inveresk precinct as a multi-functional community hub. This involves the presence of a variety of educational, sporting, residential, cultural, tourism and recreational uses in the precinct. It is envisaged that the Inveresk precinct will continue to develop as a focal point for the community and an exciting dynamic experience for residents, visitors and students alike. It is not intended that Inveresk precinct be dominated by the inner city UTAS campus, but rather a range of complementary uses adding to the experience, community and tourism offering provided by the precinct.

2. Has LCC signed a Memorandum of Understanding with UTAS and if so, will it release such a document now, for perusal?

The Council has signed a Memorandum of Understanding with UTAS. This has been done publically and has been the subject of commentary within the media. The MOU signing occurred at a public ceremony held at Inveresk on Monday 18 May 2015. Media outlets also attended the signing, media releases were issued, interviews took place with the Premier, Vice-Chancellor and Mayor. The MoU signing featured prominently in television, radio and print media.

3. What size land at Inveresk has been sold to UTAS and what price did LCC receive from UTAS?

Land has been provided to UTAS for student accommodation (currently under construction) at the southern end of the Inveresk site. The area of this site is 3750m². UTAS provided \$500,000. Council used the funds for the Launceston Flood Authority to change their design of the levees in the area so as to make the land available for development.

4. A large number of units are being built at Inveresk. Do they comply with LCC Planning Scheme and Building Code, for size, fire rating, safety and amenity of museum?

The student accommodation was assessed under the provisions of the planning scheme and a planning permit has been issued. Plumbing and building permits have also been issued. The mandatory building inspections are being undertaken by a private Building Surveyor and the Council's Permit Authority will be notified once the project reaches occupancy. Additionally, Council's Plumbing Surveyors are conducting mandatory Plumbing Inspections at required stages of the building works.

7.1.1 Public Questions on Notice - Mr Basil Fitch...(Cont'd)

5. Numerous subjects and curriculums will move from the campus. What effect will this have on Northern Students?

Reference should be made to the UTAS website. It is not known where Mr Fitch has sourced his information that "numerous subjects and curriculums will move from the campus". Again, reference to the UTAS website <http://www.utas.edu.au/northern-expansion/home/nocache> indicates under **Expanding our Teaching and Research**

"the University offers more than 190 degree programs from the Launceston campuses. Alongside these existing under graduate, post graduate and research programs, we aim to expand education opportunities.

We will add new industry - relevant degrees to help Tasmanian industries such as aged care, allied care, business, IT, smart manufacturing and agriculture and provide an affordable path into tertiary education. These will have strong pathways and connections with TasTAFE.

To attract students and provide the quality of education required by modern technology and industry, these causes need to be delivered in appropriate, up-to-date facilities of the kind we are proposing for a new Launceston campus."

6. Has LCC done an impact study of the effect on the Mowbray Shopping Centre services, should the Newnham campus close?

The City of Launceston has requested that the University undertake analysis of the impact of its inner city campus proposal on activity at the Mowbray shopping centre. It is also known that discussions have taken place on transport improvements from the Mowbray area to service an inner city campus. It is envisaged that students will have the ability to continue residing in the Mowbray area and travelling to the inner city campus location by using either public transport or cycling and walking pathways that exist. In addition, the City of Launceston, in conjunction with UTAS and the State Government, is developing a Northern Suburbs Revitalisation Strategy. One aspect of the strategy will be the determination of future purposeful uses for the Newnham campus, including residential and community use of facilities. It is understood that the UTAS proposal from inner city campus will mean that approximately half of the Newnham campus will be available for alternative beneficial uses and these are being jointly explored.

7.1.1 Public Questions on Notice - Mr Basil Fitch...(Cont'd)

7. Has there been an impact study done on what will happen to the hundreds of units that currently house students, around the campus?

The Australian Maritime College (AMC) will be retained at Newnham. Maritime College students currently occupy the vast majority (if not all) of student accommodation at Newnham. This will continue to be the case. The new business case envisages AMC capitalising upon its international reputation as being at the forefront of maritime education by expanding student placements and consequently the number of AMC students located at Newnham.

8. Is the LCC allowing the Inveresk site to become a cluttered mess of old and new buildings?

Any development that occurs at the Inveresk precinct will need to meet the Council's planning requirements for integration with the design character of heritage buildings currently located in the precinct in order to provide a harmonious, functional and well integrated series of developments in built form, with appropriate open space and landscaping to complement built features. The precinct is intended to continue its development as a community hub, which is envisaged to include activation of Invermay Road street frontages and the establishment of a **village environment** between Forster Street and Lindsay Street. Master planning of the precinct will ensure that heritage and cultural qualities that exist at Inveresk are protected and enhanced.

9. Has an impact study been done on the thousands of extra traffic movements on Invermay Road that would result from the move? (30,000 according to Mr Rathjen)

UTAS have commissioned a traffic consultancy to determine the traffic movements - vehicle, pedestrian, cycling and public transport. A preliminary report was prepared based on traffic experiences resulting from the Hobart CBD campuses consolidation as well as other information sourced interstate. A steering group has been formed consisting of the Department of State Growth, UTAS, City of Launceston and the consultant to ensure traffic increases (using all 4 modes of transport) are within acceptable Australian standards and practices.

10. Where will students attending Inveresk, park?

The master plan lists parking on the ground level of the 2 major buildings, at the Roundhouse and a future stage car park adjacent to the Roundhouse.

7.1.1 Public Questions on Notice - Mr Basil Fitch...(Cont'd)

11. Does the LCC or UTAS intend to use vacant land next to Aurora Stadium (old velodrome)? If so, what price was it sold for?

No decision has been made by the Council in regard to this matter. The Council is bound by the provisions of the *Local Government Act 1993* in regard to the disposal of land.

12. Will Aurora Stadium become like Bellerive oval in Hobart - great facility but no parking?

Again, access to the information provided on line by UTAS will reveal that in excess of 400 car parks are being proposed as part of the UTAS building work, located underneath the buildings proposed. The City of Launceston is also exploring the opportunity to provide additional car parking along Lindsay Street in the area between the roadway and the flood levees. It should be highlighted that UTAS have indicated publicly that car parks provided by UTAS will be available for community uses associated with the Inveresk precinct on weekends. Accordingly, the circumstances are in no way similar to Bellerive Oval.

13. Does LCC intend selling the Willis Street carpark? If so, what price?

The Council has made no decision in regard to this matter. However the Council is bound by the requirements of the *Local Government Act 1993* in regard to the disposal of the land.

14. If Willis Street carpark is sold, where are the 240 cars of the daily commuters going to park?

This study is identified as a necessary part of the approval process. We have undertaken a similar study for the Bridge Road tourism precinct and believe that options exist for those commuters displaced by the abandonment of the site as a public carpark.

7.1.1 Public Questions on Notice - Mr Basil Fitch...(Cont'd)

15. Many people fought to have the UTAS campus at Newnham - the late Ed Rouse, Chamber of Commerce, Northern dignitaries and the Public. Will their efforts be in vain?

Launceston is proud to be a University City and the massive positive economic and social impact of UTAS in the Launceston and Northern Tasmanian community is unquestionable. The Council, State Government, TasTAFE and UTAS have signed a MoU which seeks to consolidate the Northern UTAS campus in Launceston and to capitalise on its presence in the City by providing a contemporary location and student facility and grow the course content in an endeavour to increase the number of Tasmanians participating in post-secondary education and attract a growing number of international students to study in the city and provide economic impetus to the local economy. UTAS have indicated that upgrading the facilities at Newnham is not a cost effective option. Inner city campuses have been seen to rejuvenate city centres in a number of Australian cities and also internationally, adding vibrancy, dynamism to CBD centres and driving private sector investment to meet demand created by student numbers using the CBD as their natural service centre.

16. Why haven't all Northern Councils been involved in this process as it is their students who attend UTAS? The LCC seemingly want to amalgamate with some of these Councils, but keeps them in the dark affecting their ratepayers.

The City of Launceston understands that UTAS have made detailed presentations to other Northern Councils. The City Council also understands that UTAS have received representations from Councils on matters that are important to their constituents.

17. I am amused about the statements that the UTAS move will help the CBD. There are already a walkway and cycle-way behind the Units exists at the Kmart shopping centre. There currently is no supermarket in the CBD.

The above is more a statement than a question. As indicated above, an inner city campus will stimulate demand which would be anticipated to grow private sector investment in the city to meet demand created. The facilities and services provided within the CBD will be reflective of this demand and will inevitably grow as student numbers at the inner city campus increase.

7.1.1 Public Questions on Notice - Mr Basil Fitch...(Cont'd)

18. The closure of the Newnham Campus will cause a revolutionary change in the North Launceston area and beyond, and certainly not for the best interests of our ratepayers and residents. Has this been looked into?

As indicated above, the Council is engaging with the State Government, UTAS and key stakeholders in the Northern suburbs to develop a Northern Suburbs Revitalisation strategy which seeks to identify key priorities for the individual Northern suburbs, the synergies between the suburbs and a strategy for future development which raises the standard of amenities and facilities and therefore lifestyle for residents of the City's northern suburbs.

19. Breaking news Tuesday 22nd September - New Prime Minister Malcolm Turnbull to axe proposed student fees of up to \$1 00,000 and is looking at legislation in the Senate.

This is a statement rather than a question.

20. Is it premature under the present political turmoil to make rash decisions?

What is occurring is a detailed planning and consultation process which aims to appropriately consider the intergenerational nature of the UTAS proposal for an inner city campus and to appropriately plan for its location in the inner city from an urban planning perspective ensuring that design, vehicle movements, pedestrian movements, bicycle movements, improved public transport accessibility and integration with the CBD are appropriately planned and catered for with sensitively designed new capital infrastructure provided in partnership with UTAS, the State Government and the Federal Government. The proposal has been the subject of detailed community conversation over an extended period of time which will continue. No decision has been made by the Council except to participate as a signatory of the MOU in the planning of an inner city campus.

21. Should the LCC proceed with this 'shonkie' proposal, please convey to me the benefits for the ratepayers of Launceston.

Reference should be made to the UTAS website to gain an understanding of the strategic, social and economic benefits of the proposal, together with the view of UTAS that the proposed inner city campus development constitutes the future for a vital, dynamic and sustainable Northern UTAS campus which grows education offerings in the City and Northern Tasmania.

7.1.1 Public Questions on Notice - Mr Basil Fitch...(Cont'd)

REPORT:

Public Questions on Notice raised by Mr Basil Fitch at the Council Meeting of 28 September 2015 were directed to the Mayor, Alderman and Mr R Dobrzynski for response. Council Officers have provided written response to questions raised.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

NA/

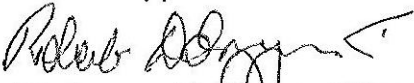
BUDGET & FINANCIAL ASPECTS:

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. Questions on Notice provided in writing by Mr Basil Fitch.
-

24 September 2015

Mr. Albert van Zetten, Mayor
Mr Robert Dobrzynski, General Manager,
Aldermen
Launceston City Council
PO Box 396
Launceston TAS 7250

Dear Mayor, Mr Dobryznski and Aldermen,

Subject – Proposed Move by UTAS from Newnham Campus

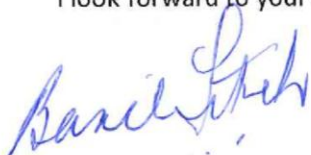
I, and numerous residents and tenants, are concerned at the lack of consultation by the Launceston City Council (LCC) and Government over the proposed move by UTAS from Newnham Campus to other sites at Inveresk.

It would be appreciated if you could give answers to the following concerns:

1. Why hasn't the LCC called a public meeting to inform ratepayers and residents of UTAS's intentions and why does secrecy shroud this proposal?
 2. Has LCC signed a Memorandum of Understanding with UTAS and if so, will it release such a document now, for perusal?
 3. What size land at Inveresk has been sold to UTAS and what price did LCC receive from UTAS?
 4. A large number of units are being built at Inveresk. Do they comply with LCC Planning Scheme and Building Code, for size, fire rating, safety and amenity of museum?
 5. Numerous subjects and curriculums will move from the campus. What effect will this have on Northern Students?
 6. Has LCC done an impact study on the effect on the Mowbray Shopping Centre and services, should the Newnham Campus close?
 7. Has there been an impact study done on what will happen to the hundreds of units that currently house students, around the current campus?
 8. Is the LCC allowing the Inveresk site to become a cluttered mess of old and new buildings?
 9. Has an impact study been done on the thousands of extra traffic movements on Invermay Road that would result from the move? (30,000 according to Mr Rathjen)
 10. Where will students attending Inveresk, park?
 11. Does the LCC or UTAS intend to use vacant land next to Aurora Stadium (old velodrome)? If so, what price was it sold for?
-

12. Will Aurora Stadium become like a Bellerive Oval in Hobart – great facility but no parking?
13. Does LCC intend selling the Willis St carpark? If so, what price?
14. If Willis St carpark is sold, where are the 240 cars of the daily commuters going to park?
15. Many people fought to have the UTAS campus at Newnham – the late Ed Rouse, Chamber of Commerce, Northern dignitaries and the Public. Will their efforts be in vain?
16. Why haven't all Northern Councils been involved in this process as it is their students who attend UTAS? The LCC seemingly wants to amalgamate with some of these Councils, but keeps them in the dark on major issues affecting their ratepayers.
17. I am amused about the statements that the UTAS move will help the CBD. There are already a walkway and cycle-way behind the Units exits at the Kmart shopping centre. There currently is no supermarket in the CBD.
18. The closure of the Newnham Campus will cause a revolutionary change in the North Launceston area and beyond, and certainly not for the best interests of our ratepayers and residents. Has this been looked in to?
19. Breaking news Tuesday 22nd September – New Prime Minister Malcolm Turnbull to axe proposed student fees up to \$ 100,000 and is looking at legislation in the Senate.
20. Is it premature under the present political turmoil to make rash decisions?
21. Should the LCC proceed with this 'shonkie' proposal, please convey to me the benefits for the ratepayers of Launceston.

I look forward to your answers of the above questions, at your earliest convenience.



Basil. J. Fitch

Unit 42 / 5 Waveney st (Ainslie House)
Launceston 7250
Phone – 6344 2688

7.2 Public Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(2)(b)

(Members of the public who ask Questions Without Notice at a meeting will have both the question and any answer provided recorded in the Minutes. Council Officers will endeavour to answer the question asked at the meeting, however, that is not always possible and more research may be required. If an answer can not be provided at the Meeting, the question will be treated as a Question On Notice. A response will be provided at the next Council Meeting.)

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Item 8 - Planning Authority.

8 PLANNING AUTHORITY

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)**

FILE NO: DA0176/2015

AUTHOR: Jacqui Tyson (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	PDA Surveyors
Property:	69 Lilydale Road, 73-75 Lilydale Road and 77-79 Lilydale Road, Rocherlea
Zoning:	General Industrial
Receipt Date:	14/04/2015
Validity Date:	29/04/2015
Further Information Request:	29/04/2015
Further Information Received:	02/09/2015
Deemed Approval:	13/10/2015
Representations:	11

PREVIOUS COUNCIL CONSIDERATION:

69 Lilydale Road

D19/93 - Development & use for light & general industry & directional sign (Light, General Industry & Miscellaneous) (Approved 24/3/93)

D46/96 - Use existing premises for a temporary permit for vehicle maintenance (Approved 24/4/96)

DA0176/2006 - Change of use to General Industry (Metal Fabrication Workshop) and Light Industry (Wood Kindling Manufacturer) (Retrospective Application) & staged construction of a workshop (Approved 25/5/06)

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)**
-

73-75 Lilydale Road

D227/94 - Use premises to manufacture Handmade Bricks (Service Industry) (Approved 30/8/94)

DA0127/2005 - Placement of a site office (Approved 1/4/05)77

DA0586/2008 - Construction of a building - awning (Approved 31/10/08)

DA0284/2012 - Change of hours of operation for existing Storage Yard (Approved 17/7/12)

77-79 Lilydale Road

D226/94 - Store, display & sale of Handmade Bricks (Warehouse/Saleyard) (Approved 30/8/94)

DA0083/2009 - Use as Level 1 Activity - offensive or hazardous industry (Concrete Batching Plant); Construction of a building (maximum height of silo 12.2m) (Approved 24/4/09)

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 2015 a permit be granted for DA0176/2015 Manufacturing and Processing - batching plant; subdivision and consolidation of three lots with no new lots created; extension of batching plant operations to proposed Lot 1a and Crown land (CT125392/1) and Service Industry - change of use to automotive mechanic (CT16756/2) at 69, 73-75 and 77-79 Lilydale Road, Rocherlea subject to the following conditions:

1. ENDORSED PLANS

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. Plan of subdivision, Prepared by PDA Surveyors, Reference no: 114-15-P02, 69 Lilydale Road, Rocherlea, Dated 20 February 2015.

2. BUSINESS HOURS - PARKSIDE AUTOMOTIVE

The operation of the automotive mechanic must be confined to:

- a. 7:00am and 6:00pm Monday to Friday.
 - b. 8:00am and 1:00pm Saturdays.
 - c. Closed Sunday and Public Holidays.
-

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)**
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3. BUSINESS HOURS - CONCRETE BATCHING PLANT

The operation of the concrete batching plant and associated activity must be confined to:

- a. 6:30am and 5:30pm Monday to Friday.
- b. 7:00am and 1:00pm Saturdays.
- c. Closed Sunday and Public Holidays.

4. 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.

5. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No.2015/00556-LCC) (attached).

6. SITE LANDSCAPING

The existing landscaping on the site must be maintained in accordance with condition 6 of DA0176/2006. Any dead or dying trees are to be replaced within three (3) months of this permit. The landscaping must not be removed, destroyed or lopped without the written consent of the Council.

7. 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.
- 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.

8. 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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9. SEALING PLANS OF SUBDIVISION

No Plan of Survey shall 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.

10. AMENITY - COMMERCIAL/INDUSTRIAL USE

The on-going use on these sites must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

11. WASTE MATERIALS

All waste materials generated by the activity are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

12. SPILL COLLECTION BUND

All environmentally hazardous materials including all chemicals, fuels and oils, held on the land must be stored and handled within a spill collection bund or spill trays which are designed to contain at least 110% of the volume of the largest storage vessel. The spill containment system must be constructed with materials that will prevent contamination of ground water and soil.

11. REPAIRS OF VEHICLES

- (a) Any servicing, detailing and repairs of vehicles or vehicle parts must be conducted in a covered, bunded area.
- (b) No repairs of any sort may be carried out in the car parking or common areas.

12. STORMWATER

No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving water bodies or watercourses.

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13. NOISE - COMMERCIAL/INDUSTRIAL

The use must not cause unreasonable noise or interference to adjoining sensitive uses. Precautions must be taken to avoid nuisance to neighbouring residential areas, particularly from warning sirens, intruder alarms, public address systems, heavy-duty compressors, reversing beepers and the like.

14. SPILL KITS

Spill kits, appropriate for the types and volumes of materials handled on the land must be kept in appropriate locations and be appropriately maintained to assist with the containment of any spill of environmentally hazardous materials.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0176/2015. 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. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

B. 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>>

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)**
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C. TasRail Advice

Please note the advice below has been provided by TasRail in relation to the protection of their asset:

- **Access**
TasRail must retain access to the rail network via the Crown land road reserve (CT125392/4 and Ct154436/2). Any use or development within this Crown road reserve must not limit TasRail's ability to access the rail network.
 - **Night time noise**
Train operations are undertaken at any time of the day or night. This is not expected to change. Any development must take this into consideration.
 - **Vibration and noise**
Train operations create vibration and noise. Any new development must take this into consideration as it may impact on quality of life. Building structure design should consider these issues. We recommend that buildings are located as far as possible from the rail corridor. Please read the attached Environment Protection Authority (noise) Policy 2009. Part 4; transport infrastructure, public roads, railways, ports, & airports.
 - **Drainage**
Water creates major problems for rail formations and must be controlled within the rail corridor. As a result, a licence is required from TasRail for any proposed drainage onto the rail corridor from an adjoining property; In certain circumstances drainage from the rail corridor onto adjoining property is permitted and may impact the adjoining property.
 - **Line of sight**
From a safety perspective line of sight is important when operating a railway. New developments that are going to impact on the line of sight must be assessed by the rail operator. This can include proposed planting/growth of vegetation and building structures.
 - **Level crossing**
Line of sight is critical for level crossings and must be maintained.
 - **Safety issues are addressed**
Access to the rail corridor is limited to people with permission. A 3m safety exclusion zone exists along the railway line.
 - **Traffic**
We would recommend that the council consider any changes to traffic volumes in regards to current crossing capacity and design within the locality of any development proposal.
-

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- *Access to corridor*
Residents need to be aware that access to the rail corridor needs to be approved and that any use of the rail corridor needs to be licensed. This includes such issues as drainage, water pipes, electrical infrastructure, crossings or the like. It must also be stressed that there is, under all circumstances, a 3m safety exclusion zone exists from the edge of the nearest rail out each side; Access to the rail corridor requires relevant safety methods in place and subsequent approval by TasRail must be sought.
- *Access to property across the rail corridor*
All crossings must be licensed; conditions appropriate to the location will apply. It is illegal to build and access a private rail crossing without a licence.

D. Potentially Contaminated Site

There is a current 'potentially contaminated site' alert for this property and the source of the potential contamination is a scrap yard. The proposed subdivision does not require any further investigation at this time. However, if the use of this site changes to a more sensitive use e.g. residential premises OR the site is significantly developed (disturbance of more than 1m² of land) then an Environmental Site Assessment in accordance with the requirements of EMPCA will be required by council prior to the development commencing.

REPORT:

1. THE PROPOSAL

The proposal is for a rearrangement of boundaries between three titles at 69, 73-75 and 77-79 Lilydale Road, Rocherlea and the formalisation of land uses on the resultant titles for the existing Crossroads Civil Construction Pty Ltd depot and concrete batching plant and Parkside Automotive mechanic.

The existing title of 69 Lilydale Road is approximately 'T' shaped, with a strip of land providing frontage to Lilydale Road that leads to the main part of the lot which is long and narrow, extending behind 71, 73-75 and 77-79 Lilydale Road to the north east and behind 47-67 Lilydale Road to the south east. The proposed subdivision will rearrange the boundaries so that a parcel of 2388m² (identified as Lot 1a on the plan) will be joined to the existing title of 77-79 Lilydale Road, resulting in a lot with a total area of 6846m² (Lot 1). A minor irregularity between the boundaries of 69 and 73-75 Lilydale Road will be rectified by transfer of 21m² (Lot 2a), a lot of 4048m² for 73-75 (Lot 2) and balance lot of 6185m² for 69 Lilydale Road.

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The application seeks to extend the area used by the existing concrete batching plant which is located on 77-79 Lilydale Road. This includes the area to be transferred in the subdivision (Lot 1a) and formalising the existing access and storage on the Crown land located immediately east of the site. The operator has a licence to use the Crown land and the appropriate permission to lodge this application has been granted. The capacity or intensity of the batching plant will not be increased by the proposal. The use of the land at the rear of the site will allow for storage and some loading and vehicle movements to be relocated away from the frontage and the residential use properties opposite.

Parkside Automotive is an automotive mechanic business that has been operating from part of 73-75 Lilydale Road for some time. Most of the work conducted by this business is maintenance of vehicles for the main occupant of the site (Crossroads) but it also conducts private work. Formalisation of this use has been included in this application to allow the business to continue operating with planning approval.

The proposal does not seek any construction or building work, changes to existing access arrangements or utility servicing for the affected properties.

The key issues for determination in this application are the reorganisation of boundaries through subdivision and the formalisation of the use of lot 1a and the Crown land parcel by Crossroads in associated with the existing concrete batching plant. The concrete batching plant operates under a permit issued in 2006. The capacity of the batching plant itself will not be increased as a result of this application. The subdivision will expand the curtilage or yard of the batching plant by adding Lot 1a to the title and formalising the use of Lot 1a and the Crown land for access and storage purposes.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject properties are located on the northern side of Lilydale Road, approximately 750m east of the turn off from George Town Road. The sites form part of a General Industrial zoned precinct on the northern urban fringe of the city that extends along both sides of George Town Road to the East Tamar Highway junction and the northern side of Lilydale Road.

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The immediate area has a mixed character. Land along the northern side of the road, from the intersection with George Town Road until opposite Russell Plains Road, is developed and used for industrial purposes. The Bell Bay railway line is located immediately to the rear of the subject properties and the Rocherlea Recreation Ground and Hall is located beyond the rail line with access from Archer Street. Land further north is zoned Rural Resource and is mainly used for farming purposes. Land to the south of Lilydale Road is developed and used for residential purposes and consists of both single and multiple dwellings.

Each of the subject titles has access directly off Lilydale Road. The access for 77-79 Lilydale Road is via the adjoining Crown land parcel. Lilydale Road is sealed and drained to Council standard.

The land falls gently to the north-west away from the road with an approximate slope of 4%. The land then drops down into the railway line cut located immediately behind the subject sites before rising to a similar level at Archer Street.

The properties are cleared of vegetation and developed and used for industrial purposes. 69 Lilydale Road is developed with two warehouse buildings. 73-75 Lilydale Road is developed with a large building and 77-79 Lilydale Road is developed with a concrete batching plant and these properties form the base for the Crossroads Civil Construction business.

The sites are connected to reticulated services.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

25.0 General Industrial Zone

25.1.1 Zone Purpose Statements

25.1.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be impacts on neighbouring uses.

25.1.1.2 To provide for uses that are complementary to and compatible with the above purpose.

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Consistent

The proposal will provide for the formalisation and consolidation of existing industrial land uses on the subject sites. The boundary adjustment will allow the existing concrete batching plant to use land to the rear that is further from the sensitive residential use across the road, providing the opportunity to reduce impacts on these properties.

25.3 Use Standards

25.3.1 External storage of goods

Objective:

To ensure that external storage of goods, materials and waste does not detract from the amenity of the area.

Consistent

The applicable standard is satisfied.

A1 Storage of goods and materials, other than for retail sale, or waste must not be visible from any road or public open space adjoining the site.

Relies on Performance Criteria

Storage for Crossroads and Parkside Automotive is generally indoors or behind the warehouse building on 73-75 Lilydale Road.

However, materials for the concrete batching plant are stored where they can be seen from Lilydale Road. Further assessment against the performance criteria is necessary.

P1 Storage of goods and materials, other than for retail sale, or waste must be located or screened to minimise its impact on views into the site from any roads or public open space adjoining the site, having regard to:

- (a) the nature of the use;
- (b) the type of goods, materials or waste proposed to be stored;
- (c) the topography of the site;
- (d) the landscaping of the site; and
- (e) any screening proposed.

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Complies

The material storage area is located towards the centre of the site with car parking located between the road and the storage area. The materials are stored in an orderly way and the site is generally of an acceptable appearance for an industrial area fronting a road. Landscaping has been installed along the frontage of 73-75 and 77-79 Lilydale Road as required by previous planning approvals and will provide increased screening of the site as it matures.

25.3.2 Emissions impacting sensitive uses

Objective:

To ensure that emissions to air, land and water are not detrimental to the amenity of sensitive uses.

Consistent

The performance criteria are satisfied.

A1 Uses must be set back from the site of a sensitive use a distance of no less than 100m.

Relies on Performance Criteria

The existing uses on the subject land are less than 100m from the residential properties on the southern side of Lilydale Road. Further assessment against the performance criteria is necessary.

P1 The use must not adversely impact on the amenity of nearby sensitive uses, having regard to:

- (a) the nature of the proposed use;
- (b) the nature of the emissions;
- (c) the proximity and number of sensitive uses in the area;
- (d) the topography of the site;
- (e) any mitigation measures proposed; and
- (f) the proximity and number of nearby emitting uses.

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Complies

The proposal will not increase or change the existing emissions from the subject properties. A noise report that was completed at the time that the concrete batching plant was approved has been provided again and shows that the noise from the use is less than from traffic on Lilydale Road. The main emission issue relating to this use is dust. The proposal will allow storage and vehicle manoeuvring and loading to be conducted to the rear of the site further away from the dwellings. Additionally, there are requirements on the existing permit for the batching plant to control dust from the site and it is recommended that this be repeated on this permit.

25.4 Development Standards

25.4.2 Streetscape

Objective:

To ensure that development has an acceptable impact on the streetscape.

Consistent

The applicable standards are satisfied.

A2 Car parking must not be located within 3m of the frontage.

Relies on Performance Criteria

The Crossroads site has existing parking within 3m of the frontage to Lilydale Road.

P2 Car parking must be located to minimise visual impact on the streetscape, having regard to:

- (a) the topography of the site;
- (b) the nature of the proposed use;
- (c) the number of car spaces;
- (d) the visibility of the car parking from the road;
- (e) the use of measures to mitigate impacts including screening and landscaping;
- (f) the location of car parking on adjoining sites; and
- (g) the character of the streetscape.

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Complies

The location of the parking at the front of the site is considered to be suitable as it is an existing arrangement and allows the operational areas of the sites to be positioned further away from the sensitive uses on the southern side of the road. The frontage of the site has been landscaped to reduce the visual impact of the car parking.

25.4.5 Lot size and dimensions

Objective:

To ensure:

- (a) the area and dimensions of lots are appropriate for the zone; and
- (b) adjoining land, especially residential zones, is protected from adverse impacts on amenity.

Consistent

The applicable standards are satisfied.

A1.1 Each lot, or a lot proposed in a plan of subdivision, must:

- (a) have a minimum area of no less than 1000m² ; and
- (b) be able to contain 20m diameter circle with the centre of the circle be no greater than 20m from the frontage; or

A1.2 Each lot, or a lot proposed in a plan of subdivision, must:

- (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or
- (b) be required for the provision of public utilities; or
- (c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and

A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.

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Complies

With regard to A1.1, each of the proposed lots will have an area greater than 1000m² and lots 1 and 2 will be capable of containing a 20m diameter circle no greater than 20m from the frontage. However the balance lot (69 Lilydale Road) is unable to contain a 20m circle within 20m of the frontage. Further assessment against the performance criteria is therefore necessary.

A1.2 is not applicable to this proposal.

All new boundaries will be aligned from existing buildings so that the relevant acceptable solution for setbacks is met in compliance with A1.3.

P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use having regard to:

- (a) development of buildings on the lots;
- (b) the likely location of buildings on the lots;
- (c) the accessibility for vehicles providing for supplies, waste removal, emergency services and public transport;
- (d) the topography of the site;
- (e) the presence of any natural hazards;
- (f) the existing pattern of development in the area; and
- (g) the future use or development of the site or adjoining land.

Complies

Each of the three lots involved in the boundary rearrangement is already developed and occupied by a suitable use and the proposal will not restrict the operations in any way.

A2 Subdivision must not be located on the boundary of the General Residential, Inner Residential, Low Density Residential, Environmental Living, Rural Living, Urban Mixed Use or Village zones.

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Complies

The subject land is not located on the boundary of these zones. The properties are bounded by Lilydale Road and the railway line which are both zoned Utilities and other General Industrial zoned properties.

25.4.6 Frontage and access

Objective:

To ensure that lots provide:

- (a) appropriate frontage to a road;
- (b) safe appropriate access suitable for the intended use of the new lot.

Consistent

The applicable standards are satisfied.

A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 10m.

Complies

Each of the lots are provided with over 10m of frontage to Lilydale Road.

A2 No acceptable solution.

Relies on Performance Criteria

P2 Each lot is provided with reasonable vehicular access from a carriageway to a boundary of a lot or building area on the lot, if any, having regard to:

- (a) the topography of the site;
- (b) the distance between the lot or building area and the carriageway;
- (c) the nature of the road and the traffic, including pedestrians;
- (d) the character of the area; and
- (e) the advice of the road authority.

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Complies

Each of the lots has existing access from Lilydale Road that is appropriate for the existing uses. It is not necessary to provide any new or upgraded access as part of this proposal.

25.4.7 Discharge of stormwater

Objective:

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

Consistent

The acceptable solutions are satisfied.

A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.

Complies

The proposal is for a rearrangement of boundaries with no new lots created. The lots have existing stormwater connections and the proposal will not impact this arrangement. Lot 1a will be drained to the existing connection for 77-79 Lilydale Road (Lot 1).

A2 The Council's General Manager has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.

Complies

No new connections are required so the capacity of the stormwater system will not be impacted.

25.4.8 Water and sewerage services

Objective:

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

Consistent

The proposal has been referred to TasWater and they have no objection. The acceptable solutions are satisfied.

A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.

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Complies

The proposal is for a rearrangement of boundaries only and each lot has an existing water connection.

A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.

Complies

The proposal is for a rearrangement of boundaries only and each lot has an existing wastewater connection.

E4.6 Development Standards

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

The existing access and parking arrangements are appropriate and will not be changed by this proposal.

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E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:
To ensure that an appropriate level of car parking is provided to meet the needs of the use.
Consistent An appropriate level of car parking is provided to service the existing use and development. The proposed boundary realignment, extension of the concrete batching plant site and automotive mechanic business will not generate any additional demand for parking.
A1 The number of car parking spaces must:
(a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or
(b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or
(c) not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or
(d) be in accordance with an acceptable solution contained within a parking precinct plan.
Complies There is sufficient parking provided on each of the subject properties to meet the requirements of Table E6.1. The proposal will not increase the demand for parking as the building will not be extended and no additional employees will be required.
A2 The number of accessible car parking spaces for use by persons with a disability must be:
(a) for uses that require 5 or less parking spaces - 1 space; or
(b) for uses that require 6 or more parking spaces - in accordance with Part D3 of Volume 1 of the National Construction Code 2014.

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Complies

There is sufficient provision for accessible parking on the site.

E6.5.2 Bicycle parking numbers

Objective:

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

Consistent

The applicable standards are satisfied.

A1 The number of bicycle parking spaces must be provided on either the site or within 50m of the site in accordance with the requirements of Table E6.1.

Relies on Performance Criteria

Table E6.1 requires a bicycle parking space to be provided per five (5) employees. Formal bicycle parking is not provided and is not proposed. Further assessment against the performance criteria is necessary.

P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:

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

Complies

The location and nature of the existing businesses on the subject properties makes bicycle commuting an unlikely choice. There is ample space on the site to provide informal bicycle parking if required and this is considered to be satisfactory.

E6.5.5 Loading bays

Objective:

To ensure adequate access for goods delivery and collection, and to prevent loss of amenity and adverse impacts on traffic flows.

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<p>Consistent The acceptable solution is satisfied.</p>
<p>A1 A loading bay must be provided for uses with a gross floor area greater than 1 000m² in a single occupancy.</p>
<p>Complies There is adequate provision for loading on the sites and this will not be impacted by the proposal.</p>

E6.6 Development Standards

E6.6.1 Construction of parking areas

<p>Objective:</p> <p>To ensure that parking areas are constructed to an appropriate standard.</p>
<p>Consistent The acceptable solutions are satisfied.</p>
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (a) have a gradient of 10% or less; (b) be formed and paved; (c) be drained to the public stormwater system, or contain stormwater on the site; (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.
<p>Complies The existing parking areas are constructed to an appropriate standard to meet these requirements.</p>

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)

E6.6.2 Design and layout of parking areas

Objective:

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

Consistent

The acceptable solution is satisfied.

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

- (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;
- (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2;
- (c) have parking space dimensions in accordance with the requirements in Table E6.3;
- (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are 3 or more car parking spaces; and
- (e) have a vertical clearance of not less than 2.1 metres above the parking surface level.

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

A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are 6 spaces or more.

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

Complies

The existing parking areas and access driveways are constructed to an appropriate standard.

E6.6.3 Pedestrian access

Objective:

To ensure pedestrian access is provided in a safe and convenient manner.

- 8.1 **69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)**

Consistent

The applicable standard is satisfied.

A1.1 Uses that require 10 or more parking spaces must:

- (a) have a 1m wide footpath that is separated from the access ways or parking aisles, except where crossing access ways or parking aisles, by:
 - (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or
 - (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and
- (b) be signed and line marked at points where pedestrians cross access ways or parking aisles; and

A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a minimum width of 1.5m and a gradient not exceeding 1 in 14 is required from those spaces to the main entry point to the building.

Relies on Performance Criteria

More than 10 parking spaces are provided on the Crossroads site and pedestrian access is not fully separated as required by the acceptable solution. Further assessment against the performance criteria is necessary.

P1 Safe pedestrian access must be provided within car parks, having regard to:

- (a) the characteristics of the site;
- (b) the nature of the use;
- (c) the number of parking spaces;
- (d) the frequency of vehicle movements;
- (e) the needs of persons with a disability;
- (f) the location and number of footpath crossings;
- (g) vehicle and pedestrian traffic safety;
- (h) the location of any access ways or parking aisles; and
- (i) any protective devices proposed for pedestrian safety.

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)

Complies

The existing car park provides for safe pedestrian access that meets the standard.

E6.6.4 Loading bays

Objective:

To ensure adequate access for goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.

Consistent

The acceptable solution is satisfied.

A1 The area and dimensions of loading bays and access way areas must be designed in accordance with AS2890.2 - 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities, for the type of vehicles likely to use the site.

Complies

The existing loading arrangements on the sites are appropriate and can meet this standard.

E6.6.5 Bicycle facilities

Objective:

To ensure that cyclists are provided with adequate facilities.

Consistent

The acceptable solution is satisfied.

A1 Uses that require 5 or more bicycle spaces by Table E6.1 must provide 1 shower and change room facility on site, with one additional shower and change room on site for each 10 additional bicycles spaces required.

Complies

Change room facilities are provided in the existing building.

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Roads and Hydraulics	Conditional consent provided. Conditions recommended in relation to the following matters:
Environmental Health	Conditional consent provided. Conditions recommended in relation to the following matters:
Parks and Recreation	N/A
Heritage/Urban Design	N/A
Building and Plumbing	N/A
EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2015/0556-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	Part of the land subject to this development application belongs to the Crown and is leased by the operator of the concrete batching plant. Permission to lodge the application has been received in accordance with Section 52 of the Land Use Planning and Approvals Act 1993.
TasRail	The development application was referred to TasRail as the subject properties adjoin the rail line. TasRail do not object to the proposal and have provided comments and recommended notes to be included on the permit.
EPA	N/A
Aurora	N/A

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)**

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 5 September 2015 to 18 September 2015. One (1) representation was received that has been signed by ten (10) people.

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

ISSUE	COMMENTS
We object to the extension of the batching plant because the existing plant does not operate within the permit conditions for noise and dust.	The proposal will extend the area of site available for storage and vehicle manoeuvring but it will not increase the capacity or operating conditions of the batching plant.
Although there is a sprinkler system to suppress dust a large quantity of material is carried by vehicles onto Lilydale Road for the passing traffic to blow into the air and over houses. To further compound the problem the street sweeper, rather than using washing capabilities, picks up any remaining dust into the air and towards the residential properties. A tyre wash should be installed to prevent this occurring.	It is acknowledged that there is some transfer of dust to the road by vehicles accessing the batching plant, however this is not considered to be excessive or unreasonable. The site has been visited regularly by Council staff since the batching plant has been operating and the site is generally tidy and the dust suppression measures are effective. It is also noted that Lilydale Road is a busy arterial road that is used by various heavy vehicles accessing farms, quarries, forestry operations and other industrial uses that can also be sources of dust and debris on the road. The proposal will allow operations to be concentrated at the rear of the site onto the proposed Lot 1a which is further away from the residential properties. This should result in an improvement to the current situation.
TasRail have provided comments in relation to the application. They do not object to the proposal and have asked that some advisory notes be included on the permit.	The requested notes have been included in the recommended permit.

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)**
-

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

N/A

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)
-

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:

The following documents were circulated separately:

1. Locality Map
 2. Plans
 3. Representations
-

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees**FILE NO:** DA0422/2015**AUTHOR:** Jacqui Tyson (Town Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	GHD
Property:	123 Westbury Road, South Launceston
Zoning:	Low Density Residential
Receipt Date:	25/08/2015
Validity Date:	26/08/2015
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	12/10/2015
Representations:	10

PREVIOUS COUNCIL CONSIDERATION:

DA0380/2008 - Removal of vegetation - 11 trees (Scenic Protection; Heritage Listed Place) at 'Mt Pleasant' 9 Luxmore Place Prospect and 123 Westbury Road, South Launceston (Approved 25 August 2008).

Dispensation LAU D2/2013 - Launceston Interim Planning Scheme 2012 - Application dispense with the provisions of the Low Density Residential zone, Scenic Management Area overlay and Priority Habitat overlay and to apply General Residential zone (Refused by TPC 4 April 2014).

DA0574/2014 - Residential - tree removal; removal of four pine trees and four eucalyptus trees (Withdrawn 22 January 2015).

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 2015 a permit be granted for DA0422/2015 Natural and Cultural Values Management - vegetation removal; removal of 95 trees at 123 Westbury Road, South Launceston subject to the following conditions:

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

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. Table 1 Summary of Arboriculture Assessment, Prepared by GHD, 123 Westbury Road - Tree Removal, Page No 3, Dated 25 August 2015.
- b. Mt Pleasant Arboricultural Report 2015, Prepared by Arborimage Professional Tree Services, Arboricultural Report on health & safety of trees located at 123 Westbury Road, South Launceston, Dated 2015.
- c. Flora and Fauna Assessment, Prepared by GHD, Mount Pleasant - Flora and Fauna Assessment, Dated April 2012.
- d. Audit of GHD Report, Prepared by Northbarker Ecosystem Services, Mt Pleasant - 123 Westbury Road, Launceston, Undated.

2. TREES NOT APPROVED FOR REMOVAL

The following trees are not approved for removal:

- Black Peppermint Gum (*Eucalyptus amygdalina*): #14 (5 trees) and #24
- White Gum (*Eucalyptus viminalis*): #10

The trees should be trimmed and managed in accordance with the alternative recommendations contained in the *Tree Health and Condition Survey* (Mt Pleasant Arboriculture Report 2015).

3. SOIL AND WATER MANAGEMENT CONTROL PLAN

Prior to the commencement of works, a site management plan must be submitted detailing how soil and water must be managed on the site during and after the tree removal. The management plan must include the following:

- a. Allotment boundaries, contours, approximate grades of slope and directions of fall.
 - b. Location of adjoining roads, impervious surfaces, underground services and existing drainage.
 - c. Location and types of all existing natural vegetation, the proposed location of topsoil stockpiles and the limit of clearing, grading and filling.
 - d. Critical natural areas such as drainage lines, cliffs, wetlands and unstable ground.
 - e. The estimated dates for the start and finish of the works.
 - f. The erosion control practices to be used on the site such as cut off drains, fencing off areas to be undisturbed, revegetation program and so on.
 - g. The sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system, sediment traps and so on.
 - h. Timing of the site rehabilitation or landscaping program.
 - i. Outline of the maintenance program for the erosion and sediment controls.
-

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

Works must not commence prior to the approval of the Soil and Water Management Control Plan by the Manager Planning Services. The Plan must be implemented and maintained during tree removal works to ensure that soil erosion is to be appropriately managed.

4. 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.

5. 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.

6. REPLANTING SCHEDULE

A replanting schedule must be submitted to the Manager Planning Services prior to works commencing. The replanting schedule should contain:

- a. Replanting of a minimum of nine (9) saplings including *Eucalyptus amygdalina* and *Eucalyptus viminalis* species to replace the native trees to be removed;
- b. The saplings are to be grown from local seed;
- c. The replanting should be arranged to join the two main areas of the vegetation community *Eucalyptus amygdalina* inland forest on Cainozoic deposits (DAZ) as identified in *Figure 1 - Vegetation Community, Threatened Flora and Weeds* (Audit of GHD Report, Prepared by Northbarker Ecosystem Services).
- d. The replanting must be maintained and protected. It must not be removed, destroyed or lopped without the written consent of the Council.

7. NO FURTHER TREE REMOVAL

Tree removal must be limited to those specifically notated on the approved plans as “trees to be removed”.

No other tree is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.

8. PROTECTION OF EXISTING TREES

Existing trees identified for retention on the subject land must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected during works on site in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees.*

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

9. AMENITY

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

10. NO BURNING OF WASTE

No burning of any waste materials generated by the construction process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (e.g. Launceston Waste Centre).

11. WASTE MATERIALS

All waste materials generated by the activity are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

A General

This permit was issued based on the proposal documents submitted for DA0422/2015. 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. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

B. Restrictive Covenants

The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own 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.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

C. Appeal Provisions

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

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

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

D. Forest Practices Plan

Prior to the commencement of any works requiring a Forest Practices Plan must be approved by the Forest Practices Authority (FPA) pursuant to the Forest Practices Act 1985. The FPA can be contacted on (03) 6265 4090.

E. Threatened species

This property contains threatened species. Permits are required under the Threatened Species Protection Act 1995 for any activities that may impact those species.

Information on applying for a permit, including application forms, can be found on the DPIPWE website at: <<http://dPIPWE.tas.gov.au/conservation/development-planning-conservation-assessment/guidelines>>

F. Weed management

This property contains several weed species that are declared weed under the Weed Management Act 1999. It is recommended that the DPIPWE (2015) 'Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania' be adhered to during any development activities to prevent the spread of any weeds and that any weeds present on the property be properly managed. The guidelines can be found at:

<http://dPIPWE.tas.gov.au/Documents/Weed%20%20Management%20and%20Hygiene%20Guidelines.pdf>

REPORT:**1. THE PROPOSAL**

The proposal is for the removal of ninety five (95) trees from the property at 123 Westbury Road, South Launceston.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

The property is just over 3.8ha and is zoned Low Density Residential. The site is developed with a single dwelling located in the south western corner.

The owner has indicated an intention to subdivide the land at some stage in the future although this is not part of the current application. The removal of trees at this time is mainly for safety reasons as many of the trees are in poor condition. All of the trees on the site have been assessed by a qualified arboriculturalist and a report has been provided to support the application. Most of the trees identified for removal are introduced species, the majority of which are Radiata pines. The proposal also includes removal of native trees including 15 eucalypts of two species and a She oak.

A summary of the trees that are nominated for removal is provided below.

Introduced species

<u>Number of Trees</u>	<u>Species</u>	<u>ID#</u>
76	Radiata pine (<i>Pinus radiata</i>)	1
1	Liquid amber (<i>Liquidamber styraciflua</i>)	55
1	Cypress (<i>Cupressus</i> species)	25
1	Pin Oak(<i>Quercus palustris</i>)	23

Native species

<u>Number of Trees</u>	<u>Species</u>	<u>ID#</u>
14	Black Peppermint Gum (<i>Eucalyptus amygdalina</i>)	6, 14x5 5x3, 18, 21
1	White Gum (<i>Eucalyptus viminalis</i>)	10
1	She oak (<i>Allocasuarina</i> species)	3

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject land comprises a single 3.8ha title with a 140 metre frontage to Westbury Road along the northern boundary.

The land has a north to northeast aspect; there is a relatively flat area in the south western corner of the site with the slope increasing to around 14% towards Westbury Road. There is an existing dwelling on the south west corner of the site with the remainder of the land comprising cleared pasture in the southern section and mature vegetation including native and introduced species mainly concentrated in the northern section of the site.

A gravel driveway provides access from Westbury Road and there is a secondary, informal access from the Mount Pleasant estate to the south of the site, which is in the same ownership as the subject land.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

The site is adjoined by developed residential areas to the north, west, east and south east. The Mount Pleasant historic estate and vineyard adjoins the site to the south west. The surrounding residential areas are developed to varying densities and include General Residential and Low Density Residential zones. The Prospect business area is located around 800m to the west along Westbury Road.

The native vegetation community on the site is identified as *Eucalyptus amygdalina* inland forest on Cainozoic deposits (DAZ) which is listed as a threatened community under the state *Nature Conservation Act 2002*. The Vegetation Assessment by Northbarker provided with the application also identifies two species of threatened flora listed under the *Threatened Species Protection Act 1995* on the site, namely *Scleranthus fasciculatus* (spreading knawel) and *Arthropodium strictum* (chocolate lily). The vegetated area of the site is identified as priority habitat under the Biodiversity code of the planning scheme. The entire site is also covered by the Scenic Management code of the planning scheme.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

12.0 Low Density Residential Zone

12.1.1 Zone Purpose Statements

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

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

12.1.1.3 To provide for development that is compatible with the natural character of the surrounding area.

Consistent

The proposal is generally consistent with the purpose of the zone as it will maintain the existing residential use of the site and facilitate future development by removing trees that are generally in poor condition and present a risk in their present state. The removal of 95 trees will have an impact on the visual appearance of the site however the general character of a large property with mature trees set amongst residential development will be maintained.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

12.3 Use Standards

The use standards do not apply to the Natural and Cultural Values use class.

12.4 Development Standards**12.4.4 Development for discretionary uses**

Objective:

To ensure that discretionary uses are compatible with the form and scale of residential development and do not adversely impact on the amenity of nearby sensitive uses.

Not Applicable

Natural and Cultural Values Management is a no permit required use class in the zone.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

Adequate access and parking is provided on the site for the existing residential use and the proposed tree removal.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

To ensure that an appropriate level of car parking is provided to meet the needs of the use.

Consistent

The acceptable solution is satisfied.

A1 The number of car parking spaces must:

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

Complies

Table E6.1 does not contain any specific parking requirements for the Natural and Cultural Values Management use class.

The existing dwelling has two covered parking spaces complying with the requirements of Table E6.1.

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective:

To ensure that parking areas are constructed to an appropriate standard.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

Consistent

The acceptable solution is satisfied.

A1 All parking, access ways, manoeuvring and circulation spaces must:

- (a) have a gradient of 10% or less;
- (b) be formed and paved;
- (c) be drained to the public stormwater system, or contain stormwater on the site;
- (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and
- (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.

Complies

The property has formal access directly off Westbury Road via a gravel driveway. There is also a secondary informal access from the south via Luxmore Place and over the adjoining 'Mt Pleasant' property which is in the same ownership. The existing access to the site is adequate to accommodate the proposed tree removal and the parking for the dwelling is constructed to an appropriate standard.

E6.6.2 Design and layout of parking areas**Objective:**

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

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

Consistent

The acceptable solution is satisfied.

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

- (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;
- (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2;
- (c) have parking space dimensions in accordance with the requirements in Table E6.3;
- (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are 3 or more car parking spaces; and
- (e) have a vertical clearance of not less than 2.1 metres above the parking surface level.

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

A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are 6 spaces or more.

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

Complies

The existing access and parking arrangements are appropriate for the site and comply with the applicable standards.

E6.6.3 Pedestrian access

Objective:

To ensure pedestrian access is provided in a safe and convenient manner.

Not Applicable

Pedestrian access is not required where less than 10 car parking spaces are provided.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

E7.0 Scenic Management Code

E7.1 The purpose of this provision is to:

- (a) ensure that siting and design of development protects and complements the visual amenity of scenic road corridors; and
- (b) ensure that siting and design of development in scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape; and
- (c) ensure that vegetation is managed for its contribution to the scenic landscape.

Consistent

The proposal is for tree removal only and does not include any development or other works. The majority of the trees identified for removal are introduced species which will improve the condition of the remaining native vegetation community. The removal of over 90 trees will change the appearance of the site and the way it contributes to the scenic landscape, however the general character of a large property with mature trees set amongst residential development will be maintained.

E7.6 Development Standards**E7.6.1 Scenic road corridor****Objective:**

To ensure the visual amenity of the scenic road corridors is managed through appropriate siting and design of development, including subdivision, to provide for views that are significant to the traveller experience and avoid obtrusive visual impacts on skylines, ridge lines and prominent locations.

Not Applicable

The site is not located in the Tourist Road Corridor.

E7.6.2 Scenic management areas**Objective:**

The siting and design of development is to be unobtrusive in the landscape and complement the character of the scenic management areas.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

<p>Consistent The applicable standards are satisfied.</p>
<p>A2 No vegetation is to be removed.</p>
<p>Relies on Performance Criteria The proposal is for the removal of 95 trees.</p>
<p>P2 Development that involves only the clearance or removal of vegetation must have regard to:</p> <ul style="list-style-type: none"> (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3; (b) the physical characteristics of the site; (c) the location of existing buildings; (d) the type and condition of the existing vegetation; (e) any proposed revegetation; and (f) the options for management of the vegetation.
<p>Complies The site is located in the Western Hillside Precinct of the code. The existing character statement and management objectives are reproduced below:</p> <p><u>Existing character statement</u> <i>The Western Hillside Precinct includes the dominant hill face that forms the principal western backdrop from the southern approach along the Midlands Highway to the central Launceston area.</i></p> <p><i>Its northern section is characterized by residential development of mixed character amongst a vegetated setting and interspersed with bands of vegetation and a treed skyline. The southern section of the Precinct consists of a band of native vegetation on the western side, incorporating the Kate Reed Reserve, and cleared agricultural land to the east allowing views to be seen of the mountain regions to the east of this city. This part of the Precinct also incorporates the newly developing residential area around Southgate Drive.</i></p> <p><i>The Precinct generally contributes to the middle ground and skyline views within the city.</i></p>

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

It is significant for its key scenic contribution to providing primarily the treed and rural vistas character to the southern approach into Launceston and the central Launceston area.

Management Objectives

- a) *Development within the Precinct must minimise visual intrusion on the hillside by its location, form, scale, exterior materials, colours, and landscaping, particularly when viewed from major public vantage points. Visually dominating or obtrusive development, particularly along the skyline, should be avoided. Middle ground sites must be respectful of the pattern of development in the immediate area.*
- b) *Maintain and improve vegetation, particularly trees, within the skyline area of the Precinct. Species selected must be consistent with the dominant character of the immediate setting.*
- c) *Trees are to be encouraged throughout the Precinct. Species selected should have a height and form that will contribute to the canopy cover within the area, whilst also being consistent with the dominant character of trees, where there is an established character. Where the area is located within or near a reserve, local native species should prevail.*
- d) *Increased residential density is encouraged, but only where development does not adversely interrupt the existing or historic pattern of development, and ability of the site to maintain significant vegetation. The favoured form of this type of development is one building, with shared driveways and gardens to maximise open space available for vegetation.*
- e) *Subdivisions are to address bushfire safety and vegetation management requirements to achieve visually unobtrusive development with sufficient vegetation coverage to retain the Precinct's character, or allow for the replacement vegetation to meet the character of the Precinct.*
- f) *In the southern part of the Precinct, encourage only sympathetic development that will retain the rural character of the precinct.*

The subject site is a large lot set on a hill side amongst residential development and is zoned for low density residential use. This proposal seeks to remove a substantial number of trees from the site and it is expected that the land will be subdivided at some point in the future, consistent with the applicable zoning. A qualified arborist has deemed that the trees to be removed are not safe and need to be removed or managed in order to mitigate a hazardous situation.

The proposed removal of 95 trees will have a noticeable impact on the scenic character of the site when viewed from surrounding areas. A stand of mature eucalypts and understorey plants will be retained and will form the skyline of the site, maintaining part of the vegetated appearance of the hillside. It is expected that filtered views through to the historic Mount Pleasant property and vineyard will be gained as result from the proposal.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

The majority of the trees to be removed from the site are Radiata pines which are remnants of a plantation. The site also contains a threatened native vegetation community and two threatened flora species. Advice has been received from the Policy & Conservation Advice Branch of the Department of Primary Industries, Parks, Water and Environment (DPIPWE) in support of removing the pine trees and the unsafe Eucalypts. The arborist report identifies several Eucalypts that could be made safe by trimming and management rather than being removed. This is discussed further in the assessment of the Biodiversity code.

The proposal does not include any replanting due the future subdivision of the site. However, it is possible that when a subdivision of the site is proposed the areas with significant vegetation will be reserved or developed at a density that would allow the trees to be retained. It is therefore recommended to include a condition requiring replanting of the same number of Eucalypts as are removed from the site.

E8.0 Biodiversity Code

E8.1 The purpose of this provision is to:

- (a) support the conservation of biodiversity in the planning scheme area and the northern region, including the extent, condition and connectivity of important habitats and priority vegetation communities, and the number and status of threatened species; and
- (b) consider and manage the impact of use or development on biodiversity through:
 - (i) minimisation of vegetation and habitat loss or degradation; and
 - (ii) appropriate location of development.

Consistent

The vast majority of the trees to be removed are exotic species, mainly Radiata pines and they have been deemed unsafe by a qualified person. An arborist report and two natural values assessments have been completed to accompany the application and advice has been sought from DPIPWE. Overall the proposal is considered to be consistent with the purpose of the code.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

E8.6 Development Standards

E8.6.1 Habitat and vegetation management

Objective:
To appropriately protect or manage vegetation identified as priority habitat and priority vegetation communities.
Consistent The proposal seeks to remove 95 trees from the site, the majority of which are exotic species. The removal of the exotic trees will improve the overall condition of the threatened vegetation community and allow the native species to predominate. The proposal is considered to represent appropriate management of the priority habitat community.
A1 Clearance or disturbance of priority habitat is in accordance with a certified Forest Practices Plan.
Relies on Performance Criteria The proposed tree removal does not have a certified Forest Practices Plan.
P1 Clearance or disturbance of native vegetation within priority habitat or areas identified as priority vegetation communities does not compromise the adequacy of representation of species or vegetation communities, having regard to:
<ul style="list-style-type: none"> (a) the quality of the site to provide habitat of significance to the maintenance or protection of biodiversity in the planning scheme area; (b) the need for the clearance or disturbance of the vegetation; (c) the method of clearance or disturbance of the vegetation; (d) the extent and quality of the vegetation or habitats affected by the proposal; (e) the value of the vegetation as a wildlife corridor; (f) the value of riparian vegetation to the protection of habitats and wildlife corridors; (g) any rehabilitation and maintenance measures; (h) the impacts of development and vegetation clearance, in proximity to the priority habitat or priority vegetation communities; (i) any conservation outcomes achieved and the long term security of any offset for the loss of the vegetation, provided in accordance with the General Offset Principles document published by the Department of Primary Industries, Parks, Water and Environment, available at http://dpi.pwe.tas.gov.au/Documents/General-Offset-Principles.pdf ; (j) any agreement under section 71 of the Act relating to vegetation management; (k) any conservation covenant made under the <i>Nature Conservation Act 2002</i>, that exists on or adjacent to the site of the proposed development; and (l) any recommendations or advice contained in a flora and fauna report.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

Complies

It is proposed to remove a total of 95 trees, of which 16 are native species and 14 are Black peppermints, which are the key species of the priority habitat known as *Eucalyptus amygdalina* inland forest on Cainozoic deposits (DAZ).

The arborist report submitted with the application contains condition reports on each of the trees identified for removal (and other trees on the site). Most of the native trees identified in the application need to be removed as the only option for safety reasons. However there are three trees or groups of trees identified for removal that the arborist says could be trimmed and managed to be safe (#10 *Eucalyptus viminalis* , #14 5x *Eucalyptus amygdalina* and #24 *Eucalyptus amygdalina*). The advice from DPIPWE suggests that these trees could be retained to assist in maintaining the size and quality of the priority community. A condition to this effect is recommended.

The removal of the exotic trees and damaged and dangerous native trees is appropriate for the protection of biodiversity and will ultimately contribute to the ongoing maintenance of the vegetation community.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Roads and Hydraulics	N/A
Environmental Health	Conditional consent provided. Conditions recommended relating to the following: <ul style="list-style-type: none"> • Amenity-Commercial/Industrial Use • No Burning of Waste • Waste Materials
Parks and Recreation	N/A
Heritage/Urban Design	N/A
Building and Plumbing	N/A
EXTERNAL	
TasWater	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

REFERRAL	COMMENTS
INTERNAL	
EPA	N/A
Aurora	N/A
DPIPWE	Comments have been provided from the Policy and Conservation Advice Branch. The removal of the Radiata pines and other trees that cannot be made safe by trimming or other management is supported. Removal of native trees that form part of the threatened community and can be saved is not supported and it is suggested that a replanting program be conducted. These suggestions are considered reasonable and conditions are recommended accordingly.

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 2 September 2015 to 15 September 2015. Ten (10) representations were received including a comment from the Policy and Conservation Advice Branch of DPIPWE (described above) and one representation signed by ten people.

A meeting was held at the site on Tuesday 29 September 2015 that was attended by most of the representors or a proxy. A discussion of the concerns and issues raised in the representations was held and some comments and clarifications from the applicant were passed on. Representors that were unable to attend the meeting were contacted by telephone and email.

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.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

ISSUE	COMMENTS
<p>How many trees are being removed as a percentage of the vegetation already there? What is the purpose for their removal? Will the area that is having trees removed be subdivided?</p>	<p>95 trees will be removed and 61 mature trees will be retained, which includes native and exotic species. Under the proposal approximately 60% of trees on the site are to be removed. The purpose for removal at this point is for safety reasons and to prepare for future development of the site. It is expected that the land will be subdivided at some stage in the future and that would be subject to further approval from Council.</p>
<p>I would like to remind councillors that this land was gifted to the people of Launceston by the late Gilbert McKinley for a park reserve. Council on sold the land but should not allow this iconic city backdrop to be destroyed.</p>	<p>Council determined in December 2004 to not accept the donation of this site from the estate of Gilbert McKinley. The land has never been owned by the Council.</p>
<p>It is noted that the predominant species to be cleared is Radiata Pine trees (76 trees). It would be useful to know if these 76 trees represent the total Radiata Pine trees on site.</p> <p>Why this is raised is that it is a well-known effect of clearing that wind blow to what will be now exposed trees will have a greater impact than any planned clearing. Trees which have been sheltered from wind for many decades find their roots under stress from high winds and thus are lost due to stability matters. The question really is how will any clearing be undertaken to minimise the impact of wind blow on trees which will remain standing? In particular protecting trees not on the subject site but on neighbouring allotments.</p>	<p>All of the Radiata pine trees on the site are to be removed.</p> <p>The applicant indicates that the aboriculturalist took into account issues such as wind exposure when determining which trees should and should not be removed.</p>
<p>Contrary to the Objectives of the Scenic Management Code. With no definite replanting programme in place suddenly the norm will become a cleared site rather than a site with a heavily trees frontage. It will then become very easy to argue that the Scenic Management area has little application when the site is being considered for development.</p>	<p>The site will not be completely cleared with approximately 40% of trees to be retained.</p> <p>A condition is recommended to require replanting of native trees to replace those that are to be removed which will assist in improving the scenic and biodiversity outcomes for the site.</p>

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

ISSUE	COMMENTS
Is there a plan to revegetate the area when the trees are removed?	The application does not include a replanting schedule, however a condition is recommended to require one to be developed to replace at least the native trees that are to be removed.
My understanding is that the last proposal (less than 2 years ago) was declined as the trees are a part of the city sky line and therefore cannot be removed. Has this changed since then?	The 2012 application for a dispensation to rezone the land to General Residential was principally refused due to traffic and access issues. The Tasmanian Planning Commission report did not go on to assess the scenic or biodiversity matters as it was considered unnecessary if the proposal could not be approved for infrastructure reasons. The 2014 application for tree removal was withdrawn. The designation of the site as a scenic management area has not changed.
The area is classified as a green zone, and that's why I bought my property here this was stipulated on my Real Estate brochure.	The site is zoned Low Density Residential and was also zoned this under the Launceston Planning Scheme 1996. The scenic management or equivalent overlay has also applied since at least that scheme, which may be what was referred to at that time. The scenic management area does not prohibit tree removal but does require assessment of it.
The Proposal states all 95 trees are diseased and are a health & safety Risk, I find it highly unlikely, and it needs an unbiased Council appointed arborist for a second opinion if it is to go ahead on these grounds.	The reports supplied with the application have been prepared by respected professionals. Council staff have reviewed the reports and found them to be reliable for assessment purposes.
Environmental Impact Statement Report, on loss of Native Wildlife e.g. Owls, Nesting Kookaburras, Parrots, Black Cockatoos, Wallabies just to name a few and the Native Fauna.	The development application includes a flora and fauna assessment by GHD and a review and additional information from Northbarker. No fauna of conservation significance were identified on the site and the overall habitat significance of the site was considered to be relatively low given the size and urban setting. There is no doubt that some fauna will be displaced by the proposed tree removal. Some trees and habitat will be retained on the site and the Kate Reed reserve is in close proximity so mobile animals and birds may be able to relocate.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

<p>I put it to you that this application is not just for the Removal of Trees, there is an Alternative Motive for this Application, for Major Development in the Future and the only way for this to proceed is to the removal of these Trees.</p>	<p>The applicant is clear about the future intention to subdivide the site.</p>
<p>I was advised when I approached the Launceston Council prior to the purchase of my home in January 2012 that there would be no change to the environment of the land at the rear of my property and that the land would remain a nature buffer. As a rate payer and owner occupier I feel betrayed by the Council's change of direction. Who then compensates the fact that there is already a loss of resale of my property and there is the issue as I have not been able to sell since the previous application became public.</p>	<p>It is unfortunate if the status of the site has been miscommunicated in the past. The site has been zoned for residential use for some time and the scenic and natural values have also been recognised by planning schemes. Property values are not a matter made relevant by the planning system.</p>
<p>The arborist report commissioned by the developer appears to be heavily biased and should not be relied upon. We request an independent report be obtained prior to any council approval.</p>	<p>The reports supplied with the application have been prepared by respected professionals. Council staff have reviewed the reports and found them to be reliable for assessment purposes.</p>
<p>Don't agree there is any imminent danger of the trees falling as no trees have fallen in the past even during strong winds.</p>	<p>A professional opinion has been provided to support the removal of trees for safety reasons.</p>
<p>The application refers to the pine trees as a weed species that should be removed but they do form part of the skyline protection area and provide habitat for birds. The Black Peppermint trees are a threatened species and should only be felled as a last resort.</p>	<p>The Radiata pines and other exotic species on the site do contribute to the scenic value of the site and are used by native animals and birds. It is agreed that removing any Eucalypts that can be retained through appropriate management is not desirable for both scenic and natural values reasons. A condition to this effect to retain 7 of the trees that are nominated for removal is recommended.</p>
<p>The site is visible from a number of key public spaces in Launceston and the removal of this many trees will significantly impact the skyline.</p>	<p>There is no doubt that the appearance of this site will be changed significantly if these trees are removed. The retention of 40% of trees on the site will maintain the treed skyline to some level.</p>

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

<p>Concerned with possible seepage/drainage and erosion problems caused by removing such a large number of trees.</p>	<p>Councils infrastructure staff has not raised any concern in relation to these issues.</p> <p>A condition is recommended to require a soil and water management plan to be prepared prior to commencement of works.</p>
<p>The development application makes an assumption of approval for subdivision. There were various reasons for the rejection of the previous attempt to rezone the land, primarily traffic concerns. Given there has been no change to the situation how would a subdivision be approved?</p>	<p>Any future subdivision of the site will need to go through the usual design and assessment process. Any outstanding issues including traffic will need to be addressed as part of any future application.</p>
<p>We note that the proponent has proposed that 95 trees be removed although the arborist only recommends that 88 trees be removed as the others can be retained with management. These include five well established skyline black peppermint gum trees. This confirms our suspicions that the real motive is to clear the site for subdivision with minimal regard for skyline appeal.</p>	<p>As noted above it is agreed that retaining as many of the native trees as possible is important for scenic and natural values reasons and a condition is recommended to address this.</p>

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

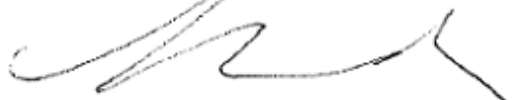
BUDGET & FINANCIAL ASPECTS:

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:

The following attachments were circulated separately:

1. Location Map
 2. Plans
 3. Representations
-

- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace**

FILE NO: DA0352/2015

AUTHOR: George Walker (Development Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Loop Architecture
Property:	19 Bain Terrace, Trevallyn
Zoning:	General Residential
Receipt Date:	28/07/2015
Validity Date:	29/07/2015
Further Information Request:	07/08/2015
Further Information Received:	28/08/2015
Deemed Approval (extension):	12/10/2015
Representations:	10

PREVIOUS COUNCIL CONSIDERATION:

The following development applications have been considered by Council for the site:

- DA0315/2012 - Demolition of a building - demolish dwelling and ancillary derelict structures; Removal of vegetation - vegetation overgrowing dwelling (Scenic Protection) - application withdrawn;
 - DA0346/2013 - Demolition of single dwelling and tree removal;
-

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

RECOMMENDATION:

In accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted, for DA0352/2015 Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new accesses off Wattle Way and upgrading of existing access off Bain Terrace on land located at 19 Bain Terrace 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. Context Plan Project No. 1516 Drawing No. sk00 dated July 2015 prepared by Loop Architecture;
 - b. Site Plan Project No. 1516 Drawing No. sk01 dated July 2015 prepared by Loop Architecture;
 - c. New Residence Lower Floor Plan Project No. 1320 Drawing No. sk03 dated July 2015 prepared by Loop Architecture;
 - d. New Residence Ground Floor Plan Project No. 1320 Drawing No. sk04 dated July 2015 prepared by Loop Architecture;
 - e. New Residence Upper Floor Plan Project No. 1320 Drawing No. sk05 dated July 2015 prepared by Loop Architecture;
 - f. New Residence Elevations 1 Plan Project No. 1320 Drawing No. sk06 dated July 2015 prepared by Loop Architecture;
 - g. New Residence Elevation 2 Plan Project No. 1320 Drawing No. sk07 dated July 2015 prepared by Loop Architecture;
 - h. Proposed Townhouses Lower Floor Plan Project No. 1516 Drawing No. sk01 dated July 2015 prepared by Loop Architecture;
 - i. Proposed Townhouses Upper Floor Plan Project No. 1516 Drawing No. sk02 dated July 2015 prepared by Loop Architecture;
 - j. Proposed Townhouses Elevations 1 Plan Project No. 1516 Drawing No. sk03 dated July 2015 prepared by Loop Architecture;
 - k. Proposed Townhouses Elevations 2 Plan Project No. 1516 Drawing No. sk04 dated July 2015 prepared by Loop Architecture;
 - l. Site Plan Context Plan Project No. 1516 Drawing No. RFI 1 dated August 2015 prepared by Loop Architecture;
 - m. Site Sections Fence Elevations Project No. 1516 Drawing No. RFI 2 dated August 2015 prepared by Loop Architecture;
-

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

- n. Site Sections Fence Elevations Project No. 1516 Drawing No. RFI 3 dated August 2015 prepared by Loop Architecture;
- o. Earthworks Plan Project No. 1516 Drawing No. RFI 4 dated August 2015 prepared by Loop Architecture;
- p. Landscape Concept Plan Prepared by Lange Design.

2. CUT AND FILL BATTERS

- a. All faces of cut and fill created by the excavation work must be covered with approximately 100mm of top soil and re-vegetated to promote rapid regeneration of the site to its natural state.
- b. All scarring or physical disturbance of the land surface during any excavation work must be restricted to only that which is shown on the approved plan as required for building or access purposes. All exposed faces around such scarred areas and spoil must be screened with trees and shrubs and planted with suitable ground covers to the satisfaction of Council within 3 months of the date of undertaking the excavation work.
- c. No contaminated material, organic material (such as trees, roots or timber), building debris, metals or plastics must be used as fill.

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 the access from the Wattle Way and the upgrading of the existing access off Bain Terrace.

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. 2015/01190-LCC) (attached).

6. SITE LANDSCAPING

Prior to occupation 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;
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8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

- b. Be installed within 3 months from the completion of the building works, or where subdivision by strata is proposed, the landscaping must be completed before the strata plan is sealed;
- c. Be maintained as part of the development. It must not be removed, destroyed or lopped without the written consent of the Council; and
- d. Must include a minimum of four trees located within a suitable location of the private area of each dwelling and have the capacity to grow to a minimum height of 6m.

7. 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 1.8m from the highest finished level on either side of the common boundaries. All frontage fences adjoining Wattle Way and Bain Terrace must be constructed to a maximum height of 1.8m with the space between 1.2m and 1.8m to have a minimum transparency of 30% (excluding any posts or uprights).

8. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

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

9. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

Prior to the sealing of the Final Plan, the developer must pay to the Council a sum equivalent to 5% of the unimproved value of the newly created lot that will contain the multiple dwellings as determined by a registered land valuer (at the time of sealing the Final Plan) procured at the developer's expense.

- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)**
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10. DRIVEWAY 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,
- 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 adequately drained to prevent stormwater from discharging to neighbouring properties or the Council road reserves and causing a nuisance,
- 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;
- 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.

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.
-

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

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

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. APPLICATION TO ALTER A STORMWATER SERVICE

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

14. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

15. VEHICULAR CROSSINGS

No new vehicular crossing shall be installed, or any existing crossing removed or altered (including but not limited to the alteration of the kerb and channel or the placement of additional concrete segments against the existing apron) without the prior approval of the Council's Roads and Hydraulics Department.

An application for such work must be lodged electronically via the Council's eServices web portal or on the approved hard copy form.

All redundant crossovers and driveways must be removed prior to the occupation of the development.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

All new works must be constructed to Council standards by a contractor authorised to perform such work. The work must include all necessary alterations to other services including alterations to the existing hand rail along Wattle Way, the reconstruction of the bluestone wall associated with the indented parking bay in Bain Terrace, lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra, and TasNetworks etc). The construction of the new crossover and driveway and removal of any unused crossover and driveway will be at the applicant's expense.

16. SOIL AND WATER MANAGEMENT

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) or into the stormwater. Any material that is deposited on the road reserve or into the stormwater system as a result of the development activity is to be removed by the applicant in a prompt manner

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.

17. OCCUPATION OF ROAD RESERVE (COMPLEX)

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.
-

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Application for the occupation must be made 14 days prior to date of the scheduled occupation or works and detailing (but not limited to);

- a. The nature, dates and duration of the occupation and/or works,
- b. The contractors name and registration number,
- c. The traffic management works that are must employed to provide for the continued safe use of the road reserve by pedestrians and vehicles,
- d. Any alternative pedestrian routes to be provided where the existing footpath unavailable for use. Any temporary works required to maintain the serviceability of the road or footpath.

Inspections must be arranged for prior to the commencement of the occupation and at the completion of the works.

The approval of a permit for the installation, removal or modification or a driveway or service connection does not of itself constitute an approval, nor does the approval of the Traffic Management Plan constitute approval to undertake the installation, removal or modification of a driveway or service connection.

18. 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.

19. 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.

20. SEALING PLANS OF SUBDIVISION

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the Director Infrastructure Services:

- a. The satisfactory completion of the public and private infrastructure works to provide each lot in the subdivision with reticulated services and vehicular access in accordance the Council requirements.
 - b. The provision of as constructed drawing information for the location of the reticulated service connections.
 - c. Any payment or other action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.
-

- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)**
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21. AMENITY - COMMERCIAL/INDUSTRIAL USE

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

22. NO BURNING OF WASTE

No burning of any waste materials generated by the construction process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (e.g. Launceston Waste Centre).

23. SWIMMING POOLS IN CLOSE PROXIMITY TO NEIGHBOURING PROPERTIES

- a) All electrical equipment, including pumps and filters installed in association with the swimming pool must be housed so as not to create a noise nuisance to neighbouring properties;
- b) If an air conditioner (heat pump) is installed in association with the swimming pool it must operate in compliance with the *Environmental Management & Pollution Control (Miscellaneous Noise) Regulations 2014*, in particular, *Section 13 Noise emitted from air conditioners*; and
- c) Pool treatment chemicals must be stored in a location that will ensure that they are kept dry.

Notes

A. 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.

B. 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.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

C 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.

D. General

This permit was issued based on the proposal documents submitted for DA0352/2015. 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; or.*

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 Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

E. 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.

F. 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.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

REPORT:

1. THE PROPOSAL

The applicant is seeking planning approval for the construction and use of a single dwelling, three multiple dwellings, subdivision of one lot into two lots, construction of a new crossover, upgrades to an existing crossover and associated earthworks on land located at 19 Bain Terrace, Trevallyn (the site). Specifically, the proposal comprises the following components:

Subdivision:

- The proposed subdivision entails dividing the current lot into two separate lots. The new subdivision boundary will be located approximately 2/3^{rds} along the frontage of Wattle Way. Lot 1 will be approximately 1,030m² in area and will contain the proposed single dwelling. Lot 2 will be approximately 1,929m² in area and will contain the proposed multiple dwellings.

Single Dwelling:

- The proposed single dwelling will have a building footprint of approximately 260m² in area and will be approximately 8.2m in height and will be split over three levels. The lower floor will comprise a four car garage, attached carport, bathroom, storage space and a gym room. The ground floor will comprise the main living area, kitchen, three bedrooms, bathroom, laundry area and will open out to the outdoor entertaining and dining area to the north which includes the pool. The upper floor will comprise the master bedroom, ensuite and sun room area. A deck will wrap around the north eastern sides of the ground floor and upper floor areas. A lift and stair well will be located at the south-western side of the dwelling which will provide access over the three levels.

Multiple Dwellings:

- The proposed multiple dwellings will all be of the same design and will be located in similar positions and share the same orientation albeit at different sections of the lot. Each multiple dwelling will be split over two levels. The lower floor will comprise a two car garage, bedroom, storage area, bathroom, laundry and a spare room. The upper floor will comprise the main open plan living and dining area, kitchen and pantry, office, master bedroom and ensuite and bathroom. The master bedroom will open up to a separate deck to the north-east with a larger deck and outdoor area located to the north of each multiple dwelling.
-

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Earthworks:

- Due to the steep topography of the site a significant amount of earthworks are required to be undertaken in order to facilitate the proposed single dwelling and multiple dwellings. The majority of cut and fill will be located away from the property boundaries of adjacent lots. The proposed internal driveway which is to service the multiple dwellings will require a level of cut and grading which will be located parallel to the south-eastern boundary. An earthworks plan has been prepared showing the approximate extent of cut and fill required for the proposed development.

Access:

- It is proposed to construct a new crossover off Wattle Way in order to provide access to the proposed single dwelling. The existing access off Bain Terrace will be upgraded in order to facilitate the usage of the proposed multiple dwellings.

Landscaping:

- A landscape concept plan has been submitted detailing a proposed landscape design. The landscape plan specifies that the design will primarily entail the use of native Tasmanian and Australian plant species in order to enhance and soften the impact of the proposed single and multiple dwellings within the landscape.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is approximately 2,960m² in area and is located on the corner of Bain Terrace and Wattle Way. The site has frontages of 31m and 81m to Bain Terrace and Wattle Way respectively. The land slopes uphill away from Bain Terrace (to the south-west) at an approximate grade of 20% where the dwelling is located. It then slopes in the same direction at an approximate grade of 25% to the property boundaries. The site previously contained a single dwelling that has since been demolished which was approved under planning permit DA0346/2013. As such the site is currently vacant and is cleared of all significant vegetation.

The surrounding area is primarily characterised by lots that are relatively steep and have established vegetation on them with the majority of the lots fully developed with a mixture of single and multiple dwelling types. In the wider context the site is approximately 1km north-west from the Launceston Central Business District.

- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)**
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3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

10.1.1 Zone Purpose Statements

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

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

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

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

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

Consistent

The proposed development has been categorised under the Residential use class for single and multiple dwellings which are identified as 'no permit required' and 'permitted' use classes respectively within the General Residential zone. It is therefore considered that the proposed use and development is consistent with the purpose of the General Residential zone on this basis.

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.
-

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

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

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

Complies

In this instance the site area for each multiple dwelling has been calculated to be approximately 643m² which is well above the minimum area of 325m² required by the acceptable solution. This calculation has been based on the proposed lot which is to contain the proposed multiple dwellings. The single dwelling will be located on a separate title. On this basis, the acceptable solution has been met.

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.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

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

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

Relies on Performance Criteria

In this instance the bulk of the proposed single dwelling will be setback approximately 4.8m from the primary frontage of Wattle Way. However, the swimming pool and privacy structure that will be connected to the main dwelling will be within 4.5m of the primary frontage of Wattle Way. Therefore assessment against the corresponding performance criteria is required.

Multiple dwelling 3 will be setback approximately 6.2m from the primary frontage of Bain Terrace. Therefore the acceptable solution has been met.

P1 A dwelling must:

- (a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and
- (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

In this instance, the applicant maintains that the proposed pool and privacy screen structure are considered to be landscape elements, rather than forming significant components of the dwelling. The proposed pool will predominately be in-ground with a small section protruding out from the cut in the north-east corner as a result of the topography of the site. The bulk of the privacy screen element will be concealed behind the proposed frontage fence and supplementary screening will be provided through screen planting between the structures and the frontage.

The applicant has identified that the streetscape of Wattle Way on either side comprises a diverse array of fencing, screen structures and building elements that are located either on, or within 4.5m of the frontage. On this basis, it is considered that the design, siting and scale of the proposed pool and screen structure will be compatible with the established streetscape of Wattle Way.

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

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

Relies on Performance Criteria

In this instance the proposed garage of the single dwelling will be setback approximately 8m from the primary frontage of Wattle Way. However, the single car carport adjacent to the enclosed garage will be located within 5.5m of the frontage of Wattle Way. Therefore assessment against the performance criteria is required.

The attached garage for multiple dwelling 3 will be setback approximately 7.6m from the frontage of Bain Terrace. Therefore the acceptable solution is met.

P2 A garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the street, taking into account any topographical constraints.

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Complies

In this instance the proposed carport will be located directly beneath the deck area located on the ground floor of the single dwelling and the opening will face east which will be away from the frontage of Wattle Way. The proposed carport will essentially fill the void created by the proposed deck and will be cut into the slope which will enable it to be largely screened by the retaining wall in addition to horizontal wood palings which will be constructed between the retaining wall and floor of the deck above. Overall, the proposed carport is expected to be inevent in the streetscape. Notwithstanding, there are a number of carports and garages located within the Wattle Way streetscape which are located within 5.5m of the frontage. It is therefore considered that the proposed carport achieves compliance with the performance criteria.

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).

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Relies on Performance Criteria

The proposed single dwelling is to be located on a sloping lot of standard rectangular configuration with frontage onto Wattle Way. Therefore Diagram 10.4.2B applies to the proposed single dwelling. It has been determined that the proposed single dwelling will have a minimum rear setback of approximately 3m which does not meet the acceptable solution. Therefore assessment against the performance criteria is required. It should be noted that the proposed single dwelling complies with the required side boundary setbacks required by the building envelope illustrated by Diagram 10.4.2B.

The proposed multiple dwellings are to be located on a sloping corner lot with frontage onto Wattle Way and Bain Terrace. Therefore Diagram 10.4.2 A3 (a) applies to the proposed single dwellings. It has been determined that multiple dwelling 1 will have a wall located within 1.5m of the rear boundary which will have a length of approximately 11.8m. This does not comply with the requirements of acceptable solution 10.4.2 (A3) (b) (ii). Therefore assessment against the corresponding performance criteria is required.

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.
-

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

Assessment against the performance criteria is as follows:

Single Dwelling:

- the section of the proposed dwelling that will be within 4m of the rear boundary will be approximately 5.2m² in area and will have a skillion roof which will slope downwards from a height of 4m to 3m. The site section plan provided (Project No. 1516 Drawing No. RFI3) indicates that the section of the dwelling which would encroach upon the 4m rear setback will be set into the slope approximately 1.2m. The site section plan also indicates that the section of the dwelling which would encroach upon the 4m rear setback will protrude approximately 0.8m above the boundary fence as a result of the cut;
- the adjoining land to the south comprises a single dwelling which is located primarily within the southern half of the lot towards Delamere Crescent approximately 14m from the proposed location of the single dwelling. The land immediately adjoining the subject site consists of the private open space area of the adjoining dwelling which comprises landscaped garden beds and a grassed area;
- it is considered that the height of the section of the dwelling which would encroach upon the 4m rear setback once the dwelling is cut into the slope coupled with the minimum setback of 3m will be sufficient to ensure that minimal overshadowing will occur to the private open space of the adjoining dwelling to the south as a result of the proposed variation to the building envelope. Furthermore, no overshadowing will occur to the habitable room windows of the adjoining dwelling to the south due to the significant separation distance;
- it is not considered that the section of the dwelling which would encroach upon the 4m rear setback of the building envelope will cause an unreasonable loss of amenity in terms of visual impacts caused by apparent scale, bulk and proportions when viewed from adjoining dwellings on the basis that the dwelling will be set into the slope of the site which will reduce the perceived height. Furthermore, proposed site landscaping is expected to soften the proposed development within the context of the surrounding landscape;

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- it is considered that the proposed single dwelling will be compatible with the separation between existing dwellings within the surrounding area which includes dwellings being located within close proximity to side and rear boundaries. An example of the prevailing pattern of development which includes dwellings being located within close proximity of side and rear boundaries includes residential development located at 14 Delamere Crescent, Units 1/2 and 2/2 Delamere Crescent, 12 Wattle Way, 15 Delamere Crescent and 21 Wattle Way. This observation is also applicable to the separation of the proposed multiple dwellings.

Multiple Dwellings:

- in this instance, the extent that the multiple dwelling encroaches upon the building envelope is variable given the topography of the site. The north-western roof section of the multiple dwelling will encroach upon the building envelope, whereas the south-western section of the multiple dwelling is fully contained within the required building envelope;
- the multiple dwelling will adjoin the newly create lot boundary which will be the site of the single dwelling. Specifically, the multiple dwelling will be adjacent to the internal driveway and car parking area of the single dwelling which runs parallel to the newly created boundary. The driveway area of the single dwelling will not be utilised for private open space purposes. In addition, there is approximately 10m horizontal separation between the proposed multiple dwelling and the proposed single dwelling to the west. Accordingly, any overshadowing that will occur from the proposed multiple dwelling will not fall on the private open space area or habitable rooms of the proposed single dwelling to the west;
- in terms of loss of amenity from the proposed single dwelling to the west arising from the visual appearance of the multiple dwelling, it is observed that the multiple dwelling will be located on a lower contour than the main habitable rooms and private open space of the dwelling. The lower level coupled with the minimum separation distance of 10m between the two dwellings is expected to reduce the visual impact of the multiple dwelling when viewed from the proposed single dwelling to the west.

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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 proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1 Dwellings must have:

- (a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and
- (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 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

The site coverage for the single dwelling has been calculated to be approximately 25% with approximately 47% of the site free of impervious surfaces. Therefore the acceptable solution has been met for the single dwelling.

The site coverage for the multiple dwellings has been calculated to be approximately 31% with approximately 35% of the site free from impervious surfaces. Each multiple dwelling will have an area of private open space which will be in excess of 60m². Therefore the acceptable solution has been met.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

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

- (a) is in one location and is at least:
 - (i) 24m²; or
 - (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
 - (b) has a minimum horizontal dimension of:
 - (i) 4m; or
 - (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 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, excluding any dwelling located behind another on the same site; and
 - (f) has a gradient not steeper than 1 in 10; and
 - (g) is not used for vehicle access or parking.
-

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

The proposed single dwelling will have the following private open space arrangements.

Single Dwelling:

- the outdoor dining area which will be approximately 40m² in area with a minimum horizontal dimension of 4m;
- the outdoor dining area will be directly accessible from the open plan living and dining area located on the ground floor;
- the outdoor dining area will be located to the north-west of the dwelling between the frontage and the main building. However it is oriented between 30 degrees west of north and 30 degrees east of north;
- the outdoor dining area will be level and will not be utilised for vehicular access or parking.

The proposed multiple dwellings will have the following private open space arrangements.

Multiple Dwelling:

- the outdoor dining and deck area located on the upper floor which will be approximately 30m² with a minimum horizontal dimension of 4m;
- the outdoor dining and deck area will be directly accessible from the dining and living areas via glass sliding doors;
- the outdoor dining and deck area will be located to the north-east of the dwelling and will not be within the frontage setback;
- the outdoor dining area will be level and will not be utilised for vehicular access or parking.

Overall, the proposed development complies with the acceptable solution.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

10.4.4 Sunlight and overshadowing for all dwellings

Objective:
To provide:
(a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and
(b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.
Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.
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 In this instance each dwelling will have a window to the open plan living and dining areas that will be oriented 30 degrees west of north and 30 degrees east of north. Each window will receive direct sunlight. Therefore the acceptable solution has been met.

10.4.5 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 proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.
A1 A garage or carport within 12m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

In this instance, the garage openings for the single dwelling will be oriented to the east and will not directly face the primary frontage of Wattle Way which achieves the intent of the provision. The garage for multiple dwelling three will be within 12m of the primary frontage and will face Bain Terrace. However, the garage opening will be approximately 5.4m in width. Therefore the acceptable solution is met.

10.4.6 Privacy for all dwellings

Objective:

To provide reasonable opportunity for privacy for dwellings.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

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 3m from the side boundary; and
- (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and
- (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m:
 - (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.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Relies on Performance Criteria

Single Dwelling:

- in this instance the proposed decks located on the ground and upper floors of the single dwelling will have a finished floor level of greater than 1m above natural ground level. However, the decks will be located approximately 7.5m from the eastern (side) boundary and 5.2m from the southern (rear) boundary. Therefore the acceptable solution has been met;
- in relation to the internal driveway area, it is conceivable that the southern end could potentially be utilised for car parking purposes. This section will have a finished floor level of greater than 1m above natural ground level and will be located within 3m of the newly created side boundary. In this case, the applicant has proposed to erect a 1.8m high screening fence along the section that has a finished floor level of greater than 1m above natural ground level. Therefore the acceptable solution has been met.

Multiple Dwellings:

- in this instance all deck areas with a finished floor level of greater than 1m above natural ground level for each multiple dwelling will be located approximately 7m from the side (southern) boundary. However, the deck to be located on the upper floor of multiple dwelling 1 will be setback approximately 3m from the rear boundary to the west. Therefore assessment against the performance criteria is required;
- the ground floor deck area for each multiple dwelling will be located approximately 6.5m from each dwelling to the east which complies with acceptable solution 10.4.6 (A1) (c) (i and ii);
- the upper floor deck area for each multiple dwelling will be located approximately 7.2m from each multiple dwelling to the east which complies with acceptable solution 10.4.6 (A1) (c) (i and ii);
- there is a window to a habitable room located on the upper floor of the western elevation of each multiple dwelling to the east. However, there will be horizontal separation of approximately 6.5m between the window and the deck areas of the multiple dwellings to the west on the same site which complies with acceptable solution 10.4.6 (A1) (c) (i and ii);

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

- it is conceivable that the internal driveway for each multiple dwelling could be utilised as a parking space. However, the driveway will be located adjacent to the multiple dwelling to the east. There are no windows to habitable rooms facing the driveway and parking area and the private open space area for each dwelling is located on the other side of each dwelling away from the driveway. Accordingly, no loss of privacy to the multiple dwellings will occur from the driveway and parking area.

P1 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 be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on an adjoining lot or its private open space; or
- (b) another dwelling on the same site or its private open space; or
- (c) an adjoining vacant residential lot.

Complies

In this instance the proposed deck of multiple dwelling 1 will be setback approximately 3m from the rear (western) boundary. The land adjacent to the shared boundary will contain the internal driveway of the proposed single dwelling which does not constitute private open space. The private open space of the adjoining property to the west will be located approximately 20m from the proposed deck and will be approximately 3m above the proposed deck on the vertical plane. Accordingly the location of the deck is not expected to result in direct overlooking to the private open space of the proposed dwelling to the west due to the separation distance and difference in topography.

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

- (a) The window or glazed door:
 - (i) is to have a setback of at least 3m from a side boundary; and
 - (ii) is to have a setback of at least 4m from a rear boundary; and
 - (iii) if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and
 - (iv) if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

- (b) The window or glazed door:
- (i) is to be offset, in the horizontal plane, at least 1.5m 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 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or
 - (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.

**Relies on Performance Criteria
Single Dwelling:**

In this instance, all windows to a habitable room with a finished floor level of 1m above natural ground level will be located approximately 10m from the eastern (side) boundary, 6m from the western (side) boundary and 9m from the southern (rear) boundary. Therefore the acceptable solution has been met.

Multiple Dwellings:

In this instance, all windows to a habitable room with a finished floor level of 1m above natural ground level will be located approximately 7m from the southern (side) boundary. However, the habitable room window on the upper floor level of multiple dwelling 1 will be located within 4m of the western (rear) boundary. Therefore assessment against the corresponding performance criteria is required. It should be noted that the eastern and northern boundaries are the frontages to the site.

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.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

In this instance the window to the habitable room on the upper floor of multiple dwelling 1 will be setback approximately 2.2m from the rear (western) boundary. The land adjacent to the shared boundary will contain the internal driveway of the proposed single dwelling which does not constitute private open space. The habitable room windows of the proposed single dwelling which will be potentially affected by this arrangement will be located in excess of 11m from the window of multiple dwelling 1 and will be approximately 3m above the window of the multiple dwelling on the vertical plane. Accordingly the location of the proposed window of multiple dwelling 1 is not expected to result in direct overlooking to the windows of the habitable room of the proposed single dwelling to the west.

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.

Complies

In this instance a bedroom will be located on the upper floor of each multiple dwelling within close proximity of the shared driveway. In this case the windows will face the shared driveway and will be setback approximately 1.6m from the shared driveway and will have a sill height of approximately 1.8m above the shared driveway. Accordingly acceptable solution 10.4.6 (A3) (b) (ii) is met.

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.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

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

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

**Relies on Performance Criteria
Single Dwelling:**

In this instance a frontage fence to a height of 1.8m with transparency from 1.2m to 1.8m has been proposed along Wattle Way. Therefore the acceptable solution has been met.

Multiple Dwellings:

In this instance a frontage fence to a height of 1.8m with transparency from 1.2m to 1.8m has been proposed along Wattle Way which will comply with the acceptable solution. A section of the fencing along Bain Terrace between the proposed new access to the single dwelling and multiple dwelling 3 for a distance of approximately 44m has been proposed to be a solid paling fence to a height of approximately 1.8m. Therefore assessment against the performance criteria is required.

P1 A fence (including a free-standing wall) within 4.5m of a frontage must:

- (a) provide for the security and privacy of residents, while allowing for mutual passive surveillance between the road and the dwelling; and
- (b) be compatible with the height and transparency of fences in the street, taking into account the:
 - (i) topography of the site; and
 - (ii) traffic volumes on the adjoining road.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

Whilst there is are some sections along Wattle Way where there are paling fences to a height of approximately 1.8m, the streetscape of Wattle Way is primarily characterised by fences of lesser heights that provide an element of transparency and mutual passive surveillance. On this basis it is considered appropriate to require the entire frontage fence along Wattle Way to be constructed in a manner that complies with the acceptable solution. It is therefore recommended that a condition be applied to the permit accordingly.

10.4.8 Waste storage for multiple dwellings

Objective:

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

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

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

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

Complies

The site plan Project No. 1516 RFI 1 indicates that each multiple dwelling will have a minimum storage area of approximately 1.5m² located within an area that will be for the exclusive use of each dwelling unit. Therefore the acceptable solution has been met.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

10.4.9 Site facilities for multiple dwellings

Objective:
To provide adequate site and storage facilities for multiple dwellings.
Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.
A1 Each multiple dwelling must have access to 6 cubic metres of secure storage space not located between the primary frontage and the facade of a dwelling.
Complies The site plan Project No. 1516 RFI 1 indicates that each multiple dwelling will have a minimum storage space of approximately 6m ³ which will be located within the ground floor of the dwelling and not between the primary frontage and façade of the multiple dwellings.
A2 Mailboxes must be provided at the frontage.
Complies The site plan Project No. 1516 RFI 1 indicates that the mail box for each multiple dwelling will be located at the entrance to the internal driveway off Bain Terrace. Therefore the acceptable solution is met.

10.4.10 Common property for multiple dwellings

Objective:
To ensure that common areas are easily identified.
Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.
A1 Site drawings must clearly delineate private and common areas, including: <ul style="list-style-type: none"> (a) driveways; (b) parking spaces, including visitor parking spaces; (c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

The site plan Project No. 1516 RFI 1 that the public and private areas including private open space, amenity and storage facilities, visitor car parking spaces and communal driveway area will be delineated by sealed surfaces and solid fencing to a minimum height of 1.8m except for the front fence. Therefore the acceptable solution is met.

10.4.11 Outbuildings, swimming pools and fences

Objective:

To ensure that:

- (a) outbuildings, swimming pools and fences:
 - (i) do not detract from the character of the surrounding area; and
 - (ii) are appropriate to the site and respect the amenity of neighbouring lots;
- (b) dwellings remain the dominant built form.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A2 A swimming pool must be located:

- (a) no closer to the primary frontage than the main building; or
- (b) in the rear yard.

Relies on Performance Criteria

In this situation, the proposed swimming pool for the single dwelling will be located within the primary frontage. Therefore assessment against the corresponding performance criteria is required.

P2 A swimming pool must be designed and located having regard to:

- (a) the topography of the site;
- (b) the streetscape;
- (c) any overlooking or overshadowing of adjoining sensitive uses;
- (d) any existing or proposed screening; and
- (e) the character of the surrounding area.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

The proposed pool will predominately be in-ground with a small section protruding out from the cut in the north-east corner as a result of the topography of the site. As such, the proposed pool is not expected to result in overshadowing of adjoining properties. The bulk of the pool and associated decking will be concealed behind the proposed frontage fence and supplementary screening will be provided through screen planting between the structures and the frontage.

The applicant has identified that the streetscape of Wattle Way on either side comprises a diverse array of fencing, screen structures and building elements that are located either on, or within 4.5m of the frontage. On this basis, it is considered that the design, siting and scale of the proposed pool will be compatible with the established streetscape of Wattle Way.

10.4.12 Earthworks and retaining walls

Objective:

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

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must:

- (a) be located no less than 900mm from each lot boundary;
- (b) be no higher than 1m (including the height of any batters) above existing ground level;
- (c) not require cut or fill more than 1m below or above existing ground level;
- (d) not concentrate the flow of surface water onto an adjoining lot; and
- (e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Relies on Performance Criteria

Due to the steep topography of the site a significant amount of earthworks are required to be undertaken in order to facilitate the proposed single dwelling and multiple dwellings. The majority of cut and fill will be located away from the property boundaries of adjacent lots. The proposed internal driveway which is to service the multiple dwellings will require a level of cut and grading which will be in parallel to the south-eastern boundary. However, the height of retaining walls and associated cut batters will be in excess of 1m below existing ground level. Therefore assessment against the performance criteria is required.

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

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

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

It is considered that the proposed earthworks and retaining wall structures comply with the performance criteria on the following basis:

- the site is affected by significant topographical constraints due to its location on the Trevallyn Hillside. The proposed earthworks, retaining walls and batters are required in order to facilitate the proposed development;
 - the appearance, scale and extent of the proposed earthworks and retaining walls are considered to be commensurate to the proposed development and to the topographical constraints that the site is presented with;
 - the bulk of the earthworks involves cutting into the slope which will result in the majority of retaining wall structures being located below existing ground level. The larger retaining walls will be located within close proximity to the proposed single and multiple dwellings which are located sufficient distances away from adjoining residential properties so as not to cause overshadowing or overlooking impacts. Furthermore, once the site is fully developed and landscaped including the construction of the frontage fences, the visual impact of the earthworks is expected to be softened to the point where they become in evident within the site;
 - a building permit will be required for the proposed development which will require the retaining walls to be designed by an accredited civil engineer. This process will take into account the capacity of the retaining wall to cope with the extent of the cut and any impacts on adjoining properties including the impact on groundwater and stormwater;
 - it is recommended that a condition be applied to the permit in order to control potential loss of topsoil and soil erosion.
-

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

10.4.13 Location of car parking

<p>Objective: To:</p> <ul style="list-style-type: none"> (a) provide convenient car parking for residents and visitors; (b) protect residents from vehicular noise within sites; and (c) minimise visual impact on the streetscape.
<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.</p>
<p>A1 Shared driveways or car parks of residential buildings (other than for single dwellings) must be located no less than 1.5m from the windows of habitable rooms.</p>
<p>Complies In this instance the windows to the bedroom of each multiple dwelling will be located approximately 1.6m from the shared driveway. Therefore the acceptable solution is met.</p>
<p>A2.1 Car parking must not be located in the primary front setback, unless it is a tandem car parking space in a driveway located within the setback from the frontage.</p>
<p>A2.2 Turning areas for vehicles must not be located within the primary front setback.</p>
<p>Relies on Performance Criteria In relation to the proposed multiple dwellings, it is conceivable that a car could park within the frontage setback between Bain Terrace and multiple dwelling three. Therefore the assessment against the performance criteria is required.</p>
<p>P2 The location of car parking and turning areas must be safe, convenient and minimise the visual impact on the streetscape having regard to:</p> <ul style="list-style-type: none"> (a) the visual impact of the car parking location viewed from the road; (b) access for users of the site; (c) pedestrian and vehicular traffic safety; (d) the nature and characteristics of the street; (e) the need for the location; (f) any landscaping of the car parking or turning area location; and (g) construction methods and pavement types.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

In this instance, the section of driveway between the frontage of Bain Terrace and multiple dwelling 3 will primarily be utilised for vehicle manoeuvring into and out of the attached garage which will be located on the ground floor. It is considered that the driveway and car parking area will be sufficiently screened from Bain Terrace through the inclusion of the proposed frontage fence and landscaping. The configuration of the proposed driveway will enable all vehicles to enter and exit the site in a forward direction which will enhance pedestrian safety when vehicles enter and exit the site from Bain Terrace. The location of the driveway and parking area will be consistent with the proposed design of the multiple dwellings.

10.4.15 Lot size and dimensions

Objective:

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

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1.1 Each lot, or a lot proposed in a plan of subdivision, must:

- (a) have a minimum area of no less than 500m² ; and
- (b) be able to contain a rectangle measuring 10m by 15m; or

A1.2 Each lot, or a lot proposed in a plan of subdivision, must:

- (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or
- (b) be required for the provision of public utilities; or
- (c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and

A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

In this situation the proposed lots will have an area of 1,030m² and 1,929m² respectively which is well above the minimum area of 500m². Each lot will also be able to contain a minimum rectangular envelope measuring 10m by 15m. Therefore acceptable solution A1.1 is met.

The parent lot is currently vacant and does not contain any existing buildings. The proposed new subdivision boundary will run parallel with Bain Terrace approximately 2/3^{rds} the way up Wattle Way. The proposed subdivision will not alter or change the existing side (southern) and rear (western) boundaries. Therefore acceptable solution A1.3 is no applicable to the assessment.

10.4.16 Frontage and access

Objective:

To ensure that lots provide:

- (a) appropriate frontage to a road; and
- (b) safe and appropriate access suitable for the intended use.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 3.6m.

Complies

In this situation each lot will have a frontage to a road maintained by the Council of greater than 3.6m in width. Therefore the acceptable solution is met.

A2 No acceptable solution.

Relies on Performance Criteria

There is no acceptable solution. Therefore assessment against the performance criteria is required.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

P2 Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:

- (a) the topography of the site;
- (b) the distance between the lot or building area and the carriageway;
- (c) the nature of the road and the traffic;
- (d) the character of the area; and
- (e) the advice of the road authority.

Complies

Sufficient access will be provided to the boundary of each lot.

10.4.17 Discharge of stormwater

Objective:

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

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.

Complies

It has been demonstrated that each lot will be able to connect to the public stormwater system.

A2 The Council's General Manager has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

Written consent has been provided by a delegate of Council advising that the public stormwater system has the capacity to accommodate the stormwater discharge from the proposed subdivision. Therefore the acceptable solution has been met.

10.4.18 Water and sewerage services

Objective:

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

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.

Complies

It has been demonstrated that each lot will be able to connect to the existing reticulated water supply. TasWater have provided consent to the proposed subdivision.

A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.

Complies

It has been demonstrated that each lot will be able to connect to the existing reticulated sewerage system. TasWater have provided consent to the proposed subdivision.

10.4.19 Integrated urban landscape

Objective:

To provide landscaping of lots, roads and public open spaces that contributes to the character and identity of urban places and the character of the surrounding area.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1 Subdivision does not create any new road, public open space or other reserves.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

The proposed subdivision will not create any new roads, public open space or other reserves. Therefore the acceptable solution has been met.

10.4.20 Walking and cycling network

Objective:

To:

- (a) provide safe and convenient movement through and between neighbourhoods by pedestrians and cyclists;
- (b) design footpaths, shared path and cycle path networks that are safe and accessible; and
- (c) accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1 Subdivision does not create any new road, footpath or public open space.

Complies

The proposed subdivision will not create any new road, footpath or public open space. Therefore the acceptable solution has been met.

10.4.21 Lot diversity

Objective:

To provide a range and mix of lot sizes to suit a variety of dwelling and household types.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1 Subdivision is for 10 lots or less.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

The proposed subdivision is for two lots. Therefore the acceptable solution has been met.

10.4.22 Solar orientation of lots**Objective:**

To provide for solar orientation of lots and solar access for future dwellings.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

10.4.23 Neighbourhood road network**Objective:**

To provide for convenient and safe movement, through and between neighbourhoods, for motor vehicles, pedestrians, cyclists and public transport using the road network.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1 Subdivision does not create any new road.

Complies

The proposed subdivision will not create any new road. Therefore the acceptable solution has been met.

10.4.24 Public transport network**Objective:**

To provide for access to public transport.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1 Subdivision does not create any new road.

Complies

The proposed subdivision will not create any new road. Therefore the acceptable solution has been met.

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

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

Consistent

The proposed development has been assessed as being consistent with the purpose of the Road and Railway Assets Code. Refer to the assessment against the relevant standards of the code below.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

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

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

Complies

The average number of vehicular movements per day per dwelling is determined to be 10. In this situation, the proposed multiple dwellings will utilise the existing access off Bain Terrace. The vehicle movements have been determined to be 30 movements per day which is below 40 movements per day. Therefore the acceptable solution has been met.

E4.5.2 Existing level crossings

Objective:

To ensure that the safety and the efficiency of the rail network is not reduced by access across part of the rail network.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

E4.6 Development Standards

E4.6.1 Development adjacent to roads and railways

Objective:

To ensure that development adjacent to category 1 or category 2 roads or the rail network:

- (a) ensures the safe and efficient operation of roads and the rail network;
- (b) allows for future road and rail widening, realignment and upgrading; and
- (c) is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

E4.6.2 Road accesses and junctions

Objective:

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

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.

Complies

In this instance one new access providing both entry and exit has been proposed for the lot which will contain the proposed single dwelling. Therefore the acceptable solution has been met.

E4.6.3 New level crossings

Objective:

To ensure that the safety and the efficiency of the rail network is not reduced by access across part of the rail network.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1 No acceptable solution.

Relies on Performance Criteria

There is no acceptable solution. Therefore assessment against the corresponding performance criteria is required.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

E4.6.4 Sight distance at accesses, junctions and level crossings

Objective:

To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1 Sight distances at:

- (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and
- (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.

Complies

The proposed new access will have sight distances off approximately 80m to the east and west of Wattle Way. Therefore the acceptable solution is met.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Consistent

The proposed development has been assessed as being consistent with the purpose of the Parking and Sustainable Transport Code. Refer to the assessment against the relevant standards of the code below.

E6.5 Use Standards

E6.5.1 Car parking numbers

A1 The number of car parking spaces must:

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

Complies

Table E6.1 requires 2 car parking spaces to be provided per dwelling plus 1 dedicated visitor parking space per 4 multiple dwellings within the General Residential zone. In this instance 2 car parking spaces are provided within the attached garage of the single dwelling. The garage of each multiple dwelling will also be able to accommodate 2 car parking spaces in addition to a separate visitor parking space. Therefore the acceptable solution has been met.

E6.5.4 Motorcycle parking

Objective:

To ensure that motorcycle parking is provided to meet the needs of the use.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the specific provision of the standard in the report below.

- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)**

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective:

To ensure that parking areas are constructed to an appropriate standard.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

A1 All parking, access ways, manoeuvring and circulation spaces must:

- (a) have a gradient of 10% or less;
- (b) be formed and paved;
- (c) be drained to the public stormwater system, or contain stormwater on the site;
- (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and
- (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.

Relies on Performance Criteria

In this situation, each driveway, access way, manoeuvring and circulation area will be formed and sealed with an all-weather material and will be drained to Council's stormwater system. However, the areas will have a gradient of greater than 10%. Therefore assessment against the performance criteria is required.

P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions, having regard to:

- (a) the nature of the use;
- (b) the topography of the land;
- (c) the drainage system available;
- (d) the likelihood of transporting sediment or debris from the site onto a road or public place;
- (e) the likelihood of generating dust; and
- (f) the nature of the proposed surfacing and line marking.

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Complies

It is considered that the proposed driveway, access way, manoeuvring and circulation areas comply with the performance criteria on the following basis:

- the proposed driveway will be constructed to detailed engineering design and will be formed and sealed and will be drained to Council's stormwater system;
- the proposed driveway is considered acceptable and in keeping with the surrounding area given the topographical constraints of the site;
- a condition has been recommended requiring the areas set aside for parking vehicles and access to be designed and constructed to the relevant Australian Standard.

E6.6.2 Design and layout of parking areas

Objective:

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

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

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

- (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;
- (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2;
- (c) have parking space dimensions in accordance with the requirements in Table E6.3;
- (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are 3 or more car parking spaces; and
- (e) have a vertical clearance of not less than 2.1 metres above the parking surface level.

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

A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are 6 spaces or more.

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

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Complies

Each vehicular access will have a minimum width of 4.5m for the initial 7m from the road frontage and a minimum width of 3.5m thereafter. The parking spaces will be approximately 2.3m in width, 5.4m in length and will have a minimum access of 4.9m. This complies with Tables E6.2 and E6.3 of the code. There are no accessible car parking spaces required for the proposed use. Therefore the acceptable solution has been met.

E6.6.3 Pedestrian access

Objective:

To ensure pedestrian access is provided in a safe and convenient manner.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.

E7.0 Scenic Management Code

E7.1 The purpose of this provision is to:

- (a) ensure that siting and design of development protects and complements the visual amenity of scenic road corridors; and
- (b) ensure that siting and design of development in scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape; and
- (c) ensure that vegetation is managed for its contribution to the scenic landscape.

Consistent

The proposed development has been assessment as being consistent with the purpose of the Scenic Management Code. Refer to the assessment against the relevant standards of the code below.

E7.6 Development Standards

E7.6.1 Scenic road corridor

Objective:

To ensure the visual amenity of the scenic road corridors is managed through appropriate siting and design of development, including subdivision, to provide for views that are significant to the traveller experience and avoid obtrusive visual impacts on skylines, ridge lines and prominent locations.

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<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.</p>
<p>A1 Development (not including subdivision), must not be visible when viewed from the scenic road.</p>
<p>Complies In this instance the proposed development will not be visible from the scenic road which is located approximately 4km to the south-east along the Midlands Highway and 7.7km to the north-east along Lilydale Road. Therefore the acceptable solution has been met.</p>

E7.6.2 Scenic management areas

<p>Objective: The siting and design of development is to be unobtrusive in the landscape and complement the character of the scenic management areas.</p>
<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria There is not acceptable solution. Therefore assessment against the corresponding performance criteria is required.</p>
<p>P1 Development (not including development that involves only the clearance or removal of vegetation, or subdivision) must have regard to:</p> <ul style="list-style-type: none"> (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3; (b) the impact on skylines, ridgelines and prominent locations; (c) the nature and extent of existing development on the site; (d) the retention or establishment of vegetation to provide screening; (e) the need to clear existing vegetation; (f) the requirements for any hazard management; (g) the need for infrastructure services; (h) the specific requirements of the development; (i) the location of development to facilitate the retention of trees; and (j) design treatment of development, including:

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way an...(Cont'd)

- (i) the bulk and form of buildings including materials and finishes;
- (ii) any earthworks for cut or fill;
- (iii) the physical (built or natural) characteristics of the site or area;
- (iv) the nature and character of the existing development; and
- (v) the retention of trees.

Complies

The Trevallyn Hillside Precinct encompasses the steep hillside to the west of the Tamar River and north of the Cataract Gorge extending from South Esk Road in the southern half to the edge of the municipal border along Cherry and Forest Roads in the northern half which is approximately 1.6km in length. The skyline of the hillside runs approximately parallel with Delungra Road to the south and the eastern side of Floreat Crescent to the north. In this instance the site is located in the southern half of the precinct approximately halfway up the hillside. Historically, the precinct has developed in an eclectic and often ad hoc manner encompassing a broad array of dwelling types which exhibit different architectural styles.

It is considered that the proposed development which includes the construction of the single and multiple dwellings, complies with the performance criteria on the following basis:

In response to the Trevallyn Hillside Management Objectives the following is observed.

- the proposed development will be recessed into the site which is expected to reduce the overall scale and bulk of the development within the context of the precinct. The proposed configuration and orientation is expected to be consistent with the established pattern of development within the precinct which can be characterised by large dwellings with decks and living areas oriented to the east. Overall, the proposed development is expected to be largely inevent within the context of the precinct when observed from significant public areas on the eastern side of the Tamar River;
- it has been identified that the established pattern of development within the precinct is extremely eclectic and ad hoc in nature which includes Federation era and other similar weatherboard dwellings mixed with brick veneer single and multiple dwellings. The materiality and colour of the proposed single and multiple dwellings has been selected to complement and build on the diverse mosaic of materials that are within the precinct. The scale and form of the proposed development is expected to be compatible with the established pattern of development within the precinct which can be characterised by large built forms which have a significant presence within the streetscape when viewed from roads and pedestrian areas due to the topography of the hillside;

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- the landscape concept plan that has been submitted details the proposed landscape design that will be adopted for the development. The landscape plan specifies that the design will primarily entail the use of native Tasmanian and Australian plant species in order to enhance and soften the impact of the proposed single and multiple dwellings within the landscape. Given the proximity of the site to the Cataract Gorge (in comparison to the northern half of the precinct), the proposed landscape plan is considered to be consistent with the management objective which favours local native plant species;

In response to the remaining performance criteria the following is observed:

- the site is located approximately halfway up the Trevallyn hillside and will not be located on the ridgeline or skyline of the precinct;
- the site is currently vacant and cleared of significant vegetation;
- it is proposed to establish vegetation on the site in accordance with the submitted landscape plan. It is expected that the proposed landscaping will provide a level of screening which will soften the proposed development within the streetscape and broader landscape of the precinct. It is recommended that a condition be applied to the planning permit to reinforce the requirement to undertake the landscaping in accordance with the submitted landscape plan;
- no significant hazards have been identified at the site;
- the proposed development will connect into existing infrastructure services which include water, sewage and stormwater;
- the appearance, scale and materiality of the proposed development including all earthworks and retaining walls are considered to be commensurate to the established pattern of development within the precinct which reflects the topographical constraints that are presented;

A2 No vegetation is to be removed.

Complies

The site is currently vacant and is cleared of all significant vegetation. No significant vegetation is proposed to be removed.

A3 Subdivision is in accordance with a specific area plan.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

Relies on Performance Criteria

The proposed subdivision is not in accordance with a specific area plan. Therefore assessment against the corresponding performance criteria is required.

P3 Subdivision must have regard to:

- (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3;
- (b) the size, shape and orientation of the lot;
- (c) the density of potential development on lots created;
- (d) the need for the clearance or retention of vegetation;
- (e) the need to retain existing vegetation;
- (f) the requirements for any hazard management;
- (g) the need for infrastructure services;
- (h) the specific requirements of the subdivision;
- (i) the extent of works required for roads or to gain access to sites, including any cut and fill;
- (j) the physical characteristics of the site and locality;
- (k) the existing landscape character;
- (l) the scenic qualities of the site; and
- (m) any agreement under s.71 of the Act affecting the land.

Complies

The proposed subdivision entails dividing the current lot into two separate lots. The new subdivision boundary will be located approximately 2/3rds along the frontage of Wattle Way. Lot 1 will be approximately 1,030m² in area and will contain the proposed single dwelling. Lot 2 will be approximately 1,929m² in area and will contain the proposed multiple dwellings.

The configuration of the proposed subdivision is considered to be compatible with the existing character and pattern of development on the hillside which includes long rectangular lots oriented perpendicular to roadways. The site is currently vacant and does not contain any significant vegetation.

In response to the remaining performance criteria the following is observed:

- the size, shape and orientation of the proposed lots are considered to be compatible with the surrounding pattern of development;
- no vegetation will be cleared from the site as a result of the proposed subdivision;
- no significant hazards have been identified at the site;
- the each lot will be connected into existing infrastructure services which include water, sewage and stormwater;

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

- there are no agreements pursuant to section 71 of the *Land Use Planning and Approvals Act 1993* listed on the title.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Roads and Hydraulics	Conditions have been recommended.
Environmental Health	Conditions have been recommended.
Parks and Recreation	No referral required.
Heritage/Urban Design	No referral required.
Building and Plumbing	Notes apply.
EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2015/01190-LCC.
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 9 September 2015 until 22 September 2015. Ten (10) 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.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

All representors were invited to an onsite meeting which was held on Tuesday 29 September 2015 at 4:30pm. The primary purpose of the meeting was to enable an open discussion of the issues and concerns raised and for the Council's assessment process to be outlined. The representors were advised of the key sections of the planning scheme which applied to the proposed development and how the development application had been assessed. Whilst some concerns were clarified and addressed, the key issue that remained outstanding was the visual impact of the proposed development in terms of scale and bulk and how it would integrate within the landscape. The representors were advised that a recommendation would be prepared based on the assessment report and that the final decision would be made by Aldermen acting as a Planning Authority. The representors were advised of their capacity to attend the meeting and their ability to speak to the planning item for a period of 2 minutes. The representors were also advised of their appeal rights preceding a decision should they wish to enact that right.

ISSUE	COMMENTS
There will be impediments and disruption to the flow of traffic through Wattle Way.	11.5
The style, bulk and form of the proposed development will be unsympathetic and contrary to the historic streetscape which is unique to the locality of Trevallyn.	It is acknowledged that the proposed development will alter the built form and character of the streetscape on the basis that the site is currently vacant. The scale and form of the proposed development is expected to be compatible with the established pattern of development within the precinct which has been characterised by large built forms which have a significant presence within the streetscape when viewed from roads and pedestrian areas due to the topography of the hillside. Overall, the proposed development is considered to meet the standards and objectives of the Scenic Management Code in relation to streetscape and landscape character.
The proposed single dwelling will be located too close to the adjoining dwelling to the west and will result in a loss of sunlight and privacy.	The proposed single dwelling has been assessed as being compliant with the building envelope and privacy standards of the General Residential zone which expressly seek to control overshadowing and loss of privacy matters. Accordingly, there exists no further capacity to regulate or control overshadowing or privacy matters.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

ISSUE	COMMENTS
Access from Bain Terrace for the proposed multiple dwellings and subsequent increase in traffic flow will result in significant noise pollution for surrounding residents.	This is not a concern that can be dealt with under the planning scheme.
The proposed multiple dwelling units will significantly reduce the privacy of the surrounding dwellings located along Delamere Crescent and Bain Terrace.	The proposed multiple dwellings have been assessed as being compliant with standards of the General Residential zone which expressly seek to control loss of privacy matters. Accordingly, there exists no further capacity to regulate or control overshadowing or privacy matters.
The density of development is too high.	The proposed multiple dwellings comply with the relevant density standards within the General Residential zone. Accordingly, there exists no further capacity to regulate development density.
The previous dwelling should not have been demolished and it is alleged that residents have been deceived in relation to the future development of the site.	This is a matter outside the scope of this assessment.
Property values would be adversely impacted by the proposed development.	This is a matter outside the scope of this assessment.
The proposed development will fundamentally dominate the site and surrounding area and will alter the skyline.	It is acknowledged that the proposed development will change the existing character of the site and surrounding area. It is considered that the proposed development will not be inconsistent with the established pattern of development within the precinct which can be characterised by large built forms which have a significant presence within the streetscape when viewed from roads and pedestrian areas due to the topography of the hillside. The site is located approximately halfway up the Trevallyn Hillside and will not impact or alter the skyline.
The proposed development will result in traffic safety issues along Wattle Way and Bain Terrace in relation to increased vehicle movements.	The proposed development has been assessed as being compliant with the level of traffic movements which have been determined to be reasonable and safe for residential environments.

- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way an...(Cont'd)**
-

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

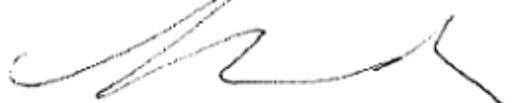
N/A

- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(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.



Leanne Hurst: Director Development Services

ATTACHMENTS

The following attachments were circulated separately:

1. Locality Map
 2. Plans
 3. Representations
-

COUNCIL AGENDA

Monday 12 October 2015

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)

FILE NO: DA0353/2015

AUTHOR: Jacqui Tyson (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	PDS (Planning Development Services)
Property:	Treasure Island Caravan Park 86 Glen Dhu Street South Launceston
Zoning:	Low Density Residential
Receipt Date:	17/07/2015
Validity Date:	20/07/2015
Further Information Request:	27/07/2015
Further Information Received:	28/08/2015
Deemed Approval:	12/10/2015
Representations:	3

PREVIOUS COUNCIL CONSIDERATION:

D479/97 - Caretakers Residence (Approved 1/12/97)

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 2015, a permit be granted for DA0353/2015 Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective) at 86 Glen Dhu Street, South Launceston 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. Site plan - Stage 1, Prepared by Design to Build, Project No: 157030, Drawing No: A03, Big4 Launceston Holiday Park, Revision No. 7, Dated 28/08/15.
-

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

- b. Existing site survey, Prepared by Design to Build, Project No: 157030, Drawing No: A01, Big4 Launceston Holiday Park, Revision No. 3, Dated 15/07/15.
- c. Site demolition plan, Prepared by Design to Build, Project No: 157030, Drawing No: A02, Big4 Launceston Holiday Park, Revision No. 6, Dated 28/08/15.
- d. Floor plans and elevations, Prepared by Design to Build, Project No: 157030, Drawing No: A04, Big4 Launceston Holiday Park, Revision No. 3, Dated 15/07/15.
- e. Civil master plan, Prepared by Engineering Edge, Job No: 24215, Drawing No: C01, Big4 Launceston Holiday Park, Revision A, Undated.
- f. Bushfire protection report, Prepared by Castellan Consulting, Report No: 15054, 86 Glen Dhu Street, South Launceston, Big4 Launceston Holiday Park, Dated 01/07/2015.
- g. Traffic Impact Assessment, Prepared by GHD, Big4 Launceston Holiday Park, Dated 16/07/15.

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.

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

3. NO STORAGE OUTSIDE BUILDING

All goods and packaging materials must be stored inside buildings. No external storage is permitted.

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. NON REFLECTIVE EXTERIOR FINISH

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

6. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2015/01148-LCC) (attached).

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

7. SITE LANDSCAPING PLAN

Prior to the commencement of works, the landscaping plan must be modified and submitted for approval by 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. Major site features such as building footprints, topography, contours existing vegetation and street boundaries; and
- b. Existing and proposed garden areas and plantings (including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity); and
- c. All proposed trees must be species that are native to Tasmania and preferably to the local area. Shrubs and ground covers may include other species as listed in the submitted list.
- d. Any stabilisation works required as a result of tree or vegetation removal; and
- e. All proposed garden beds, fences, retaining walls, lawn, hard surfaces and pathways; and
- f. Suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas; and

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

- g. Installed in accordance with the endorsed plan; and
- h. Completed within 3 months of the date of this permit; and
- i. Maintained as part of the development. It must not be removed, destroyed or lopped without the written consent of the Council.

8. NO FURTHER VEGETATION REMOVAL

Tree and vegetation removal must be limited to those specifically notated on the approved plans as "*tree to be removed*".

No other tree or vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.

9 DRIVEWAY 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 2890.3 Off-street commercial vehicle facilities (*where applicable*), AS 2890.3 Bicycle parking facilities and AS 2890.6 Off-street parking for people with disabilities.
-

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

- b) Be properly constructed to such levels that they can be used in accordance with the plans,
- c) Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers,
- d) Be drained to Councils requirements,
- e) Be line-marked or otherwise delineated to indicate each car space and access lanes,
- f) Be provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas;
- g) Have exterior lights that are installed in such positions as to effectively illuminate all pathways, car parking areas and porch areas. Such lighting must be controlled by a time clock or sensor unit and shielded to prevent direct light being emitted outside the site,
- h) Have a discreetly directional sign of not more than 0.3m² must be provided at the entrance to the site indicating the availability of off-street visitor parking.

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

10. 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.

11. 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.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

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".

12. SOIL AND WATER MANAGEMENT PLAN

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

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

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

13. 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.

14. AMENITY - COMMERCIAL/INDUSTRIAL USE

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

15. EXCAVATION.

No excavation to be carried out within close proximity, i.e. twenty (20) meters, of the location of any previously existing distillate tank.

16. NO BURNING OF WASTE

No burning of any waste materials generated by the construction process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (e.g. Launceston Waste Centre).

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

Notes

A. 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.

B. 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.

C. 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.

D. General

This permit was issued based on the proposal documents submitted for DA0353/2015. 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. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

E. 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.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

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

F. 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.

G. 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>>

H. Aboriginal Heritage

If any Aboriginal relics are uncovered during works;

- a. All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,*
- b. The presence of a relic is to be reported to Aboriginal Heritage Tasmania. Phone (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and*
- c. The relevant approval processes will apply with state and federal government agencies.*

I. Threatened species

This property contains threatened species. Permits are required under the Threatened Species Protection Act 1995 for any activities that may impact those species.

Information can be found from:

The Threatened Species unit of Tourism Arts & Environment website (www.dtae.tas.gov.au <<http://www.dtae.tas.gov.au>>) or phone 6233 8011; and Forest Practices Authority, web (www.fpa.tas.gov.au <<http://www.fpa.tas.gov.au>>) or phone 6336 5300.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

J. Signage

Separate approval may be required for any signage proposed on the site.

K. Midland Highway - Advice from State Growth

The Department of State Growth will not be responsible for any future issues relating to current or further increases in traffic noise arising from the Midland Highway. This is inclusive of funding and / or providing any form of sound mitigation or attenuation treatments and signage.

It is recommended that the Developer considers the impacts from traffic noise including potential increases that may occur from future traffic volume growth. Provision and associated costs of any appropriate sound mitigation measures are the responsibility of the Developer and if undertaken, must be outside the State Road reserve boundary.

Stage 2 - Site Assessment

Please note that an Environmental Site Assessment prepared by a suitably qualified person addressing the Potentially Contaminated Land Code will be required for Stage Two of this project.

REPORT:

1. THE PROPOSAL

The proposal is for stage 1 of a redevelopment of the caravan park at 86 Glen Dhu Street, South Launceston. The property was previously known as the Treasure Island Caravan Park but is now under new ownership and is called Big4 Launceston Holiday Park.

A master plan has been developed for the expansion and refurbishment of the caravan park over four stages. The current development application is for stage 1 only although some of the application materials contain information that will also be relevant for later stages. The stage 1 proposal includes:

- Relocation of five existing cabins, four from the north east corner of the site and one from the western end of the existing row of cabins near the northern boundary;
 - Placement of eight standard cabins with one bedroom and bunk beds to the south west of the reception building. Five of these will be new cabins and three will be relocated cabins;
 - Four new two bedroom cabins sited further west of the eight standard cabins;
-

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

- A 12m x 14m storage shed in the north eastern corner;
- New BBQ area and play ground;
- Refurbishment and expansion of camp kitchen;
- Refurbishment of existing laundry/amenities building;
- Retrospective approval of vegetation removal; and
- Access, parking and site works for services.

The application originally also included two signs, demolition of a toilet block and addition of a laundry to the reception/managers quarters. It has been decided to leave the toilet block and laundry until a future stage as there are unresolved issues regarding potentially contaminated land in these areas. One of the proposed signs exists and has been refaced with the Big4 name and branding. It has been determined that this sign has existing use rights and no approval is required. The second proposed sign cannot be approved in the zone and has been removed from the application. Other signs may be included in future stages.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located at the southern end of Glen Dhu Street and immediately to the west of the Southern Outlet section of the Midland Highway.

The existing caravan park is located on CT128581/1 which has an area of 3.927ha. All works proposed in this application are located on this title. The property includes a second title (CT128159/1) of over 2.5ha that is presently vacant and extends to the south along the boundary with the Midland Highway. The future stages of the master plan include extension of the caravan park onto this land.

The adjoining properties to the north of the site are used for residential purposes and are primarily developed with single dwellings. These properties front Heather and Glen Dhu Streets and are zoned General Residential. Further north beyond Heather Street is the Coats Patons Complex. The western side of this area is zoned and used for light industrial purposes. The main buildings fronting Glen Dhu Road have a Particular Purpose Zone and are occupied by the Door of Hope church and associated businesses and facilities including a child care centre and gym. The land adjoining the north western corner of the site is public open space owned by Council, known as Aberdeen Court Recreation Reserve. This land is largely vegetated with native bush. The subject property and the adjoining sites to the south and south west of the site are zoned Low Density Residential. There are three relatively large properties that extend down the hill side from Granville Street and Peel Street West that are largely covered with native bush other than the lower slopes which are partly cleared.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

The site rises to the west, initially with a slope of around 10% but then increasing to a slope of around 25% from the centre of the site to the western boundary. The upper sections of the site are identified as being within a Class 4 landslide area.

Access to the site is from the southern end of Glen Dhu Street via a sealed drive. There is a network of internal access roads on the site, some of which are sealed and others further up the slope to the west are currently gravel. Glen Dhu Street provides access to and from the Midland Highway via Pipeworks Road. Glen Dhu Street is sealed and drained to Council standard.

The site had been predominantly cleared of native vegetation in the past other than a sparse covering of mature trees and shrubs amongst the caravan sites and some remnant vegetation on the western and south western undeveloped sections. A section of vegetation has been cleared from the site recently without the necessary planning approval and this is included in this application for retrospective approval. The site is within 100m of bushfire prone vegetation.

Currently the site is developed with 65 cabins, caravan sites, a manager's residence/reception building and associated infrastructure including amenities blocks, roads and car parking.

The site is connected to reticulated services that are adequate to service the stage 1 proposal.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

12.0 Low Density Residential Zone

12.1.1 Zone Purpose Statements

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

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

12.1.1.3 To provide for development that is compatible with the natural character of the surrounding area.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

Consistent

The current proposal is for a small expansion, refurbishment and site works of an existing caravan park. The extent of the stage 1 application is within the existing footprint of the developed area of the site and is expected to be compatible with residential amenity. Most of the elements of the application are compatible with the natural character of the surrounding area; however the removal of vegetation from the site particularly prior to approval is not ideal given the prominent position of the site beside the Midland Highway. Landscaping including trees that will reach a reasonable height at maturity will be required.

12.3 Use Standards

12.3.1 Hours of operation

Objective:

To ensure that non-residential uses do not cause unreasonable loss of amenity to nearby sensitive uses

Consistent

The acceptable solution is satisfied.

A1 Commercial vehicles must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.

Complies

The caravan park will not operate any commercial vehicles of their own. Deliveries and waste collection will occur on weekdays between 7am and 6pm.

12.3.2 Mechanical plant and equipment

Objective:

To ensure that the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to sensitive uses.

Consistent

The acceptable solution is satisfied.

A1 Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining or immediately opposite sensitive uses.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

Complies

The only plant and equipment that will be located in close proximity to residential properties will be air conditioning/heating units of a domestic scale for each of the cabins sited along the northern boundary. All of the cabins are sited at least 7m from the boundary and will not impact on the neighbouring properties.

12.3.3 Light spill and illumination

Objective:

To ensure that light spill and levels of illumination from external lighting does not cause unreasonable loss of amenity to sensitive uses.

Consistent

The acceptable solution is satisfied.

A1 The use must:

- (a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the General Residential, Inner Residential, Urban Mixed Use and Village zones; and
- (b) contain direct light from external light sources within the boundaries of the site.

Complies

The site adjoins the General Residential zone on the northern side. All light sources will be suitably sited and baffled to ensure they are contained within the boundaries of the site.

12.3.4 External storage of goods

Objective:

To ensure that external storage of goods, materials and waste does not detract from the amenity of the area.

Consistent

The acceptable solution is satisfied.

A1 Storage of goods and materials, other than for retail sale, or waste must not be visible from any road or public open space adjoining the site.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

Complies

Storage can be accommodated within existing buildings and the proposed storage shed. No external storage is required.

12.3.5 Commercial vehicle parking

Objective:

To ensure that parking of commercial vehicles does not detract from the amenity of the area.

Consistent

The acceptable solution is satisfied.

A1 Commercial vehicles must be parked within the boundary of the site.

Complies

All vehicles associated with the operation of the caravan park will be parked within the boundary of the site.

12.4 Development Standards

12.4.4 Development for discretionary uses

Objective:

To ensure that discretionary uses are compatible with the form and scale of residential development and do not adversely impact on the amenity of nearby sensitive uses.

Consistent

The applicable standards are satisfied.

A1 No acceptable solution

Relies on Performance Criteria

As there are no acceptable solutions the proposal must be assessed against the performance criteria.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

P1 Development must be compatible with the form and scale of residential development and not unreasonably impact on the amenity of nearby sensitive uses, having regard to:

- (a) the setback of the building to a frontage;
- (b) the streetscape;
- (c) the topography of the site;
- (d) the building height, which must not be greater than 8.0m;
- (e) the bulk and form of the building;
- (f) height, bulk and form of buildings on the site, adjoining lots and adjacent lots;
- (g) setbacks to side and rear boundaries;
- (h) solar access and privacy of habitable room windows and private open spaces of adjoining dwellings;
- (i) the degree of overshadowing and overlooking of adjoining lots;
- (j) mutual passive surveillance between the road and the building;
- (k) any existing and proposed landscaping;
- (l) the visual impact of the building when viewed from adjoining or immediately opposite lots;
- (m) the location and impacts of traffic circulation and parking; and
- (n) the character of the surrounding area.

Complies

All of the proposed buildings are single storey and are compatible with the scale and form of residential development in the area. The proposed storage shed will be sited a minimum of 6m and all cabins are at least 7m from the boundary with residential properties. There will be no overshadowing or overlooking as a result of this proposal. All proposed buildings are less than 8m in height and landscaping will be updated to provide some visual separation and assist with protecting privacy.

E1.0 Bushfire-Prone Areas Code

E1.1 The purpose of this Code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

Consistent

A bushfire protection report by Castellan Consulting has been supplied with the application. The proposal has been assessed against the provisions of the Code and complies with the relevant standards.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

E1.5.1 Vulnerable Uses

E1.5.1.1 Standards for vulnerable uses

A1 No acceptable solution
Relies on Performance Criteria
A2 Vulnerable uses must demonstrate bushfire protection measures, addressing the characteristic, nature and scale of the vulnerable use, the characteristics of its occupants and the bushfire-prone vegetation, which are incorporated into a bushfire hazard management plan, certified by an accredited person or the TFS, that any risks associated with the use are tolerable, and that the plan provides for: <ul style="list-style-type: none"> (a) emergency evacuation plans including designated emergency meeting points, which provide protection to fire fighters and evacuees; and (b) information to staff, occupants and visitors on bushfire safety and evacuation procedures.
Complies This clause is satisfied by the provision of a bushfire management plan prepared by an accredited person.

E1.6.3 New habitable buildings on pre-existing lots

E1.6.3.2 Pre-existing lots: Private access

Objective:
Private access on pre-existing lots:
<ul style="list-style-type: none"> (a) allows safe access to and from the road network for occupants, fire fighters, and emergency service personnel; (b) provides access to ensure that fire-fighting equipment can reach all parts of habitable buildings; (c) is designed and constructed to allow for fire fighting vehicles to be manoeuvred; and (d) provides access to water supply points, including hardstand areas for fire fighting vehicles.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

<p>Consistent Adequate access will be provided to meet the acceptable solution.</p>
<p>A1 It must be demonstrated in one of the following ways that private access provides safe access to habitable buildings:</p> <ul style="list-style-type: none"> (a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant specific measures for private access for the purposes of fire-fighting; or (b) plans showing private access to habitable buildings are included in a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or (c) plans demonstrate that private access will be provided to within 30m of the furthest part of a habitable building measured as a hose lay.
<p>Complies The bushfire hazard assessment report states that the adequate access can be provided to the property in accordance with (b).</p>
<p>A3 Construction of private access, if required to provide access to habitable buildings and static water supply points, must as appropriate to the circumstances meet the requirements of Table E3 as follows:</p> <ul style="list-style-type: none"> (a) single lane private access roads less than 6m carriageway width must have 20m long passing bays of 6m carriageway width, not more than 100m apart; (b) a private access road longer than 100m must be provided with a driveway encircling the building or a hammerhead "T" or "Y" turning head 4m wide and 8m long, or a trafficable circular turning area of 10m radius; (c) culverts and bridges must be designed for a minimum vehicle load of 20 tonnes; (d) vegetation must be cleared for a height of 4m, above the carriageway, and 2m each side of the carriageway.
<p>Complies The existing access will be upgraded to comply with this standard.</p>

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

E1.6.3.3 Water supply for fire-fighting purposes

<p>Objective:</p> <p>Adequate, accessible and reliable water supply for fire-fighting purposes on pre-existing lots is available to allow for the protection of life and property from the risks associated with bushfire.</p>
<p>Consistent The acceptable solution is satisfied.</p>
<p>A1 It must be demonstrated in one of the following ways that access to a water supply for fire-fighting purposes is provided:</p> <ul style="list-style-type: none"> (a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures; or (b) a bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of the water supply is consistent with the objective; or (c) all external parts of habitable buildings that are at ground level, are within reach of a 120m long hose (measured as a hose lay) connected to a fire hydrant with a minimum flow rate of 600 litres per minute and minimum pressure of 200kPa; or (d) a minimum static water supply of 10 000 litres per habitable building is provided and that connections for fire-fighting purposes are included.
<p>Complies The site can be adequately serviced by fire hydrants.</p>

E1.6.5 Vulnerable uses

E1.6.5.1 Provision of hazard management areas for habitable buildings

<p>Objective:</p> <p>Habitable buildings associated with vulnerable uses have, as appropriate, hazard management areas that:</p> <ul style="list-style-type: none"> (a) provide sufficient separation from bushfire-prone vegetation, taking into consideration the nature and scale of both the hazard and the vulnerable use; and (b) provide adequate space to reduce the impact of radiant heat exposure to occupants being evacuated, and those assisting them, in the event of a bushfire; and (c) reduce the radiant heat levels, direct flame attack and ember attack likely to be experienced at the site of the building.
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8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

Consistent

A bushfire assessment report and hazard management plan by an accredited person has been provided with the application to demonstrate compliance with this standard.

A1

- (a) The TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to the habitable building to warrant the provision of hazard management areas; or
- (b) Plans for habitable buildings, showing the location of hazard management areas, are accompanied by a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or
- (c) Habitable buildings have hazard management areas that:
 - (i) have dimensions equal to, or greater than, the separation distances required for BAL 12.5 in Table 2.4.4 of 2009 Construction of Buildings in Bushfire Prone Areas; and
 - (ii) will be managed in accordance with a bushfire hazard management plan, that is certified by the TFS or an accredited person, that demonstrates how hazard management areas will be managed consistent with the objective.

Complies

A certified Bushfire Hazard Management Plan by an accredited person has been provided for a BAL of 12.5 in accordance with (b).

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

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

Consistent

A traffic impact assessment has been completed for the current proposal and the future stages of the redevelopment. The application demonstrates that the safety and efficiency of the road network will not be unreasonably impacted by the proposal.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

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

Consistent

The applicable standards are satisfied.

A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

Complies

The TIA estimates that Stage 1 of the redevelopment subject to this application will produce an additional 27 vehicle movements per day during peak occupancy times. This is less than 20% of the current vehicle movements per day which is estimated as 150 and complies with the acceptable solution.

E4.6 Development Standards

E4.6.1 Development adjacent to roads and railways

A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:

- (a) new buildings;
- (b) other road or earth works; and
- (c) building envelopes on new lots.

A1.2 Buildings must be:

- (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or
 - (b) an extension which extends no closer than:
 - (i) the existing building; or
 - (ii) an immediately adjacent building.
-

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

Complies

Part of the site is located within 50m of the Midland Highway which is a category 1 road.

Less than half of two cabins and the proposed storage shed are located within the 50m buffer area. The existing manager's dwelling/reception building is located close to the eastern boundary and is entirely within the buffer area. It is considered that the proposal complies with A1.2 as the proposed buildings are located no closer than the existing building.

E4.6.2 Road accesses and junctions

Objective:

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

Consistent

The relevant standards are satisfied.

A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.

Complies

The proposal will use the existing access point to the site from Glen Dhu Road for both entry and exit. This complies with the standard.

E4.6.4 Sight distance at accesses, junctions and level crossings

Objective:

To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

Consistent

The applicable standards are satisfied.

A1 Sight distances at:

- (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and
- (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

Complies

The sight distances from the access point meet the requirement of the standard.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

The proposal demonstrates compliance with the required standards.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

To ensure that an appropriate level of car parking is provided to meet the needs of the use.

Consistent

It is considered that the proposal provides an adequate level of parking to meet the needs of the existing and proposed use and development.

A1 The number of car parking spaces must:

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

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

Relies on Performance Criteria

Table E6.1 requires parking at the following rate for visitor accommodation:

1 space per self-contained accommodation unit, allocated tent or caravan space, or 1 space per 4 beds, whichever is the greater

The current proposal provides one parking space per cabin and or caravan site as well as a 24 space visitor parking area near the reception building. The provision for visitor parking means that more than the requirements of Table E6.1 are exceeded by more than 5%. Further assessment against the performance criteria is necessary.

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

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

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

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

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

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

Complies

The amount of car parking provided on the site is considered to be appropriate for the use and development. Provision of visitor/short term parking near the reception building is considered necessary and suitable for the operation of the site, especially given parking pressure experienced on Glen Dhu Street from other uses in the area.

A2 The number of accessible car parking spaces for use by persons with a disability for uses that require 6 or more parking spaces must be in accordance with Part D3 of the National Construction Code 2014, as amended from time to time.

Complies

There is sufficient space on the site to provide accessible parking in accordance with the National Construction Code and the applicable Australian Standard. At least two spaces are required in the visitor car park and any cabins designed for accessibility should also be provided with suitable parking. A condition to this effect is included in the permit.

E6.5.2 Bicycle parking numbers

Objective:

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

Consistent

The acceptable solution is satisfied.

A1 The number of bicycle parking spaces must be provided on either the site or within 50m of the site in accordance with the requirements of Table E6.1.

Complies

Table E6.1 does not contain a specific requirement for bicycle parking for visitor accommodation. In this case guests will arrive by motor vehicle and any bicycle parking for visitors or guests may be accommodated in cabins or informally. This is considered to be satisfactory for the proposed use.

E6.5.3 Taxi spaces

Objective:

To ensure that access for taxis is provided to meet the needs of the use.

Consistent

The acceptable solution is satisfied.

A1 Except for dwellings in the General Residential zone, uses that require greater than 50 car spaces by Table E6.1 must provide one parking space for a taxi on site, with one additional taxi parking space provided for each additional 50 car parking spaces required.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

Complies

There is sufficient space in the proposed visitor car park to accommodate taxis where required.

E6.5.4 Motorcycle parking

Objective:

To ensure that motorcycle parking is provided to meet the needs of the use.

Consistent

The applicable standard is satisfied.

A1 Except for dwellings in the General Residential zone, uses that require greater than 20 car parking spaces by Table E6.1 must provide one motorcycle parking space on site with one additional motorcycle parking space on site for each additional 20 car parking spaces required.

Relies on Performance Criteria

The proposal does not include designated motorcycle parking. Further assessment against the performance criteria is necessary.

P1 Motorcycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:

- (a) the nature of the proposed use and development;
- (b) the availability and accessibility of motorcycle parking spaces on the road or in the vicinity; and
- (c) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping.

Complies

A car parking space is provided for each cabin or campsite and can be used for motorcycle parking when required.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective: To ensure that parking areas are constructed to an appropriate standard.
Consistent The acceptable solution is satisfied.
A1 All parking, access ways, manoeuvring and circulation spaces must: (a) have a gradient of 10% or less; (b) be formed and paved; (c) be drained to the public stormwater system, or contain stormwater on the site; (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.
Complies The car parking will be constructed to an appropriate standard to meet these requirements.

E6.6.2 Design and layout of parking areas

Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.
Consistent The design and layout of the car park and access have been considered in the traffic impact assessment. The acceptable solutions are satisfied.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

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

- (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;
- (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2;
- (c) have parking space dimensions in accordance with the requirements in Table E6.3;
- (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are 3 or more car parking spaces; and
- (e) have a vertical clearance of not less than 2.1 metres above the parking surface level.

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

A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are 6 spaces or more.

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

Complies

The car park, access and circulation spaces will allow cars to enter and leave the site in a forward direction. The requirements of Table E6.2 and Table E6.3 in relation to access widths and parking space dimensions are satisfied.

Accessible parking will be designed and located in accordance with A1.2, A1.3 and A1.4.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

E6.6.3 Pedestrian access

<p>Objective:</p> <p>To ensure pedestrian access is provided in a safe and convenient manner.</p>
<p>Consistent The applicable standards are satisfied.</p>
<p>A1.1 Uses that require 10 or more parking spaces must:</p> <ul style="list-style-type: none"> (a) have a 1m wide footpath that is separated from the access ways or parking aisles, except where crossing access ways or parking aisles, by: <ul style="list-style-type: none"> (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and (b) be signed and line marked at points where pedestrians cross access ways or parking aisles; and <p>A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a minimum width of 1.5m and a gradient not exceeding 1 in 14 is required from those spaces to the main entry point to the building.</p>
<p>Relies on Performance Criteria The submitted plans do not provide details of pedestrian access through the site. Further assessment against the performance criteria is necessary.</p>
<p>P1 Safe pedestrian access must be provided within car parks, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the nature of the use; (c) the number of parking spaces; (d) the frequency of vehicle movements; (e) the needs of persons with a disability; (f) the location and number of footpath crossings; (g) vehicle and pedestrian traffic safety; (h) the location of any access ways or parking aisles; and (i) any protective devices proposed for pedestrian safety.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

Complies

There is sufficient space on the site to allow for suitable pedestrian access to be included. A recommended condition is included to require a more detailed plan of the parking and access which will need to address this in accordance with the standard.

E6.7.1 Precinct 1 - Launceston Central Business District Parking Exemption Area

E7.0 Scenic Management Code

E7.1 The purpose of this provision is to:

- (a) ensure that siting and design of development protects and complements the visual amenity of scenic road corridors; and
- (b) ensure that siting and design of development in scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape; and
- (c) ensure that vegetation is managed for its contribution to the scenic landscape.

Consistent

The proposal is for the addition of nine cabins, a new shed and alterations to the site of the existing caravan park. The new buildings proposed in this stage are largely within the developed area of the site and are of a scale and character in keeping with the established pattern of development on the site. The application also includes retrospective consideration of vegetation removal. Overall the current proposal will not have a significant impact on the scenic landscape, particularly once landscaping has been completed.

E7.6 Development Standards

E7.6.2 Scenic management areas

Objective:

The siting and design of development is to be unobtrusive in the landscape and complement the character of the scenic management areas.

Consistent

The applicable standards are satisfied.

A1 No acceptable solution.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

Relies on Performance Criteria

There are no acceptable solutions. Assessment against the performance criteria is therefore required.

P1 Development (not including development that involves only the clearance or removal of vegetation, or subdivision) must have regard to:

- (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3;
- (b) the impact on skylines, ridgelines and prominent locations;
- (c) the nature and extent of existing development on the site;
- (d) the retention or establishment of vegetation to provide screening;
- (e) the need to clear existing vegetation;
- (f) the requirements for any hazard management;
- (g) the need for infrastructure services;
- (h) the specific requirements of the development;
- (i) the location of development to facilitate the retention of trees; and
- (j) design treatment of development, including:
 - (i) the bulk and form of buildings including materials and finishes;
 - (ii) any earthworks for cut or fill;
 - (iii) the physical (built or natural) characteristics of the site or area;
 - (iv) the nature and character of the existing development; and
 - (v) the retention of trees.

Complies

The site is located in the Western Hillside Precinct of the code. The proposed buildings are located in the lower third of the site which is the least visually prominent area due to being at the base of the slope and the screening from vegetation in the road reserve of the Midland Highway. The proposed cabins and shed are sited within the established footprint of the caravan park and are of a similar scale and character to other buildings on the site. The vegetation removal that has been undertaken without approval is not in accordance with the objectives of the precinct or these standards. Revegetation in accordance with a landscaping plan has been recommended as a condition.

A2 No vegetation is to be removed.

Relies on Performance Criteria

Vegetation has been removed from the site prior to the application being made. This included mature pine and eucalyptus trees. Further assessment against the performance criteria is necessary.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

P2 Development that involves only the clearance or removal of vegetation must have regard to:

- (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3;
- (b) the physical characteristics of the site;
- (c) the location of existing buildings;
- (d) the type and condition of the existing vegetation;
- (e) any proposed revegetation; and
- (f) the options for management of the vegetation.

Complies

The applicant states that trees were removed for safety reasons although this has not been substantiated by a report or other evidence from a qualified person. The proposal includes a landscaping plan for the whole site to be implemented at each stage. The species list provided includes exotic species and native species although many would not be native to the local area. A condition is recommended to require the tree species in the landscaping plan to be revised to include only species native to Tasmania and preferably the local area. This is consistent with management objective (b) for the Western Hillsides Precinct which states:

- (b) *Maintain and improve vegetation, particularly trees, within the skyline area of the Precinct. Species selected must be consistent with the dominant character of the immediate setting.*
-

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Roads and Hydraulics	Conditional consent provided.
Environmental Health	Conditional consent provided.
Parks and Recreation	N/A
Heritage/Urban Design	N/A
Building and Plumbing	N/A
EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2015/01148-LCC.
State Growth	The State Roads Division of the Department of State Growth has advised that they do not object to the proposal. Some comments in relation to traffic noise from the Midland Highway have been provided and are included in the notes recommended for inclusion on the planning permit.
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 2 September 2015 to 15 September 2015. Three (3) representations were received.

Two of the representors were contacted by telephone to discuss the issues raised. Some responses to the issues were obtained from the applicant and passed on where appropriate. A meeting was held with the third representor prior to submission of their representation and it was suggested that they submit their concerns in writing for consideration and recording.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

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

ISSUE	COMMENTS
<p>The current proposal for Stage 1 of the caravan park is not objected to. I note that a draft plan for Stage 2 has been made available although with no application at this time. The draft plan for that stage shows no provision for collection of stormwater or sewer from the Stage 2 development of the Keroles Investment subdivision that has been approved by Council. The Launceston Interim Planning Scheme as part of the objectives in S3.8 requires Council to consider ways where efficiency of infrastructure is maximised and hence providing for future stormwater and sewer connection to the adjoining land should be addressed. This representation may be premature but I want to highlight this concern clearly to Council and the developer. I am prepared for costs associated with providing an easement to be incumbent on Keroles Investments.</p>	<p>As identified in the representation this development application only concerns Stage 1 of the redevelopment of the Big4 caravan park. A master plan showing future stages has been provided at this time to inform Council and the public of the future intentions, however approval of the current application will not include the master plan or future stages as they are indicative only at this time. The issue with servicing the adjoining land approved for subdivision in DA0197/2011 is recognised however there is no mechanism for Council to require a solution to the issue through the current development application and there may not be for future stages either.</p>
<p>I support any improvements to our City and understand that tourism is an expanding market.</p>	<p>Comment noted.</p>
<p>Considering the volume of traffic increase in this proposal and the vehicle types (caravans and motor homes) I propose an alternative entrance to the caravan park by way of a slip lane off the Southern Outlet to give safe and direct access.</p>	<p>The Midland Highway is a category 1 road with limited access, which means that new access points are not allowed. A separate access to the caravan park directly from the Southern Outlet is not a viable option for safety and traffic flow reasons.</p>

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

ISSUE	COMMENTS
<p>I have previously relayed concerns to Council about traffic conditions since the establishment of the church, child care centre, gym and other businesses operating out of the Door of Hope complex. The area is busy with traffic and pedestrians and it can be absolute chaos. The Council have installed some parking changes but it is still inadequate and not policed. There are already concerns for safety and the proposal will only add to this problem.</p>	<p>The existing traffic issues around the Door of Hope area are recognised and attempts have been made to rectify the issues. Advice has been sought from roads and infrastructure staff which indicates many of the problems arise from driver behaviour rather than the nature or design of the roads in the area.</p>
<p>The lighting, curbing and pedestrian access is not adequate in this area from Pipeworks Road junction to the entrance of the caravan park. It is dangerous to walk especially in the dark and/or rain during winter. This is also a major bus route and additional traffic will exacerbate all the existing problems.</p>	<p>There is a footpath on the northern side of Pipeworks Road and on both sides of Glen Dhu Street between Pipeworks Road and Melbourne Street, with the path on the eastern side continuing south to the entrance of the caravan park. There are street lights attached to the power poles along the western side of Glen Dhu Street in the vicinity.</p>
<p>Extremely concerned about the increase of up to 255 vehicle movements per day or 35 per hour at this end of Glen Dhu Street.</p>	<p>The traffic impact assessment included with the application includes assessment of the current proposal (stage 1) and three future stages. The total increase in traffic over the four stages is expected to be 259 daily trips during peak season and 155 in off peak times. The additional traffic expected for stage 1 is 27 vehicle trips per day during peak times. This is well within the capacity of the existing roads. It will be necessary to consider the traffic generation further when development applications are made for subsequent stages of the development and it may be necessary to consider road upgrades or modifications at that time.</p>
<p>The area is already very busy with the Door of Hope and associated businesses. People attending events park anywhere they can fit their car including grassed areas and the side of the road, occasionally limiting residents entering and leaving their own driveways. I have had several near misses in the area.</p>	<p>The existing traffic issues in the area are recognised. The main problems appear to arise from parking pressure around the Door of Hope premises and drivers not paying adequate attention. The small increase in traffic that is will result from the current application is not expected to exacerbate these issues significantly.</p>

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

ISSUE	COMMENTS
<p>I am concerned about the plan to change the buildings nearest my house from 3 units to a large shed.</p>	<p>The shed will be located in the north eastern corner of the site and will be sited a minimum of 6m from the side boundary adjoining residential property. Three cabins will be moved to make space for the shed in this location. The shed will have a maximum height of 4.5m and will not have any increased impact on the privacy of adjoining properties. New landscaping will be established around the shed although an internal road is located between the shed and the boundary which limits the opportunity to provide landscaping along this section of the northern boundary that adjoins residential properties.</p>
<p>I am concerned that my privacy will be further challenged and noise levels increased by the changes with the potential for larger volumes of guests.</p>	<p>The caravan park is a long established use. The current proposal will only increase the number of cabins on the site by nine and the new cabins are located towards the southern side of the site, away from the adjoining residential properties. Moving the three cabins to make way for the proposed shed will actually reduce guest activity in close proximity to the residential properties in this area. New landscaping will be installed around the proposed shed which will provide some improved screening from the rest of the site in this area. Please also see response below in regard to boundary fencing. Further consideration of privacy and amenity impacts will be required when applications are made for the future stages.</p>
<p>Boundary fences with residential properties have been maintained by the owners without contribution from the caravan park. Installing a tall privacy fence between the caravan park and residential neighbours would alleviate problems with noise, people entering backyards, disposal of rubbish over fences and privacy issues.</p>	<p>Fencing between private properties is generally a civil matter. A fence of up to 2.1m could be constructed without planning approval. The current proposal is for a modest increase to the number of cabins on the site and is unlikely to increase any conflicts with the amenity of neighbouring residents to a degree that warrants requiring the developer to upgrade the fencing at this time.</p>

- 8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)**
-

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

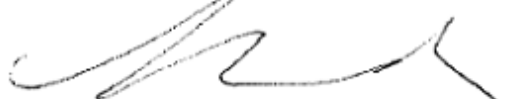
N/A

- 8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)
-

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

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

Attachment 3 - 86 Glen Dhu Street, South Launceston - Representations - Pages = 3

General Manager

General Manager
Launceston City Council

FILE No.	DA0353/2015		
EO	<input checked="" type="checkbox"/> OD	<input checked="" type="checkbox"/>	Box <input checked="" type="checkbox"/>
RCVD 14 SEP 2015		LCC	
Doc No.			
Action Officer	Noted	Replied	
EWRANKNOZE			

Att. Jacqui Tyson

EGPJ - J B Saw

Application for Planning Permit.
DA 0353/2015

13 September 2015

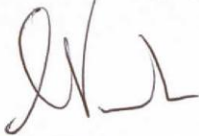
This current proposal for Stage 1 of the BIG4 Caravan Park is not objected to by Keroles Investments.

I note that a plan for Stage 2 is available but with no application at this time. The draft plan for that stage shows no provision for collection of either stormwater or sewer from the BIG4 Stage 2 development or the Keroles Investment Council-approved subdivision.

I would like to point out that the Launceston Interim Planning Scheme, as part of the objectives of the scheme in S3.8, requires Council to consider ways where efficiency of infrastructure is maximised and hence providing for a future stormwater/sewer connection to the adjoining land should be part of this approval.

Whilst Council might well say that this representation is premature, I want to highlight my concern clearly to the Council and the developer.

I believe it is efficient planning to consider how the development of the neighbourhood can proceed and I do not foresee a financial impost on the applicant (BIG 4) to provide an easement. I am prepared for this to be incumbent on Keroles Investments.



Carole Finch
Company Secretary/ Director
Keroles Investments



Attention: Jacqui Tyson
Attention: Richard Jamieson

I have looked over the redevelopment plans of the Caravan Park at 94 Glen Dhu Street, while I support any improvements to our City and understand that tourism is an expanding market, I have two objections being privacy to residents and road safety in the area:-

1. Considering the volume of extra traffic increase in this proposal and considering the vehicle types i.e. large motor homes/caravans etc., I propose an alternative entrance to the caravan park by way of a slip lane off the Southern Outlet Highway giving tourists easy direct safe access, a walkway into the city via Glen Dhu Street could still work with an upgrade to the current area being upgraded for pedestrian safety, see below a few major concerns I have:-
 - a. As a resident I have previously relayed my concerns (note: my past correspondence is on record) before to Council about increase traffic conditions since the Door of Hope, Child Care Centre, Gym together with other businesses operating out of the Door of Hope complex in Glen Dhu Street. The Council have since put into place some parking changes which is totally inadequate and not policed, there are still very big concerns for safety and now with this proposal it will only add to this problem;
 - b. Personally, due to the current increase of traffic I have had 3 collisions with people blind reversing out from the side street parking and cars exiting the door of hope car park because of the lack of vision/room to move forcing cars to pull out wide into the path of cars travelling in either directions and as there are no line markings on the middle of the road, drivers think they have the use of the whole road and when a collision does occurs it creates a legal minefield on who is at fault after a collision.
 - c. When turning left off Pipeworks Road towards the caravan park this area is always built up with traffic and more importantly pedestrians which is several times in a day with the weekends being the busiest due to church services etc., it is absolute chaos, any resident in Glen Dhu Street and Heather Street who use this route on a daily basis will agree with this.
 - d. The lighting, curbing, pedestrian access is not adequate at all in this area (from Pipeworks Road T Junction and the entrance to the Caravan Park), I walk my dog each day in this street and I have nearly been reversed over/run down many times. In winter the situation becomes alarming dangerous in the dark not to mention when it is raining. I refuse to take an alternative route up Thistle Street then right into Heather Street to get to my house as this has its own problems being a narrow street, navigating double parked cars even though the Council has placed no standing signs on the east side of Heather Street which apply only Monday to Friday 8am to 6pm because the MTT Buses cannot get through – not many people read these signs.
 - e. Please note this is a major bus route for our neighbourhood, any further impact with additional traffic will only exacerbate the current problem.
2. The fencing between the residents of Glen Dhu Street and Heather Street have always maintained their own fencing, I would like to see the Caravan Park erect a tall privacy fence which would alleviate the problem with noise, people jumping into our backyards, disposing of rubbish into our backyards and cars running into the fence.

Again, I do support this development, this is a major development – all good for our City. But personal safety is paramount and privacy as a ratepayer needs to be considered.

Alison Emery

To the General Manager Launceston City Council,

Re: Big Four Caravan Park Development DA 3532015

I have looked over the plans for the redevelopment of the caravan park at 94 Glen Dhu Street and as the immediate neighbour at [REDACTED] I have some concerns around this development.

1. I am extremely concerned about the increase of vehicle movement up 255 vehicle movements per day or the increase of 35 vehicle movements per hour at this end of Glen Dhu Street.

The south end of Glen Dhu street in particular is already heavily used by the caravan park and by the Door of Hope development including the PYCSAM gym and Kids R Us child care service. This area is already often unsafe. On several occasions I have had near misses of vehicles reversing into Glen Dhu St at the same time as other vehicles pulling from the kerb onto the street, while at times negotiating cars towing caravans or large mobile homes. The danger is increased during winter with both wet weather and decrease in daylight hours and on the days where large numbers of people are attending events at the Door of Hope who park their cars on any available piece of land that their car can fit onto including grassed areas near the side of road, occasionally limiting residents entering or leaving their own driveways.

The parking recently provided by LCC at the side of the road did nothing to assist this as it is now used by more cars and the reverse parking signs are ignored by the majority of people as there are no consequences for illegally parking in this area.

I believe that the increase of vehicles not only increases the danger to residents in the area, the children and families using the child care service but will also add to the noise levels and challenge both the privacy and value of residential homes in Glen Dhu and Heather Streets.

I also believe that an alternate **route direct from the southern outlet off road** be considered and constructed to minimise any further danger and inconvenience to residents in the area. I believe this would be possible by using the area on the side of the highway currently used for Big 4 reception.

2. As the direct neighbour [REDACTED] bordering the caravan park I am also concerned with plans to and change the buildings on the side nearest to my house. Removal of 3 units and foliage to be replaced with a large storage shed. I have spent considerable money on renovating and upgrading my home and am concerned that my privacy will be further challenged and noise levels increased by the changes with the potential for a larger volume of guests to the park.

I have over the past 16 years maintained the fence between our properties and believe that this impact to my property could now in part be minimized by a higher paling fence erected to my satisfaction by Big 4.

While I in essence support the upgrade to the caravan park, I am extremely concerned in particular with the 2 issues outlined above.

Trudi Quinn

8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway

FILE NO: DA0331/2015

AUTHOR: Ashley Brook (Consultant Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider and determine a development application in accordance with Section 58 of the *Land Use Planning and Approvals Act 1993*.

PLANNING APPLICATION INFORMATION:

Applicant:	Launceston City Council
Property:	18A High Street, East Launceston
Zoning:	Recreation
Application Validity Date:	10/07/2015
Further Information Request:	13/07/2015
Further Information Received:	08/09/2015
Deemed approval:	12/10/2015
Representations:	Three (3)

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

It is recommended that in accordance with Section 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, the application DA0331/2015 Sport and Recreation – Sports and Recreation – aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway at 18A High Street, East Launceston be approved subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)

- a. 'Additional Information – DA 0331/2015 Launceston Aquatic Security Fence' (Letter dated 07/09/2015 authorised by Matthew Skirving, Manager Architectural Services).
- b. Launceston Aquatic Perimeter Fence Design Concept, prepared by Karen Johnson Landscape Design, project number 01.01.04.15v1, dated 28/05/2015.
- c. 'Securamesh anti climb fence' product description.
- d. 'ForeceField Security Fence Monitoring System' product description.

2. EXTERNAL FINISHES

All external materials, finishes and colours must be non-reflective and in muted natural tones.

3. 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

A. General

This permit was issued based on the proposal documents submitted for DA0331/2015.

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.*

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 Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

B. Other Approvals

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

8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)

C. Appeal Provisions

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

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

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

REPORT:

1. PROPOSAL

Approval is sought to construct a modified and relocated security fence enclosing the outdoor pool and recreation area at Launceston Aquatic Centre.

The proposed modifications are required to provide enhanced site security, and to create an enlarged grassed area for facility patrons with improved shading provided by existing established trees in proximity.

The new fence will be located to the south east of the centre. The pedestrian pathway linking the centre with the Windmill Hill Memorial Hall, East Launceston Bowls Club and adjacent car parking will be realigned to remain outside the fence. The garden bed and plantings located on the external side of the existing fence will also be relocated. All existing viable planting will be salvaged, and be transplanted adjacent to the new fence line, in the same arrangement. Any plants that cannot be salvaged for relocation will be replaced on a like-for-like basis. The existing mature trees located in the vicinity of the proposed works are not proposed to be removed.

The proprietary anti-climb fence will comprise a small-diameter wire mesh supported on steel posts, having a height of 2.4m. Both elements will have a dark grey powder coated finish. A proprietary electronic detection system will be installed along the inner-face of the fence and will provide intrusion notification. The detection wire will be mounted 200 mm above the mesh fence panels. The structure will therefore have a maximum height of 2.6m.

- 8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)**

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The Launceston Aquatic Centre is located within Windmill Hill Reserve which is bounded by High Street, York Street, Wellman Street and Adelaide Street in East Launceston. The site contains a diverse range of mature trees, lawns and gardens. It also contains the war memorial hall. The bowls, croquet and tennis clubs are located to the south east. The site is largely surrounded by single dwellings although a number of visitor accommodation uses exist.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

18.0 Recreation Zone

18.1.1 Zone Purpose Statements

18.1.1.1 To provide for a range of active and organised recreational use or development and complementary uses that do not impact adversely on the recreational use of the land.

18.1.1.2 To provide for the amenity of residential uses on land adjoining the zone

Consistent

The proposed development is associated with an existing and permitted sport and recreation use within the site. The siting of the fence ensures that there will be no impact on the amenity of surrounding residential uses.

3.2 Development Standards

18.4.1 Building height, setback and siting

Objective

To ensure that building bulk and form, and siting of buildings

- (a) accommodates sport and recreation uses;*
- (b) is compatible with the streetscape and character of the surrounding area; and*
- (c) protects the amenity of adjoining lots and surrounding uses.*

Consistent

The proposed development will replace an existing fence associated with the sport and recreation use within the site. It will therefore be compatible with the streetscape and character of the area, and will protect the amenity of adjoining lots.

A1 Building height must be no greater than 7m.

8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)

<p>Complies The structure will have a maximum height of 2.6m.</p>
<p><i>A2 Setbacks from all boundaries must be no less than 10m.</i></p>
<p>Relies on Performance Criteria The fence will be within 10 m setback of the eastern property boundary.</p>
<p><i>P2 Buildings must be sited so that there is no unreasonable loss of amenity to the occupiers of adjacent lots, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the topography of the site;</i> <i>(b) the size, shape, and orientation of the site;</i> <i>(c) the requirements of the proposed use;</i> <i>(d) the setbacks of surrounding buildings;</i> <i>(e) the height, bulk and form of existing and proposed buildings;</i> <i>(f) the privacy to private open space and windows of habitable rooms of adjoining lots;</i> <i>(g) sunlight to private open space and windows of habitable rooms on adjoining lots;</i> <i>(h) any existing screening or the ability to implement screening; and</i> <i>(i) the character of the surrounding area.</i>
<p>Complies The eastern property boundary is located along the western side of the off-street car park adjacent to High Street. As the adjoining lot is a road reserve which contains the car park and part of the park land associated with the site, there will be no unreasonable loss of amenity to occupiers of adjacent land.</p>

18.4.5 Landscaping

<p>Objective <i>To ensure that development is landscaped to be compatible with the recreational uses of the site and the character of the surrounding area.</i></p>
<p>Consistent Existing plantings will be relocated where possible or otherwise replaced on a like-for-like basis. Existing mature tree works are not proposed to be removed. The landscape character will therefore be retained. The area involved in the application is being retained for recreation use associated with the aquatic centre.</p>
<p><i>A1 If for:</i></p> <ul style="list-style-type: none"> <i>(a) no permit required uses; or</i> <i>(b) an extension or alteration to a permitted use that does not require the removal of existing vegetation</i>
<p>Relies on Performance Criteria The proposed development is associated with a permitted uses however involves the removal of existing vegetation.</p>

8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)

P1 Development must be landscaped to reduce the impact on the site and surrounding area, having regard to:

- (a) location and height of retaining walls;*
- (b) the existing vegetation and its retention where it is feasible to do so;*
- (c) the location of any proposed buildings, driveways, car parking, storage areas, signage and utility services;*
- (d) proposed height and type of fencing;*
- (e) proposed vegetation plantings;*
- (f) the location of pedestrian movement routes;*
- (g) maintenance of plantings, weed management and soil and water management; and*
- (h) the character of the surrounding area;*

as shown in a detailed landscaping plan.

Complies

Landscaping adjacent to the existing fence alignment including a garden bed and plantings will be relocated. All existing viable planting will be salvaged, and be transplanted adjacent to the new fence line, in the same arrangement. Any plants that cannot be salvaged will be replaced on a like-for-like basis. The relocated pedestrian pathway will be located around the outside of the new landscaping area. The existing mature trees located in the vicinity of the proposed works are not proposed to be removed. The landscaping will preserve the existing site character and will assist in reducing the visual impact of the new fence.

3.3 Overlays and Codes

E6.0 Parking and Sustainable Transport Code

The Code applies to all use and development, however, for this application it does not generate a requirement for additional parking because the proposal will not increase the floor area of the swimming pool facility or add more spectator places.

E7.0 Scenic Management Code

E7.1.1 The purpose of the provision is to:

- (a) ensure that siting and design of development protects and complements the visual amenity of scenic road corridors; and*
- (b) ensure that siting and design of development in scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape; and*
- (c) ensure that vegetation is managed for its contribution to the scenic landscape.*

8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)

Consistent

The proposed development replaces an existing security fence in a new location. It will involve relocation of existing landscape plantings where possible (otherwise replacement plantings will be provided). Existing mature plantings are able to be retained. The proposed development will therefore be unobtrusive and will retain the existing visual amenity and landscape values.

E7.6.2 Scenic management areas

Objective

The siting and design of development is to be unobtrusive in the landscape and complement the character of the scenic management areas.

Consistent

See response to E7.1.1. The proposed development is therefore also consistent with the provisions for the Central Hills Precinct (scenic management area).

A1 No acceptable solution

P1 Development (not including development that involves only the clearance or removal of vegetation, or subdivision) must have regard to:

- (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3;*
- (b) the impact on skylines, ridgelines and prominent locations;*
- (c) the nature and extent of existing development on the site;*
- (d) the retention or establishment of vegetation to provide screening;*
- (e) the need to clear existing vegetation;*
- (f) the requirements for any hazard management;*
- (g) the need for infrastructure services;*
- (h) the specific requirements of the development;*
- (i) the location of development to facilitate the retention of trees; and*
- (j) design treatment of development, including:*
 - i the bulk and form of buildings including materials and finishes;*
 - ii any earthworks for cut and fill;*
 - iii the physical (built or natural) characteristics of the site or area;*
 - iv the nature and character of the existing development; and*
 - v the retention of trees.*

8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)

<p>Complies</p> <p>(a) The proposed development is consistent with the character statement and management objectives for the Central Hills Precinct taking account that it involves an existing fence being replaced and that existing landscaping plantings are proposed to be relocated where possible or otherwise replaced like for like. Existing mature trees are able to be retained.</p> <p>(b) The proposed fence will be located within the site and will be screened by vegetation. It will not impact on the skyline and will not be visually prominent.</p> <p>(c) The proposed fence will replace an existing fence associated with the larger aquatic centre development.</p> <p>(d) The vegetation that will assist in reducing the visual impact of the proposed fence includes mature trees (retained) and relocated or replacement plantings associated with the garden bed being relocated.</p> <p>(e) Existing plantings will be removed however will be relocated or replaced.</p> <p>(f) Not applicable.</p> <p>(g) Not applicable.</p> <p>(h) The fence is required for security purposes and is being replaced to improve its effectiveness.</p> <p>(i) The proposed development has been sited to enable existing mature plantings to be retained.</p> <p>(j) The visual impact of the proposed fence will be minimised by the proposed finishes (dark grey powder coating) and landscaping.</p>
<p><i>A2 No vegetation is to be removed</i></p>
<p><i>P2 Development that involves only the clearance or removal of vegetation must have regard to:</i></p> <p>(a) <i>the scenic management precinct existing character statement and management objectives in clause E7.6.3;</i></p> <p>(b) <i>the physical characteristics of the site;</i></p> <p>(c) <i>the location of existing buildings;</i></p> <p>(d) <i>the type and condition of the existing vegetation;</i></p> <p>(e) <i>any proposed revegetation; and</i></p> <p>(f) <i>the options for management of the vegetation.</i></p>
<p>Not applicable</p> <p>The proposed removal of vegetation is associated with another development (relocated fence).</p>
<p><i>A3 Subdivision is in accordance with a specific area plan</i></p>
<p>Not applicable</p>

8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)

E13.0 Local Historic Cultural Heritage Code

The purpose of this provision is to:

- (a) protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts;*
- (b) encourage and facilitate the continued use of these places;*
- (c) encourage the maintenance and retention of buildings and places of assessed historic cultural heritage significance; and*
- (d) ensure that development is undertaken in a manner that is sympathetic to, and does not detract from, the historic cultural heritage significance of the places and their settings.*

Consistent
 The proposed development will enhance the continued use of the site for recreation purposes and will not impact on the key physical features which contribute to historic cultural heritage significance.

E13.6 Development Standards

E13.6.1 Demolition

Objective
To ensure that the demolition or removal of buildings and structures does not impact on the historic cultural heritage significance of local heritage places and their setting.

Consistent
 The proposed development complies with the performance criteria.

A1 No acceptable solution

P1 Buildings or parts of buildings and structures may be demolished, provided there is no unreasonable impact on the historic cultural heritage significance of the local heritage place and setting, having regard to:

- (a) the physical condition of the local heritage place;
- (b) the extent and rate of deterioration of the building or structure;
- (c) the safety of the building or structure;
- (d) the streetscape or setting in which the building or structure is located;
- (e) the cultural heritage values of the local heritage place;
- (f) the need for the development;
- (g) any options to reduce or mitigate deterioration;
- (h) whether demolition is the most reasonable option to secure the long-term future of a building or structure; and
- (i) any overriding economic considerations.

8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)

Complies

The existing fence to be removed was constructed during the development of the current aquatic centre and its removal will not affect the historic cultural heritage significance of the place.

E13.6.5 Height and bulk of buildings

Objective

To ensure that the height and bulk of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.

Consistent

The proposed development complies with the performance criteria.

A1 No acceptable solution.

P1 The height and bulk of buildings are compatible with the historic cultural heritage significance of a place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the character and appearance of the existing building or place;
- (c) the height and bulk of other buildings in the surrounding area;
- (d) the historic cultural heritage significance of adjacent places; and
- (e) the streetscape.

Complies

The proposed fence will be slightly larger in scale than the existing fence however the overall character and appearance of the site will be retained. Existing mature trees which will assist in reducing its visual impact are able to be retained. Other more recent plantings will either be relocated or replaced in a relocated garden bed outside the fence. The proposed development is therefore compatible with the historic cultural heritage significance of the site.

E13.6.6 Site of buildings and structure

Objective

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

Consistent

The proposed development complies with the performance criteria.

A1 No Acceptable Solution

8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)

P1 The front, side and rear setbacks must be compatible with the historic cultural heritage significance of a local heritage place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;*
- (b) the topography of the site;*
- (c) the size, shape, and orientation of the lot;*
- (d) the setbacks of other buildings in the surrounding area;*
- (e) the historic cultural heritage significance of adjacent places; and*
- (f) the streetscape.*

Complies

The siting of the proposed fence will not impact the physical features which contribute to historic cultural heritage significance the site including the semaphore station archaeological site, 1950s swimming pool building (entered on the Tasmanian Heritage Register), war memorial hall, memorial avenue and historic trees. Existing mature trees are able to be retained.

E13.6.7 Fences

Objective

To ensure that fences are compatible with the historic cultural heritage significance of local heritage places and their setting.

Consistent

The proposed development complies with the performance criteria.

A1 New fences must be designed and constructed to match existing original fences on the site.

Relies on Performance Criteria

The proposed fence will have a different design and construction.

P1 New fences must be compatible with the historic cultural heritage significance of a place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;*
- (b) the architectural style of the dominant building on the site;*
- (c) the dominant fencing style in the setting; and*
- (d) the original or previous fences on the site.*

Complies

The existing fence was constructed during the development of the current aquatic centre and is therefore not original. The proposed fence will not impact the features which contribute to the historic cultural heritage significance of the site including recreation values. It is therefore compatible.

8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)

E13.6.12 Tree and vegetation removal

<p><i>Objective</i> To ensure that the removal, destruction or lopping of trees or the removal of vegetation does not impact on the historic heritage significance of local heritage places and their settings</p>
<p>Consistent The proposed development complies with the performance criteria.</p>
<p><i>A1 No acceptable solution</i></p>
<p><i>P1 The removal, destruction or lopping of trees or the removal of vegetation must not unreasonably impact on the historic cultural heritage significance of a local heritage place and its setting, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the cultural heritage values of the local heritage place and setting;</i> <i>(b) the age and condition of the tree or vegetation;</i> <i>(c) the size and form of the tree or vegetation;</i> <i>(d) the importance of the tree or vegetation to the historic cultural heritage significance of a local heritage place or its setting; and</i> <i>(e) whether the tree or vegetation is located within a garden that is a listed as a local heritage place.</i>
<p>Complies The historic cultural heritage significance of the site will be retained because the existing mature trees are able to be retained and other more recent plantings will either be relocated or replaced in a relocated garden bed outside the fence.</p>

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Roads and Hydraulics	N/A
Environmental Health	N/A
Parks and Recreation	N/A
Heritage/Urban Design	<i>"The proposed fencing will be more visually obtrusive than the existing fencing, and the line of the fence encloses a greater area of the parkland within the grounds of the Launceston Aquatic complex, however neither of these aspects are considered to be unacceptable in regard to their impact on the heritage significance of the site".</i>
Building and Plumbing	N/A

8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)

EXTERNAL	
TasWater	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	Exemption from the provisions of the <i>Historic Cultural Heritage Act 1995</i> granted.
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 period of 14 days from 12 September 2015 to 25 September 2015. Three (3) representations were received in that period. The issues raised are summarised and addressed in the following table.

ISSUE	COMMENTS
Safety characteristics of the fence could be improved in its current location which would save costs.	The application is to address safety and security at the Aquatic Centre. The issue of costs is not a relevant matter for the Planning Authority. The application is required to be assessed on its merits under the planning scheme.
Quality and validity of the application.	The application provides sufficient information to enable an assessment under the planning scheme.
Conflict of interest.	Council has engaged an external consultant to undertake the assessment.
Heritage assessment.	The Local Historic Cultural Heritage Code has been assessed. This assessment is informed by comments from Council's Urban Design and Heritage Planner.
Appearance of the fence.	The fence is used in a broad range of sites. The small-diameter mesh providing visual transparency and powder coated finish will assist in minimising the visual impact. The supporting steel posts will be installed in a concrete strip footing, rather than a based wall (which the manufacturer identifies as an optional alternative).

8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)

<p>Encroachment into the park and Open Space Strategy.</p>	<p>Sport and Recreation is a permitted use in the Recreation Zone and the planning scheme does not require the Open Space Strategy to be addressed.</p>
<p>Impact upon the Turkey Oak Tree replanted in 2009 which replaced a tree planted by Rotary International President Josef Abby in 1961. Request for the tree to replanted outside the new fenced area.</p>	<p>The applicant has indicated that it will liaise with the representor to identify an alternate location. This would be an appropriate outcome in the context of the historic cultural heritage significance of the site, which includes its commemoration of war service.</p>

6. CONCLUSION

Subject to the recommended conditions it is considered that the proposal complies with the Launceston Interim Planning Scheme 2015 and is recommended for approval.

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

- 8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)**
-

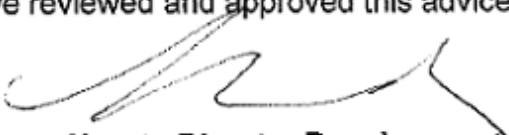
BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Locality Map
 2. Plans of Proposal (circulated separately)
 3. THC Certificate of Exemption
 4. Representations
-

Attachment 1 - 18A High Street, East Launceston - Locality Map (Pages =1)



Launceston City Council
A Leader in Community & Government



LOCALITY MAP - DA0331/2015 18A HIGH STREET, EAST LAUNCESTON (AQUATIC CENTRE)



Locality Map

Scale: This Map Is Not to Scale

Attachment 3 - 18A High Street, East Launceston - Certificate of Exemption (Pages =1)



Tasmanian Heritage Council
GPO Box 618 Hobart Tasmania 7000
103 Macquarie St, Hobart Tasmania 7000
Tel: 1300 850 332
Fax: [03] 6233 3186
enquiries@heritage.tas.gov.au
www.heritage.tas.gov.au

PLANNING REF: DA0331/2015
EXEMPTION NO: #687
REGISTERED PLACE NO: #4357
FILE NO: 10-99-09THC
APPLICANT: Mr Robert Dobrzynski
DATE: 22 September 2015

CERTIFICATE OF EXEMPTION

(Historic Cultural Heritage Act 1995)

The Place: Windmill Hill Reserve, 18A High Street, Launceston.

Thank you for your application for a Certificate of Exemption for works to the above place.

Your application has been approved by the Heritage Council under section 42(3)(a) of the *Historic Cultural Heritage Act 1995* for the following works:

Works: New fence and landscaping.

Documents: Documentation submitted with Launceston City Council Planning Permit Application DA0331/2015.

Comments: The works involve the removal and reconstruction of new security fencing and landscaping to increase the enclosed area of the Launceston Aquatic Centre at Windmill Hill. The works have no appreciable impact on the historic cultural heritage values for which the place is entered in the Tasmanian Heritage Register.

A copy of this certificate will be forwarded to the local planning authority for their information. A planning, building or plumbing permit from the local planning authority may be required for the works. Further advice regarding these requirements should be obtained from the local council or planning authority.

Further information on the types of work that may be eligible for a certificate of exemption is available in the Tasmanian Heritage Council's *Draft Works Guidelines*. The *Guidelines* can be downloaded from www.heritage.tas.gov.au

Please contact Chris Bonner on 1300 850 332 if you require further information.

A handwritten signature in black ink, appearing to read "Chris Bonner".

Chris Bonner
Regional Heritage Advisor – Heritage Tasmania
Under delegation of the Tasmanian Heritage Council

Attachment 4 - 18A High Street, East Launceston - Representations (Pages = 9)

From: Lionel Morrell
Sent: Friday, 25 September 2015 12:56 PM
To: records
Subject: FW: Launceston Aquatic Centre Proposed fence
Attachments: Tasmanian Ratepayers Assoc Inc Representation re LA Security Fence Sept 2015 AA.pdf
Importance: High

From: Lionel Morrell
Sent: Friday, 25 September 2015 12:55 PM
To: 'Robert Dobrzynski'
Subject: Launceston Aquatic Centre Proposed fence
Importance: High

Dear Mr Dobrzynski,
Please note receipt of the attached representation concerning this Development Application.
Regards,

Lionel Morrell

President
TASMANIAN RATEPAYERS ASSOCIATION INC.

The information in this e-mail including all attachments is intended only for the use of the person(s) named as the addressee and may contain confidential and/or privileged information. If you receive this e-mail in error please let us know by return e-mail to 182303@bigpond.net.au and delete all copies from your records. Any unauthorised use, disclosure, copying or alteration of this message is not permitted without the express permission of the original sender.

Attachment 4 - 18A High Street, East Launceston - Representations (Pages = 9)

Tasmanian Ratepayers' Association Inc.

24 September 2015

Mr. R. Dobrzynski
General Manager
Launceston City Council
Town Hall
St John Street
LAUNCESTON TAS 7250 By email to
Robert.Dobrzynski@launceston.tas.gov.au

Dear Sir,

Re: DA 0331/2015 Launceston Aquatic Security Fence, 18A High St. Launceston.

We refer to the advertised application for the above. In general terms increasing security may be a valid objective – however there are a number of fundamental matters we wish to raise at the outset:

- Why not leave the boundary fence where it is, improve the solid wall sections where presumably the unauthorized access is occurring, and save ratepayers money by not carving off any more of this heritage place unnecessarily?
- Quality of the submission – for an application purporting to come from inside Council the quality of the submission is a sad indictment of the professionalism of council staff. If the material advertised are the only details lodged by “the applicant” – noting that the major written element is the result of a request for further information – then the application would be invalid. In any case, given that sections A and C of the application form have not been executed, the application is invalid and should not have been advertised at all.
- Conflict of interest? – We question the integrity of the processing and assessment of this proposal when the "owner" is cited as the General Manager, who is also applicant and to whom the public advertisement directs representors to address their submissions. Those assessing the proposal and representations received are employees of council. The issue of Launceston City Council assessing and determining its own application has been raised in the past. Other councils in Tasmania recognize the obvious bias in this situation, and refer such applications to a neighboring council to determine on their behalf.
- Heritage – 18A High St is a Heritage Place (LCC and THC) and there should be a detailed assessment of the proposal against the relevant Historic Heritage Code and the HCH Act. Again, others should have provided such an assessment, and a suitably qualified and independent Heritage Consultant engaged. There is nothing advertised to say that the Tasmanian Heritage Council has provided an exemption from the granting of a works approval.

Attachment 4 - 18A High Street, East Launceston - Representations (Pages = 9)

Launceston Aquatic Security Fence

It is profoundly disappointing that Launceston City Council, with all its alleged expertise and management levels finds itself with a custom-made fence that was only very recently built at no doubt considerable expense but that is allegedly not fit for purpose. This despite paying hundreds of thousands of dollars of ratepayer funds for advisers and consultants. Launceston ratepayers should not bear the cost of incompetence either by management or its consultants.

It is self evident that a fundamental feature of the pool fence would have been to keep people from unauthorised entry. It is not as if this is a recent development that could not have been foreseen. The phenomenon of unauthorised entry into the pool compound is not new, a midnight swim at Windmill Hill on a balmy summer night was a long-time rite of passage for countless young Launcestonians.

What attempts have been made to claim against the consultants that designed the fence? What action has been taken to ensure that management responsible for this debacle is performance managed to ensure similar things do not happen again? Somebody has to be accountable and responsible for this.

We question the need for a new fence altogether when a few strands of the ForceField Security Fence Monitoring System installed along the top of the existing fence would most likely do the job at a much lower cost to ratepayers.

We question the need for enhanced security - if in fact there have been unauthorised entries, the application refers to a vague 'high number', how many have there been? What has been their pattern? Is there a specific weak point in the fence where the majority of entries have taken place? Where is the security camera evidence and why has it not been used to prosecute intruders?

If in fact there is a security and safety issue, how does this compare with other safety risks in the municipality that are not being addressed? Is the additional capital expenditure of \$180,000 warranted for the quantum of risk being mitigated and can this cost and risk be reduced by other means, particularly in view of the chronic operating losses that Launceston Aquatic continues to incur?

What is the opportunity cost of this particular 'safety measure'? Most people would argue that able-bodied persons capable of breaching the existing fence are the least likely to drown or be injured at the pool. As stated above, countless people have gained unauthorised access and used the former Windmill Hill pool in the past without any drownings taking place. Similarly, many people use the First Basin pool at all hours, and for most part of the year, it has no fence around it at all, and when a fence is erected, it does not have the ultra-high security design nor electrification features proposed for this fence at Launceston Aquatic.

It is rather difficult to ascertain from the application drawing, the extent of the proposed new fence. The section towards the west extending past the Memorial Hall appears to be unchanged, and the solid wall section to the east of the outdoor pool and adjoining the changerooms, likewise appears unchanged. There is no drawing or illustration showing what the proposed fence will look like in its actual setting. The mesh panels are rectilinear and will need to have a formed, stepped base wall to

Attachment 4 - 18A High Street, East Launceston - Representations (Pages = 9)

Launceston Aquatic Security Fence

counteract the sloping site, with the top being similarly stepped and hence out of character with the undulating ground and the area generally. It is of concern to note from the material presented by the applicant from the manufacturer, that this fencing system is designed for use in gaols and other like high-security compounds. It will be inconceivable that this attractive cultural heritage parkland will be given the unsavoury appearance of an encircling gaol fence. The area immediately abuts the culturally sensitive War Memorial Avenue leading to the War Memorial Hall. Images of Changi Gaol and European Concentration Camps lining this approach, are exceedingly insensitive and inappropriate.

The expansion of the fenced in area constitutes a substantial proportion of the best and most accessible parkland at Windmill Hill Park. It results in more of that space being taken away from anyone other than those paying admission fees to the Aquatic Centre. How will the additional alienation of public open space enhance Aquatic Centre revenue and by how much? The additional open space to be added to Launceston Aquatic will need to be patrolled and controlled and maintained, thus placing more demands on pool staff or more likely require more staff and costs to be borne by the ratepayers.

The application fails to demonstrate the need to create an enlarged area for facility patrons, for a large part of the year the outdoor facility is hardly used. There is no evidence of overcrowding at the facility. The land that is regularly used by the community today will be alienated from public to be used for a limited number of days of peak pool attendance.

In 2007, Launceston City Council undertook the Launceston City Council Open Space Strategy 2007, http://www.launceston.tas.gov.au/upfiles/lcc/cont/council/community_engagement/strategies_plans_and_reports/lcc_open_space_strategy_10thJuly_2007.pdf

The strategy establishes that East Launceston already had the least area of parkland set aside, compared to all other suburbs. The Plan was to be reviewed each 5 years (a review was due in 2012), however in East Launceston there does not appear to have been any increase in the provision of open space since 2007, and to the contrary, this proposal significantly reduces what is some of the most flattish and useable parkland in Windmill Hill Park and the East Launceston suburb generally.

In the LCC Open Space Strategy 2007, Windmill Hill Park was given a score of 1/10, the highest and most valuable of all area assessments within the municipality, whereas the area that was already sectioned off into the Launceston Swimming Centre was scored at only 3/10. Ironically at an inflated figure of 39,489m², Windmill Hill Park included the not inconsiderable park area that was technically included in the High Street road reserve, which Council ought not need to be reminded had been unceremoniously taken and paved over for the Aquatic Centre carpark! The 39,489m² of Windmill Hill Park is officially categorised by Council as a Conservation Heritage Area Park, whereas the 8,297m² area already fenced off for Launceston Aquatic is officially categorised to the lower order of Regional Sport.

Attachment 4 - 18A High Street, East Launceston - Representations (Pages = 9)

Launceston Aquatic Security Fence

Whilst, as already stated above, it is virtually impossible to read or even understand how much area of Windmill Hill Park is proposed to be fenced off by this proposal from the unreadable drawing forming the basis of this application, our professionally-calculated assessment is of the order of 1,000 m² of prime cultural heritage parkland.

The following table illustrates the deficiency suffered by the East Launceston suburb prior to this application to reduce the present parkland/open space.

Data from Launceston open Space Strategy Study

	population	Park area m2	m2/head pop
Alanvale / Newnham	5,399	220,951	41
East Launceston	2,239	64,754	29
Invermay / Inveresk	2,996	840,456	281
Kings Meadows	3,720	695,679	187
Launceston / Elphin	3,547	410,365	116
Mayfield	1,434	56,080	39
Mowbray	3,245	249,957	77
Newstead	4,366	393,306	90
Norwood	3,784	131,005	35
Punchbowl	411	256,204	623
Ravenswood	4,065	550,407	135
Rocherlea	1,143	229,141	200
South Launceston	3,739	183,174	49
St Leonard's	1,613	232,867	144
Summerhill	2,904	589,203	203
Trevallyn	4,330	1,405,734	325
Waverley	1,570	405,263	258
West Launceston	3,984	964,566	242
Youngtown	2,938	387,467	132

In summary, it is our submission that this proposal should be refused, that council's staff be directed to give consideration to making a fresh application that will be limited to proposing some relatively minor changes to raise the height of the present panels of fencing, and in doing so make considerable cost savings for ratepayers, not withstanding that the incursion into Windmill Hill Park will be avoided.

Yours faithfully,

Lionel Morrell

President

TASMANIAN RATEPAYERS ASSOCIATION INC.

Attachment 4 - 18A High Street, East Launceston - Representations (Pages = 9)

FILE No.	DA0331/2015				
EO		OD	<input checked="" type="checkbox"/>	Box	<input checked="" type="checkbox"/>
25 SEP 2015		LCC			
File No.					
Action Officer	Noted		Replied		
C. Wrenley					

C. Wrenley

25th September, 2015

The General Manager,
Mr. Robert Dobrzyuski,
Launceston City Council,
P O Box 396,
LAUNCESTON, Tas. 7250

Fax: - 6323 3001

Dear Sir,

Subject: - Ref: - DA0331/25

I make representation as to the proposed new perimeter fencing at the Windmill Hill Reserve that will impact on a Turkey Oak tree that was a replacement for the original planting by Rotary International President Josef Abey on 23rd July 1961.

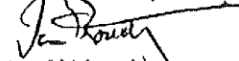
I refer you to the following correspondence:-

- Letter 10th February 2008 to General Manager
- Letter 12th February response
- Letter 18th February to General Manager
- Notes of Meeting 19th May 2008 – John Dent representing Rotary Club of Launceston with Andrew Smith and Chris Moore

Recognising the importance of the avenue of trees to the entrance to the Memorial Hall (ref: 18th February 2008) this also provides a strong argument for the proposed perimeter fencing to be realigned, therefore not encroaching further onto open public land.

The Council should value, respect and nurture any gifts to the City by organisations such as Rotary International as should have occurred with the Rock Feature at Inveresk that was subsequently destroyed by the University of Tasmania for no legitimate reason.

Yours faithfully,


Ian J N Routley

Attachment 4 - 18A High Street, East Launceston - Representations (Pages = 9)

From: Richard Jamieson
Sent: Friday, 25 September 2015 10:18 AM
To: records
Subject: FW: DA0331/2015 - Representation
Attachments: P1140533.jpg; P1140534.jpg

From: John Dent
Sent: Friday, 25 September 2015 10:04 AM
To: Richard Jamieson; Catherine Mainsbridge
Subject: DA0331/2015 - Representation

Hi Richard and Catherine,

I make this representation on behalf of the Rotary Club of Launceston Inc.

Our club was involved in 2009 in replanting, in conjunction with the LCC Parks Department, a tree (Turkey Oak) that was originally planted by Rotary International President Joseph Abey on 23rd July 1961. A plaque on the tree clearly identifies this, see attached. This tree, whilst not shown on the plans attached to the application (DA0331/2015) is clearly within the new perimeter fence proposed around the pool. We do not believe it is appropriate for such a tree to be located within the pool complex where it is not freely accessible to the public.

We would hope that your Council would replant the tree in another appropriate location within the park in agreement and in conjunction with our club, with all costs to be borne by your Council. The note on the plan says "salvage existing planting and reuse where possible" and we trust that this applies to the Turkey Oak referred to above. We would welcome some discussion with your Council in this regard and we are most disappointed that this did not occur BEFORE the application was made. If the tree is not able to be relocated elsewhere in the same park then we object to this application.

Regards,

John Dent
Registered Land Surveyor
Director - PDA Surveyors

Attachment 4 - 18A High Street, East Launceston - Representations (Pages = 9)



Attachment 4 - 18A High Street, East Launceston - Representations (Pages = 9)



9 ANNOUNCEMENTS BY THE MAYOR**9.1 Mayor's Announcements****FILE NO:** SF2375

Monday 28 September

- Attended the Liviende Inc AGM

Tuesday 29 September

- Attended the Independent Living Centre's 25th Birthday followed by the AGM

Wednesday 30 September

- Launched the RIO 2016 Australian Olympic Team Appeal at the Grand Chancellor Hotel

Thursday 1 October

- Opened the revamped Stone Shelter Shed at the Cataract Gorge

Friday 2 October

- Attended the Artist and Collection Exhibition at QVMAG

Sunday 4 October

- Attended the Tamar Yacht Club 137th Official Opening of the Club Season at the Beauty Point Marina
- Welcomed and opened the 2015 AFL Masters Carnival at Aurora Stadium

Monday 5 October

- Attended the Royal Launceston Show Cocktail Party at the Country Club Casino

Wednesday 7 October

- Attended the Melbourne Cup Committee Dinner at the Racing Centre, Mowbray

Thursday 8 October

- Attended the Royal Launceston Show Official Lunch at Aurora Stadium
-

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

Sunday 11 October

- Unveiling of the 40th Anniversary Mall Plaque, Brisbane Street Mall

Monday 12 October

- Opened the 2015 Financial Counselling State Conference at Grindelwald
 - Opened the 2015 National Bowls Championships Conference at the North Launceston Bowls Club
-

10 ALDERMEN'S REPORTS

(This item provides an opportunity for Aldermen to briefly report on the activities that have been undertaken in their capacity as a representative of the Council. It is not necessary to list social functions that have been attended.)

11 QUESTIONS BY ALDERMEN**11.1 Questions On Notice**

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

(A councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the General Manager of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be in writing.)

11.2 Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

(Questions Without Notice, and any answers to those questions, are not required to be recorded in the Minutes of the Meeting.)

12 COMMITTEE REPORTS**12.1 Northern Youth Coordinating Committee Meeting - 3 September 2015****FILE NO:** SF0136**AUTHOR:** Tamara Clark (Youth Development Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the Northern Youth Coordinating Committee meeting held on 3 September, 2015.

RECOMMENDATION:

That Council receives the report from the Northern Youth Coordinating Committee Meeting held on 3 September, 2015.

REPORT:

The Northern Youth Coordinating Committee met on Thursday, 3 September 2015 and discussed the following items:

- An update by the peak body, the Youth Network of Tasmania (YNOT), on the Tasmanian Youth Forum Mental Health Matters Report, launched on 27 July 2015 by the Minister for Health, Michael Ferguson MP. A complementary Report entitled 'Mental Health Matters: What you said' was also launched and will inform the Tasmanian Government's development of a Youth Suicide Prevention Strategy for Tasmania.
 - An overview by Anglicare Tasmania on the 'Every Child Succeeds' community-lead initiative aimed at children aged 0 to 25 years. Six community committees have been created to provide input into the initiative.
 - An overview by The Black Dog Institute - a not-for-profit organisation providing diagnosis and treatment of mood disorders such as depression and bipolar disorder. The Institute offers workshops within schools with trained presenters who have experience of living with a mood disorder or who have cared for someone with a mood disorder.
 - An overview by Community Training Australia on professional development opportunities within the community services sector for youth workers.
 - National Youth Week 2016 activities initial discussion.
-

12.1 Northern Youth Coordinating Committee Meeting - 3 September 2015...(Cont'd)

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

A state/region that enables young people to participate in activities that they would not normally be able to engage in due to disadvantage helps to create a more inclusive community with greater social capacity and opportunities for young people to benefit directly from the social and economic advantage of the region.

STRATEGIC DOCUMENT REFERENCE:

The City of Launceston Strategic Plan

Key Directions:

4.4 To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community.

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

12.2 Tender Review Committee Meeting - 14 and 21 September 2015**FILE NO:** SF0100**AUTHOR:** Raj Pakiarajah (Manager Projects)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

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

RECOMMENDATION:

That Council receives the reports from the Tender Review Committee Meetings held on 14 and 21 September 2015.

REPORT:**14 September 2015**

1. Mulch, Remove and Stockpile of Green Waste - Launceston Waste Centre - CD.031/2015

The Tender Review Committee accepted the tender submitted by Fieldwicks Crushing and Screening Pty Ltd for mulching and stockpile of greenwaste at the Launceston Waste Centre, for a 1 year period (with an option for a further 1 year extension) at the schedule of rates submitted.

21 September 2015

2. Golconda Road (Denison Gorge Road to Rail Crossing) - Road Asset Upgrade - CD.023/2015

The Tender Review Committee accepted the tender submitted by Andrew Walters Constructions Pty Ltd for Golconda Road (Denison Gorge Road to Rail Crossing) - Road Asset Upgrade, at a cost of \$664,162.15 (excl. GST).

3. Princess Theatre Seating Supply and Installation - CD.036/2015

The Tender Review Committee accepted the tender submitted by Hadley Australia Pty Ltd for the Princess Theatre Seating Supply and Installation, at a cost of \$494,594.00 (excl. GST).

12.2 Tender Review Committee Meeting - 14 and 21 September 2015...(Cont'd)

ECONOMIC IMPACT:

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

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 2015/2016.

BUDGET & FINANCIAL ASPECTS:

These projects are funded in accordance with the approved 2015/2016 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

12.3 Audit Panel Meeting - 24 September 2015**FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To receive and consider a report from the Audit Panel following the meeting on 24 September 2015.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That the report from the Audit Panel Meeting held on 24 September 2015 be received.

REPORT:

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

6.2 - 6.5 Internal Audit

Details The Internal Auditors attended and discussed the Final Strategic Internal Audit Plan for July 2015 to June 2016. Progress on closing out issues identified on Fraud Management and Prevention, Risk Assessment and Privacy Management internal audits was also discussed.

Action The Panel received the reports.

7.2 External Audit

Details The Deputy Auditor-General (by phone) and the Senior Audit Manager joined the meeting. Matters discussed included the actuary information regarding superannuation, a road valuation issue that involves engineering expertise and a query regarding the grant acquittal relating to the Tamar River Recovery Plan project.

Action The Panel received the reports and noted three corrections related to valuation calculations revised by the Tasmanian Audit Office in the 2014/15 Financial Statements. The Audit Office will furnish an unqualified audit report.

12.3 Audit Panel Meeting - 24 September 2015...(Cont'd)

9.1 Budget Amendments

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

Action The Panel recommended to the Council that the changes be made (see separate item in this agenda).

9.2 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.

9.3 - 10.5 Financial Reports and KPI's

Details The Panel received the Operating results for the 2014/15 year together with reports on Capital, Debtors and Investments.

Action The Panel noted the reports.

12.1 Building Strong Foundations - Governance in Tasmanian Local Government

Details A Wise, Lord and Ferguson Chartered Accountants research paper was discussed.

Action The Panel noted the report.

12.2 Policy and Legislation Compliance Process

Details There was a discussion about how the Audit Panel guidelines requirements could be met effectively.

Action It was resolved to consider further as to the scope of any compliance requests so as not to create unnecessary work.

12.3 Outstanding Audit Panel Actions

Details The Panel considered approach and interim work that has been undertaken to address the role of the Audit Panel of overseeing legislative and policy compliance.

Action The Panel noted items requiring further action.

ECONOMIC IMPACT:

No economic impact

ENVIRONMENTAL IMPACT:

No environmental impact

12.3 Audit Panel Meeting - 24 September 2015...(Cont'd)

SOCIAL IMPACT:

No social impact

STRATEGIC DOCUMENT REFERENCE:

Strategic Plan 2014 - 2024

Priority Area 8: A secure, accountable and responsive organisation

Key Direction 6: To maintain a financially sustainable organisation

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey: Director Corporate Services

13 COUNCIL WORKSHOPS

Council Workshops conducted on 5 October 2015 were:

- UTAS Inner City Campus
- Proposal for 2-way Traffic and Bus Stop Relocation
- Reimagining the Gorge Project

14 NOTICES OF MOTION

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

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

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**15.1 City of Launceston Representation on the Committee Directing the Every Child Succeeds Initiative****FILE NO:** SF2233**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider City of Launceston representation on the committee directing the Every Child Succeeds initiative.

PLANNING APPLICATION INFORMATION:

SPPC Meeting 5 October 2015 - Item 4.1 - Consider representation on the committee
SPPC Meeting 7 September 2015 - Item 4.2 - Deputation - Mr Paul Mallett, State Manager, Children, Families and Community Services, Anglicare Tasmania Inc. - Every Child Succeeds Collective Impact Project

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That the Council nominates Alderman Finlay and Alderman Wood to share representation on the Every Child Succeeds governing committee for a term consistent with other Council appointments to internal and external committees.

REPORT:

Subsequent to a deputation from Mr Paul Mallett, State Manager, Children, Families and Community Services, Anglicare Tasmania Inc., the City of Launceston has been invited to nominate an Alderman or a Director to be part of the governing committee directing the Every Child Succeeds initiative.

This committee is representative of a new structure, put in place after the Communities for Children Council was retired earlier in 2015. Mrs Leanne Hurst, Director Development Services, and Ms Theresa Sutczak, Community Projects Officer, represented City of Launceston on the Communities for Children Council.

15.1 City of Launceston Representation on the Committee Directing the Every Child Succeeds Initiative...(Cont'd)

The governing committee for the Every Child Succeeds initiative meets on the third Tuesday of the month until the end of the year, and then every two months. Meeting venues are rotated across George Town, Beaconsfield, Ravenswood, Waverley, St Leonards, Mowbray and Rocherlea.

Whilst the Every Child Succeeds initiative is an important project for northern Tasmania and worthy of support, consideration should be given to the time commitment required and what the role of the City of Launceston representative would be on the committee, particularly given the intention to hold meetings outside of Launceston itself to recognise Anglicare's Communities for Children service footprint.

As the City of Launceston is not a service provider, its role in the Every Child Succeeds initiative is more likely to be confined to providing support either in the form of lobbying for policy change, or for providing funding or support for funding submissions for specific projects.

It is unlikely that any representative from the City of Launceston is able to make decisions regarding the allocation of any resources above that already identified in budget estimates and annual plans without seeking a decision of Council. Representation on the governing committee would therefore be more general in nature to demonstrate overall support for the initiative, and it may not require attendance at every meeting to achieve that purpose.

Irrespective of representation on the governing committee, Council officers would have operational input on specific initiatives and projects where they aligned with the City of Launceston's strategic and annual operating plans.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

The Every Child Succeeds initiative aims to ensure that within a generation, every child in the Launceston Tamar Valley is loved and safe, has the material basics, is healthy, learning, participating, and has a positive sense of identity and culture.

15.1 City of Launceston Representation on the Committee Directing the Every Child Succeeds Initiative...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

Strategic Plan 2014-2024:

Priority Area 4 - A diverse and welcoming city

Ten-Year Goal - To offer access to services and spaces for all community members and to work in partnership with others to address the needs of vulnerable and diverse communities

Key Direction - To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community

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. Emailed invitation from Ms Sharon Dutton, Coordinator, Children & Community Programs, Anglicare Tasmania Inc.
-

Attachment 1 - Emailed invitation from Ms Sharon Dutton, Coordinator, Children & Community Programs, Anglicare Tasmania Inc.

From: Sharon Dutton [<mailto:S.Dutton@anglicare-tas.org.au>]
Sent: Tuesday, 8 September 2015 5:01 PM
To: Anthea Rooney
Subject: Involvement in Every Child Succeeds initiative 

Dear Mayor and General Manager,

Following our deputation on Monday 7 September, we would like to formally invite an Alderman or Director to be part of the governing committee directing the Every Child Succeeds initiative.

Every Child Succeeds is supported by Anglicare Communities for Children which is a federally funded program which has been operating in the Launceston area for the last 10 years to increase opportunities for children aged 0-12 years together with their families. We recently launched Every Child Succeeds, which aims to ensure that within a generation every child in the Launceston Tamar Valley is loved and safe, has the material basics, is healthy, learning, participating, and has a positive sense of identity and culture. In order for this to be achieved by 2035, we are seeking participation from local community members, the business community, all three levels of government (including local councils, health, education and corrective services), and service providers.

Leanne Hurst (and proxy Tess Sutczak), provided Launceston City Council representation to the previous Communities for Children Council, which was retired on June 19 to make way for a new structure with much greater representation from local communities. We now seek an Alderman or Director to take on this important role into the future. Meetings will be held on the third Tuesday of the month until the end of the year, and then every two months. Meeting venues are rotated across George Town, Beaconsfield, Ravenswood, Waverley, St Leonards, Mowbray and Rocherlea.

Our next meeting is Tuesday 15 September at the George Town Child and Family Centre, between 10:30am and 12pm. We look forward to hearing from you, and hope that you can join us.

Kind regards

Sharon Dutton
COORDINATOR
CHILDREN & COMMUNITY PROGRAMS
Anglicare Tasmania Inc.
122 Elizabeth Street
Launceston, Tasmania 7250
P: (03) 6333 3042 | M: 0437 756 971 | Freecall 1800 243 232
s.dutton@anglicare-tas.org.au

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS**16.1 Appointment of YPIPA Community Members 2015****FILE NO:** SF3246**AUTHOR:** Robert Groenewegen (Manager Inveresk Precinct)**DIRECTOR:** Rod Sweetnam (Director Facilities Management)

DECISION STATEMENT:

To consider the appointment of a Community Member to the York Park and Inveresk Precinct Authority.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council appoints Mr Adrian Wood as a Community Member on the York Park and Inveresk Precinct Authority for a four year term.

REPORT:

Following the Council elections in October 2014, Expressions of Interest (EOI) were sought for the appointment of Community members to the York Park and Inveresk Precinct Authority (YPIPA), three people were appointed as Community Members, leaving one membership available. In order to fill the single remaining position, Expressions of interest were held in accordance with the *Controlling Authority Rules (as amended, 2006)*.

Section 9 of the Authority Rules sets out the process for the Appointment of Community Members to the Authority:

Appointment of Community Members

- 9 *The Council members on the Authority are to seek expressions of interest from potential community members and make recommendations to Council.*
- 9.1 *Council is to appoint community members.*
- 9.2 *Community members may resign with the provision of one months' notice to the Authority.*

Notices seeking submissions to the EOI process were advertised on 18/04/2015 in local print media, with written submissions closing on 01/05/2015.

16.1 Appointment of YPIPA Community Members 2015...(Cont'd)

Six EOI's were received and following the York Park & Inveresk Meeting Authority meeting of 16/06/2015, a sub-committee consisting of the Chair of YPIPA and the Manager Inveresk & Aurora Stadium was created to interview all applicants.

Interviews were held with all applicants and the sub-committee's recommendation appointing Mr Adrian Wood was presented to the next YPIPA meeting on 20/08/2015. The authority endorsed Mr Wood's appointment.

It is recommended that Council appoint Mr Adrian Wood to YPIPA for a four year term.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

N/A

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Rod Sweetnam: Director Facilities Management

ATTACHMENTS:

1. York Park & Inveresk Precinct Authority Controlling Authority Rules
-

Attachment 1 - YPIPA Controlling Authority Rules (total pages = 7)**YORK PARK & INVERESK PRECINCT AUTHORITY****CONTROLLING AUTHORITY RULES****PURPOSE:**

To set out the role, responsibilities and structure of the York Park and Inveresk Precinct Authority.

SCOPE:

Applies to the management of the York Park and Inveresk Precinct.

POLICY:

A Controlling Authority under Section 29 of the Local Government Act 1993, known as the York Park and Inveresk Precinct Authority, has been established by Council.

The role of the Authority is to develop the York Park and Inveresk Precinct as a centre for art, education, tourism and recreation.

PART 1- PRELIMINARY

1. The York Park & Inveresk Precinct Authority is established by Launceston City Council as a controlling authority under section 29 of the Local Government Act 1993.

Title

2. This document is called the York Park & Inveresk Precinct Authority Controlling Authority Rules.

Name

3. The name of the controlling authority is the York Park & Inveresk Precinct Authority.

Principal Objectives

4. The principal objective of the Authority is:

“Help develop the Inveresk Precinct as an international centre for art, education, tourism and recreation.” – Launceston City Council Strategic Plan 1999-2003

Interpretation

5. In these rules the following words are assigned the meanings given below unless the contrary intention appears.

Authority means the York Park & Inveresk Precinct Authority.

Chairperson means the chair of the Authority.

Community member means duly appointed non-council representatives.

Council means the Launceston City Council.

Council member means the Aldermen appointed by Council and the Launceston City Council General Manager (or delegate).

Members means all members of the Authority.

Plans mean the operating plan, works programme and budget to be prepared annually by the Authority.

Quorum is a simple majority of members.

Precinct means all the venues and properties contained on York Park, Invermay Park, the Old Bike Track and the Inveresk Railyards. Refer plan in attachment 1.

PART 2 - FUNCTIONS AND POWERS

Functions

6. The Authority is to manage the following functions, at the Precinct, on behalf of Council.
 - 6.1 Precinct promotion and marketing
 - 6.2 Ground maintenance and horticultural services
 - 6.3 Booking, scheduling and venue coordination
 - 6.4 Liaison and communication with precinct tenants
 - 6.5 Revenue generation, budgeting and cost control
 - 6.6 Event attraction, management and co-ordination
 - 6.7 Car parking
 - 6.8 Land development and site planning
 - 6.9 Lease negotiations and issue resolution
 - 6.10 Site security risk management and insurance

Powers

7. In carrying out its functions the Authority has the power to:
 - 7.1 Appoint employees, contractors and consultants within Council employment policy guidelines.
 - 7.2 Establish sub committees to organise events or undertake projects on behalf of the Authority
 - 7.3 Set and collect fees
 - 7.4 Make bookings and hire the venues
 - 7.5 Seek and accept sponsorship
 - 7.6 Make policies and procedures
 - 7.7 Raise revenue
 - 7.8 Incur expenditure within Council approved budget limits
 - 7.9 Call tenders and let contracts
 - 7.10 Enter into lease, license, hiring and service agreements

Membership

8. The membership of the Authority is to include:
 - Two Aldermen appointed by Council

- Launceston City Council General Manager (or delegate)
- A member nominated by the State Government
- Up to four community members with business, event and venue management experience

- 8.1 Members are to be appointed for a minimum period of two years.
- 8.2 The membership period shall be concurrent with Council elections except in the first year.
- 8.3 Council may terminate the appointment of a member at its discretion.
- 8.4 Appointment, replacement or termination does not become effective until all members are notified in writing.
- 8.5 Members are not entitled to remuneration beyond the reimbursement of out of pocket expenses.

Appointment of Community Members

9. The Council members on the Authority are to seek expressions of interest from potential community members and make recommendations to Council.
- 9.1 Council is to appoint community members.
- 9.2 Community members may resign with the provision of one months notice to the Authority.

PART 3 - MEETINGS OF REPRESENTATIVES

Convening of Meetings

10. The Authority may, subject to these rules, hold such general meetings and sub-committee meetings as are necessary to carry out its functions.
- 10.1 A general meeting of members of the Authority is to be convened at the request of the Chairperson or 2 or more members.
- 10.3 2 days notice, in writing, of a general meeting is to be given to members unless the chairperson decides matters are urgent.
- 10.4 The notice is to specify the place, date, and time of the meeting and the business to be transacted at the meeting.

First General Meeting

11. A general meeting is to be held within 28 days of the establishment of the Authority to:
- elect the chairperson
 - elect a deputy chairperson
- 11.1 The Authority is to elect a chairperson and deputy chairperson at the first general meeting following the appointment of new members resulting from Council elections.

PART 4 - PROCEEDINGS OF MEETINGS

Attendance

12. The chairperson may invite any other person to attend and address a general meeting or to be an observer.

12.1 A general meeting is not open to the public.

Quorum

- 13 A meeting may only transact business if a quorum is present.

Quorum not present

- 14 If a meeting lacks a quorum it is to be postponed and reconvened at a later date or time.

Chairperson and Deputy

- 15 The chairperson will chair general meetings.

15.1 In the absence of the chairperson, the deputy chairperson will chair the meeting.

15.2 In the absence of both the chairperson and the deputy chairperson, the members are to choose one of their number to chair the meeting or part of the meeting.

Conduct of Meeting

- 16 The chairperson, subject to these rules, will use, where appropriate, the Local Government (Meeting Procedures) Regulations 2005 when conducting meetings.

Voting Values

- 17 A member, including the chairperson, is entitled to vote at a general meeting.

17.1 One vote equals one value.

PART 5 – ACCOUNTABILITY**Plans and Programmes**

- 18 The Authority is to prepare an annual operating plan and budget.

18.1 The plans are to contain the financial details of the Authority for the period covered by the plan; as well as a programme of works and activities.

18.2 The plans are to be consistent with the Launceston City Council strategic plan.

18.3 The plans are to be submitted to Launceston City Council for consideration during its budget setting process.

18.4 The plans require Council approval.

18.5 Council may require the Authority to alter the plans

Annual Report

- 19 Each year the Authority is to prepare an annual report for the preceding financial year. The report is to be presented to Council before the end of September and is to include the following information and documents:

19.1 The financial statements of the Authority for the financial year to which the annual report relates.

19.2 A copy of the opinion of the auditor in respect of the financial statement - Council's auditor will perform the auditing functions for the Authority.

19.3 Reports of the Chairperson of the Authority.

19.4 Performance targets and actions achieved.

Monthly Reports

20. Monthly reports on the finances and activities of the Authority are to be prepared for consideration of the members at general meetings. These reports shall include details of;

20.1 Actual revenue and expenditure compared to budget.

20.2 Outstanding debtors including lease.

20.3 Incidents on the site including accidents and insurance claims.

20.4 Utilisation of the various venues and arrears.

20.5 Bookings.

20.6 Leasing and tenant issues including renewals.

Disclosure of Interests

21. A representative, as soon as practicable after the relevant facts come to the representative's knowledge, must disclose to the Authority any of the following:

21.1 A direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Authority.

21.2 An interest of the representative in a matter that may conflict with the proper performance of the representative's duties in relation to consideration of the matter.

21.3 A representative who has declared an interest in a matter that is to be considered by the Authority must not be present during any deliberation of the Authority in relation to the matter or take part in any decision of the Authority in relation to the matter.

21.4 Provisions of the Local Government Act 1993 are to be followed for the definitions of pecuniary interest.

PART 6 - PROVISION OF SERVICES

Council Services

22. Council will provide the following support services to the Authority.

22.1 Accounting, payroll and banking.

22.2 Information technology and support.

22.3 Tender and contract administration.

22.4 Horticultural advice.

22.5 Office accommodation and administrative support Human resources.

22.6 Marketing.

22.7 Economic Development.

22.8 Any other Council services relevant to its functions.

23. Council will allocate the appropriate overhead charges for the provision of these services.

PART 7 - MISCELLANEOUS

Minutes

24. The Authority is to ensure that minutes of general meetings are properly recorded.
- 24.1 The minutes are to include the names of the representatives present at general meetings of the Authority.
- 24.2 The minutes are to include a record of resolutions and proceedings of general meetings of the Authority.
- 24.3 The minutes of any meeting are to be confirmed at a subsequent general meeting.
- 24.4 The minutes must be circulated to representatives, participating members and aldermen of Launceston City Council.

Notices

25. A document is effectively given to an individual under these rules if it is:
- 25.1 Given to the person; or
- 25.2 Left at, or sent by post to, the person's postal or residential address or place of business or employment last known to the giver of the document; or
- 25.3 Sent by way of electronic mail or facsimile transmission to the person's electronic mail address or facsimile number.
26. A document is effectively given to a member under these rules if it is marked to the attention of the member and
- 26.1 Left at, or sent by post to, the member's principal office; or
- 26.2 Sent by way of electronic mail or facsimile transmission to the member's electronic mail address or facsimile number.
27. A notice required to be given to a member is to be given to both the member and the member's representative.

Alteration of rules

28. The Authority shall recommend changes of rules to Council for approval.

Winding Up

29. The Launceston City Council may wind up the Authority with the provision of one months notice.

Insolvency

30. In the event of the insolvency or winding up of the Authority, Council is responsible for the assets and liabilities of the Authority.

Immunity from Liability

31. The provisions of Section 341 of the Local Government Act 1993 apply to members of the Authority.

Expenses and Proceeds from Land Sales

32. That any expenses associated with the sale of land shall be the responsibility of the York Park & Inveresk Precinct Authority.

33. That the proceeds from the sale of any land within the York Park and Inveresk Precinct be invested in the capital improvement of the Precinct, on items determined by the Authority and agreed to by Council.

PRINCIPLES:

The Council's guiding principles apply to all activities.

RELATED POLICIES & PROCEDURES:

Governance Arrangements 14-PI-004

Committee Details Procedure 14-HLPr-003

York Park & Inveresk Precinct Authority Rules

RELATED LEGISLATION:

Section 29 Local Government Act 1993.

REFERENCES:

N/A.

DEFINITIONS:

N/A.

REVIEW:

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

File Ref: SF3246

Author: General Manager

Agenda Ref: 22 October 2001
Agenda Item 10.2

Amended 23rd October 2006
Agenda Item 11.1

17 QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS**17.1 QVMAG Museum Governance Advisory Board****FILE NO:** SF2244**DIRECTOR:** Richard Mulvaney (Director Queen Victoria Museum and Art Gallery)

DECISION STATEMENT:

To consider extending the terms of Mr Neil MacKinnon, Ms Janine Healey and Mr Robin Holyman on the QVMAG Museum Governance Advisory Board.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting 14 June 2011
Council Meeting 24 August 2015

RECOMMENDATION:

That Council extends the terms of Mr Neil MacKinnon, Ms Janine Healey and Mr Robin Holyman on the QVMAG Museum Governance Advisory Board by six months to 30 March 2016.

REPORT:

The Museum Governance Advisory Board (MGAB) was formed in September 2011 and held their first meeting on 19 October 2011. Under the Charter, the term of Board membership is two years with a maximum of two terms to be served consecutively. The membership of Mr Neil MacKinnon, Ms Janine Healey and Mr Robin Holyman expired on 30 September 2015 and under the Charter a minimum of two new community members would be appointed by Council in October.

The MGAB participated with the recent QVMAG Review tabled at the Council Meeting of 24 August 2015. Mr Neil MacKinnon and Ms Janine Healey were members of the Review committee chaired by Alderman Hugh McKenzie. With the timing of the Review and the progress of the recommendations that includes Recommendation 4 - *Governance: that options for establishment of an independent skills-based Board of Governors be investigated and the best option implemented*, it seems advisable to retain the current MGAB membership in the short-term.

17.1 QVMAG Museum Governance Advisory Board...(Cont'd)

It is not envisaged to extend the term beyond 30 March 2016.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

Strategic Plan 2014-2024 - Governance

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

ATTACHMENTS:

1. QVMAG Governance Advisory Board Charter
 2. QVMAG Review (distributed separately)
-

Attachment 1 QVMAG Museum Governance Advisory Board Charter

QVMAG MUSEUM GOVERNANCE ADVISORY BOARD CHARTER

CONTEXT

The Queen Victoria Museum and Art Gallery's (QVMAG) Museum Governance Advisory Board (MGAB) is a special committee of the Launceston City Council (LCC) established under the provision of Section 24 of the Local Government Act 1993 by Council resolution of its meeting held on 14 June, 2011.

Consistent with the QVMAG's status as a community cultural enterprise and its stated mission to be a leader in the intellectual and creative development of Launceston and Tasmania by increasing the community's enjoyment and understanding of Launceston's, and Tasmania's, natural and cultural heritage, MGAB has the role, on behalf of LCC, to provide formal and informal advice and support to the Council, The General manager, and QVMAG management in respect of a number of matters as set out below in the Charter under "Roles and Responsibilities".

STATEMENT OF PURPOSE

The Queen Victoria Museum and Art Gallery's purpose is to engage with the wider community in order to:

- Provide research and educational opportunities;
- Generate and share new knowledge;
- Increase community awareness of current understandings relevant to the institution's
- collections of scientific material and material cultural production; and
- Build upon, maintain and conserve these collections for the benefit of future generations.

ACCOUNTABILITY

The MGAB shall be directly accountable to Launceston City Council, which is the QVMAG's ultimate governing body. Nothing in this Charter limits any powers or responsibilities of the Launceston City Council, its General Manager or the QVMAG Director.

The MGAB is a special committee of Council set up to advise LCC Aldermen, the General Manager and the Director on all matters relevant to the QVMAG's governance in accordance with the Local Government Act 1993.

It is recognised that LCC is ultimately responsible for the custodianship of the QVMAG's collections and cultural property held in trust on behalf of the Tasmanian community.

MEMBERSHIP AND COMPOSITION OF THE BOARD

The MGAB shall consist of at least four independent community members appointed by the Launceston City Council. In addition the Friends of the QVMAG and the Launceston Museum & Art Foundation shall each be entitled to nominate a member.

The LCC Mayor (or representative) will be an ex officio member of the Board with voting rights. The LCC General Manager (or representative) and QVMAG's Director, shall be non-voting ex officio members.

The community members are to be appointed by LCC with the final composition of the Board to be determined and ratified by the LCC.

The Chair shall be determined by the Council for the term from within the independent membership of the Board. In the event that the Council does not so determine the Chairperson, the Board shall itself elect a Chair from its members. The QVMAG's Director or his/her nominee will provide secretarial and administrative support for the Board.

TENURE

The term of Board membership shall be two years, with a maximum of two terms to be served consecutively. Notwithstanding the foregoing, to provide some continuity in the first two terms, half of the Board members shall be nominated to continue for a second term while the term of the other half shall expire at the end of their term. By the third term a sequence will be in place whereby half the membership will be in place for the next new term. The determination of Board members to continue for a second term shall be decided by Council who shall have regard to such recommendations as may be made by the Board.

BOARD MEETINGS

The MGAB shall meet at every two months, or as determined by the Board and meetings shall not be open to the public except where determined by resolution of a meeting of the Board. The Board shall report to Council at least twice a year and provide timely advice to Council relevant to:

1. The institution's annual budget;
2. The institution's programming;
3. New and/or revised policies.
4. Standards and performance reviews.
5. The initial assessment of the institution's Annual Report.

QUORUM

A quorum shall be at least 50% plus one of the members of the Board, present in person or by using any appropriate technology. The quorum must be present at all times during the meeting.

COMMITTEE PAPERS

The QVMAG's Director or his/her nominee shall act as the Board Secretary and shall ensure that any upcoming meeting's agenda and support papers are distributed at least five clear working days in advance of a meeting. In addition the Board's Secretary shall also ensure that minutes and reports flowing out of a meeting are distributed to members and Aldermen in a timely way and in accord with LCC meeting schedules.

COMMITTEE MINUTES

The Board shall ensure that comprehensive minutes of all Board meetings to be approved by the Chairperson, are prepared at the earliest possible date after a meeting. Minutes of all meetings shall be submitted at the next meeting of the Board.

BOARD REVIEWS

The Board shall review its charter and performance annually and report to the LCC on the results of the review.

ROLE AND RESPONSIBILITIES

The MGAB's primary role is to advise LCC on policy matters and the ongoing development of the institution. Consistent with this the Board will advise upon, and report to LCC where and when appropriate. Such advice may include matters related to:

1. Advising LCC on the institution's purpose for being and institutional objectives and goals as an integral part of the QVMAG's Strategic Planning processes and most specifically in the context of the institution's education and research roles;
2. Providing advice on the QVMAG Strategic Plan;
3. Supporting the institution and specifically assisting with facilitating higher levels of engagement with the Community;
4. Advising upon the institution's quality assurance mechanisms where appropriate;
5. The review and implementation of museum processes and practices relevant to current best practice in museum practice and research relevant to the institution's collections;
6. Raising the institution's research and publication profile in a Tasmanian, national and international context and importantly within the cultural and scientific communities relevant to the QVMAG's collections and programming;

7. Providing an advocacy body for the QVMAG and where appropriate represent the institution in the wider community;
8. Fundraising and securing government, private and corporate sponsorships in support of the institution's acquisitions and exhibitions program, its research initiatives and publications program and;
9. Supporting the QVMAG Director in the delivery of the institution's exhibition, research and publication programs and their outcomes;

CONFLICT OF INTEREST

If any MGAB member has a material personal interest in or interest by way of a personal or other relationship to any matter being considered by the MGAB then that member must give the Board and LCC notice of the interest as soon as that member becomes aware of the interest, in accordance with the Conflict of Interest provisions within the Local Government Act 1993. The notice must provide details of the nature and extent of the interest.

AUTHORITY

The MGAB shall be an advisory body tasked with the role of advising LCC on governance issues, policy development and supporting the QVMAG's operational activities. In doing so, the MGAB will work closely and in accord with the Director of the QVMAG.

REPORTING

At least twice a year, the Chair of the MGAB shall present a report on matters related to the Board's Charter to a meeting of the Strategic, Policy and Planning Committee of the Launceston City Council.

MEETING PROCEDURE

Meetings of the Group should be conducted in accordance with the Local Government Meeting Procedures Regulations 2005 in so far as they are relevant. Members of the MGAB should have regard to the provisions of the Local Government Act 1993 in so far as they relate to obligations placed upon members of all Council Committees.

18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS**18.1 Prossers Forest Road - Petition on Traffic Speeding****FILE NO:** SF0097/SF1890/SF0138**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider actions following a petition presented by Mr Robert Petty on providing a safe traffic environment along Prossers Forest Road, Ravenswood.

PREVIOUS COUNCIL CONSIDERATION:

Council Item 5.1 - 14 September 2015.
The Council received the petition.

RECOMMENDATION:

That Council, in respect to a petition presented by Mr Robert Petty on traffic speeds along Prossers Forest Road, resolves to inform the petition organiser that:

1. An analysis of traffic speed indicates that the vast majority of vehicles are within the legal speed limit and implementation of physical traffic management devices are not appropriate in this situation.
 2. The speed related information will be provided to Tasmania Police seeking a high degree of enforcement.
 3. A safety audit of the street indicates that the Prossers Forest Road meets appropriate standards, is in an appropriate condition and does not contribute to higher traffic speeds.
 4. An analysis of the crash records for the road indicates that of the 32 crashes over the past 15 years, only one was attributed to speed with the majority attributed to inattentiveness or failing to give way; and
 5. The core of the issue is a minority of irresponsible drivers which is best handled by enforcement and not altering the physical condition of the road.
-
-

18.1 Prossers Forest Road - Petition on Traffic Speeding...(Cont'd)

REPORT:

Council at its 14 September 2015 Meeting received a petition seeking to provide a safe environment for the community by installing speed calming devices along Prossers Forest Road, Ravenswood. The petition was referred to the Infrastructure Services Directorate for action.

In accordance with the *Local Government Act 1993* Council is to receive a report within 42 days of tabling the petition to determine action to be taken.

Enclosed as Attachment 1 is a draft letter to the organiser of the petition outlining the outcomes of the research into traffic speed and proposed actions to result.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

The impetus for the petition is a result of a minority of irresponsible drivers affecting the amenity and sense of safety of residents and other users of the street.

STRATEGIC DOCUMENT REFERENCE:

The key direction within the Council's Strategic Plan (2014-2024) considered relevant is:

3.1.2 To improve and maintain accessibility within the City of Launceston area, including its rural areas.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

18.1 Prossers Forest Road - Petition on Traffic Speeding...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Draft letter to Mr R Petty.
-

Attachment 1

File No: SF0097/SF1890/SF0138
HG:dp

9 October 2015

Mr Robert Petty
2 Hazlewood Parade
RAVENSWOOD TAS 7250

Dear Mr Petty

Prossers Forest Road - Traffic Management Request

I refer to your petition tabled at the Council's meeting of 14 September 2015 seeking the installation of speed calming devices along Prossers Forest Road, Ravenswood to provide a safe environment for the community.

The petition has been referred to the Infrastructure Services Directorate to investigate and respond.

A traffic classifier was installed over the period 10-18 September. The data indicates that the 85th percentile speeds (i.e. the speed reflecting 85% of drivers) for both directions are less than 50km per hour and that 10% of vehicles were exceeding the speed limit.

The vast majority of motorists are complying with the speed limit. There were a small number of vehicles travelling at concerning speeds, but the numbers are low and it is appropriate that we refer these to the Police for attention.

We have also sourced information from the State Government's crash data base and find that there has been only one crash (property damage only) in Prossers Forest Road in the last 15 years which involved speeding vehicles. Although there were 32 crashes over this period, the balance was attributed to inattentiveness or failing to give way.

Based on the traffic data and crash history, I see no justification for installing any traffic calming devices in Prossers Forest Road. The only thing I would suggest is that anyone repeatedly speeding in Prossers Forest Road is likely to be a resident of the Ravenswood area and other residents are encouraged to report these to Tas Police to deal with the individuals. Even if the Police did not catch them in action we understand that the Police will visit offending drivers to give them a friendly warning, which in the majority of the cases has a desired effect.

Thank you again for raising your concerns with the Council. As the organiser of the petition, can you please inform the other signatories of the contents of this letter.

Yours sincerely

Harry Galea
DIRECTOR INFRASTRUCTURE SERVICES

Contacts:

Telephone (03) 6323 3349
E-mail Harry.Galea@launceston.tas.gov.au

Attachments:

1 Prossers Forest Road - Traffic Analysis Summary

Copy:

1 Engineer - Traffic and Development, Uriel Walters
2 Engineering Officer - Traffic, Nigel Coates

DRAFT

Traffic Counts for 10-18 September, 2015

4 Prossers Forest Road Eastbound

4 Prossers Forest Road Westbound

4 Prossers Forest Road All Traffic

Hour of day	Weekday Average (veh/hr)	Weekend Average (veh/hr)	85%ile Speed (km/h)	Weekday Average (veh/hr)	Weekend Average (veh/hr)	85%ile Speed (km/h)	Weekday Average (veh/hr)	Weekend Average (veh/hr)	85%ile Speed (km/h)
0 - 1	9	18	48.5	6	14	45.5	15	32	47.0
1 - 2	5	13	48.4	4	18	61.8	9	31	55.1
2 - 3	3	11	53.5	4	8	49.2	8	19	51.4
3 - 4	3	6	47.3	7	9	44.9	10	15	46.1
4 - 5	6	6	48.0	26	8	49.4	32	13	48.7
5 - 6	8	8	51.6	36	12	50.2	44	20	50.9
6 - 7	19	10	49.5	79	24	47.8	98	34	48.7
7 - 8	62	19	50.5	120	50	49.4	182	68	50.0
8 - 9	162	38	49.0	259	85	48.0	421	123	48.5
9 - 10	144	97	48.4	182	151	47.8	326	248	48.1
10 - 11	143	136	48.2	201	175	48.5	344	310	48.4
11 - 12	144	143	48.5	180	201	48.3	324	344	48.4
12 - 13	174	143	47.5	213	189	48.1	387	332	47.8
13 - 14	163	152	48.4	201	185	48.6	364	337	48.5
14 - 15	182	145	47.9	221	165	47.7	402	309	47.8
15 - 16	191	144	48.6	234	144	48.8	425	288	48.7
16 - 17	194	149	48.9	207	162	49.4	402	311	49.2
17 - 18	188	144	49.7	193	147	49.1	381	291	49.4
18 - 19	140	116	49.6	155	126	48.2	296	241	48.9
19 - 20	97	91	50.0	92	85	50.6	189	176	50.3
20 - 21	72	69	51.1	65	58	50.0	137	127	50.6
21 - 22	62	44	50.9	49	42	50.2	111	86	50.6
22 - 23	39	28	50.7	34	28	51.1	73	56	50.9
23 - 24	18	23	50.3	18	15	51.8	36	38	51.1

Average Daily Traffic	2093	2587	4680
------------------------------	-------------	-------------	-------------

Heavy Vehicles	1.85%	1.69%	1.77%
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Peak Hourly Volume	214	278	468
---------------------------	------------	------------	------------

	50 km/h	50 km/h	50 km/h
Posted Speed Limit	50 km/h	50 km/h	50 km/h
85th Percentile Speed	48.9 km/h	48.7 km/h	48.8 km/h
Maximum Speed	136 km/h	91 km/h	136 km/h

Vehicles Above 50km/h	1510 9.19%	1930 9.54%	3440 9.39%
Vehicles Above 60km/h	85 0.52%	176 0.87%	261 0.71%
Vehicles Above 70km/h	11 0.07%	29 0.14%	40 0.11%
Vehicles Above 80km/h	3 0.02%	4 0.02%	7 0.02%

18.2 Lease - Rocherlea Football Club**FILE NO:** SF0890**AUTHOR:** Andrew Smith (Parks and Recreation Manager)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider leasing the building situated at 23-41 Archer Street (PID 2948348) part of Title 48922 Folio 2 adjacent to Rocherlea Recreation Ground as marked on the attached map to the Rocherlea Football Club. This decision requires an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

Council Item 18.1 - 25 May 2015

Approved a five year lease with two further five year options subject to completing the advertising process as per Section 178 of the *Local Government Act 1993*.

RECOMMENDATION:

That Council, pursuant to the provisions of Section 177 *Local Government Act 1993*, agrees to lease the building situated at 23-41 Archer Street (PID 2948348) adjacent to the Rocherlea Recreation Ground as marked on the attached map to the Rocherlea Football Club for a period of fifteen years under the following terms:

- the term shall be five years commencing on 1 July 2015 with two five year options to the Rocherlea Football Club;
 - the lease rental shall be applied in the following scale plus GST and linked to CPI per annum after Year 5:
 - Year 1 - \$1,420.00
 - Year 2 - \$2,840.00
 - Year 3 - \$4,260.00
 - Year 4 - \$5,680.00
 - Year 5 - \$7,100.00
 - the fees in relation to Government taxes (land tax) and building insurance are to be on-charged to the tenant
 - tenant to be separately responsible for:
 - energy costs (if any)
 - volumetric and connection charges for water
 - sewer charges
 - trade waste
-

18.2 Lease - Rocherlea Football Club...(Cont'd)

- tenant shall continuously maintain:
 - building in good and reasonable order
 - contents insurance
 - public liability insurance of at least \$10 million.
-

REPORT:

The Rocherlea Football Club (RFC) has been based at Rocherlea Recreation Ground since 1992. As a club they have a long standing commitment to the indigenous members of their community as demonstrated by the development of the Indigenous Round and by the participation rate of three club teams. As the only NTFA team within North Launceston, the RFC has the responsibility of representing football at this level to the local community and actively encourages sport participation in the northern suburbs.

The current lease agreement with the RFC expired on the 1 January 2013 and does not reflect the upgraded changes and extensions to the building. Council staff has met with representatives of the Rocherlea Football Club to negotiate potential lease terms for what is essentially a new facility.

The RFC has requested that the redeveloped facility be leased to them for a 15 year term to commence from 1 July 2015 for a 5 + 5 + 5 year. The area to be leased is only the redeveloped building not the sportsground or other facilities in the area (Attachment 1). The sportsground and other facilities are hired to users on an hourly rate basis as a long standing practice to maximise the use of the sportsground.

The Club's proposal is for a lease term of five years with two 5-year options (Attachment 2). The draft lease policy (yet to be approved by Council) indicates that when there is more than \$100,000 invested in capital works (excluding Government funding) an additional ten year term may be recommended. In this case a total 15 year term is recommended given the enormous amount of in-kind contribution made by the RFC in the development of the new facility.

While it is difficult to entirely quantify the exact value of the clubs in-kind contribution if the cost of the construction of \$850,000 is deducted from the recent valuation of \$2,900,000 it is clear that even allowing for some residual value from the old building the club have made substantial contributions through donated materials, securing special rates and free labour.

18.2 Lease - Rocherlea Football Club...(Cont'd)

The Opteon valuation (Attachment 3) has valued the rental of the building at \$17,500 per annum. If the draft lease policy discount of 80% for clubs of this type is applied to the valuation, an annual rental fee of \$3,500 is applicable. The club have requested a phasing in of the charges and their proposed percentages have been used to calculate the rental plus the rates of \$3,600 per annum for the first five year period and thereafter CPI increases would be applied. Ultimately the Club will pay the Council \$7,100 per annum (rental and rates) but this lease proposes to transition to this figure over a 5-year period.

The responsibility for paying outgoings, including building insurance, electricity, water usage, water service charges and trade waste are the normal charges applicable to all tenants. The RFC are aware of their responsibilities for these charges.

It is also recommended that under the terms and conditions of a new lease that Council require the lessee to provide a quarterly written report in September, December, March and June of each year, consisting of participation data.

At the Council meeting, 25 May 2015 Council adopted the following recommendation:

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

Advertisements were placed in the Examiner Newspaper on Saturday, 30 May 2015 and again on Saturday, 6 June 2015. No correspondence regarding the proposed lease was received by the closing date of 21 June 2015 nor has there been any received subsequently.

Council has fulfilled its obligations with regard to the Local Government Act and can now approve the lease of public land at 23-41 Archer Street (PID 2948348) known as Rocherlea Recreation Ground.

The process for leasing public land complies with the provisions of Section 177 of the *Local Government Act 1993* including obtaining valuation, public notification and (absolute majority) decision by Council.

ECONOMIC IMPACT:

There is no economic impact with this proposal.

18.2 Lease - Rocherlea Football Club...(Cont'd)

ENVIRONMENTAL IMPACT:

There is no environmental impact with this proposal.

SOCIAL IMPACT:

This proposal allows successful tenants to continue to provide an important recreational opportunity for Launceston.

STRATEGIC DOCUMENT REFERENCE:

The key directions within Council's Strategic Plan (2014-2024) which are considered relevant:

- 2.1.3 To contribute to enhanced public health and amenity to promote a safe and secure environment
- 2.1.6 To promote active and healthy lifestyles

BUDGET & FINANCIAL ASPECTS:

1st Year - \$1,420.00 - income in the Parks and Recreation Department budget scaling up to \$7,100 in Year 5.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

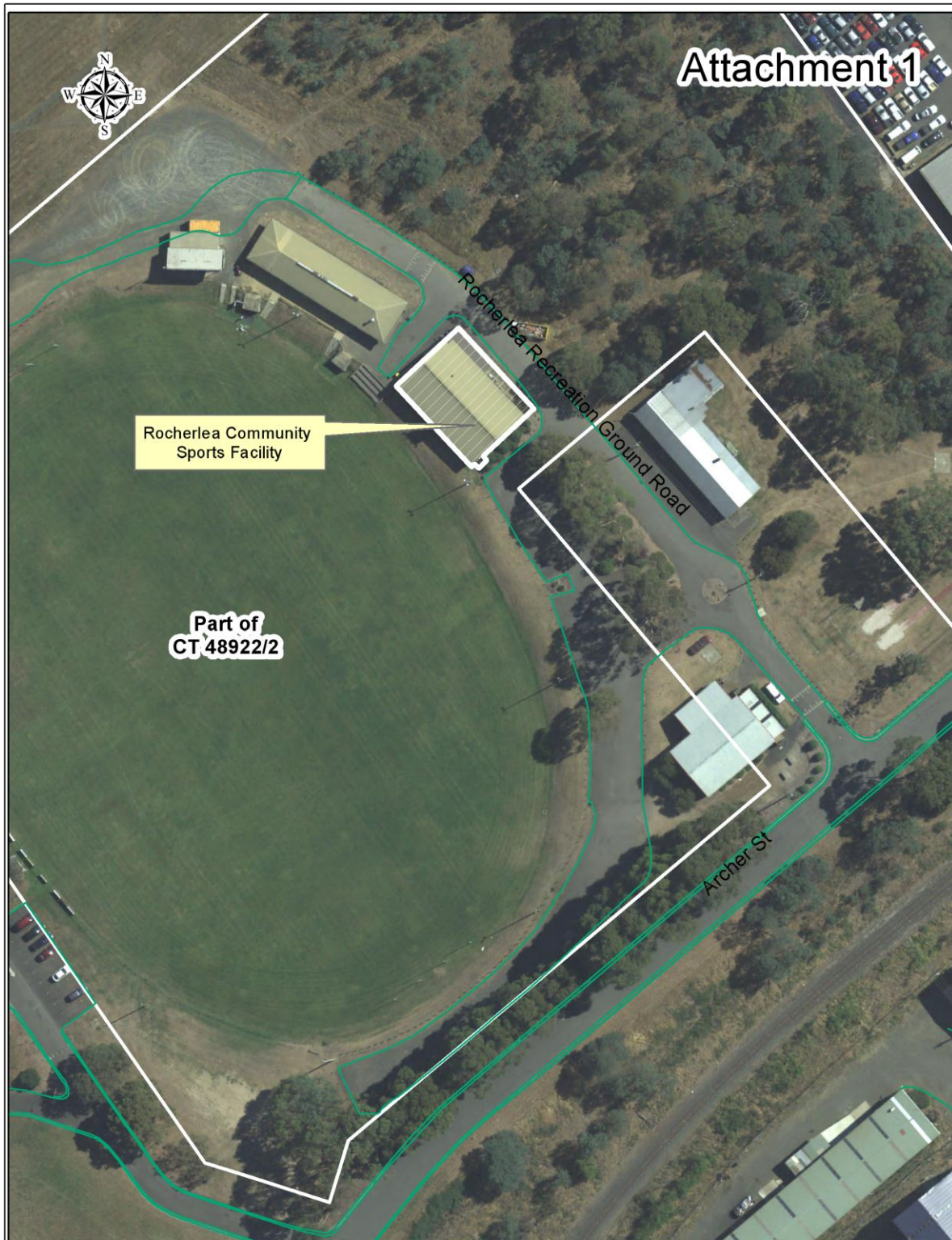
I certify that I have reviewed and approved this advice and recommendation.



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

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



Attachment 1

Rocherlea Community Sports Facility

Part of CT 48922/2

Rocherlea Recreation Ground Road

Archer St

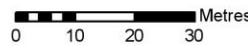
Created: 24/11/2014 CRM

NOTE:

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

Rocherlea Football Club Lease

Scale : 1:1,000 (at A4)



Parks & Recreation



**ROCHERLEA
FOOTBALL CLUB**

(est. 1953)

**“The Suburban
Tigers”**

Archer Street
Rocherlea
Launceston
Tasmania 7248

President

Mr. Scott McLean

0418 131 901

Email:

justicep@bigpond.net.au

Chairman

Mr. Graeme Gardner

0418 569 055

Vice President

Mr. Steven Suter

0408 131 800

Secretary

Mr. Graeme Gardner

0418 569 055

**Community Liaison
Officer**

Mr. Ray Cadman

0417 051 859

Attachment 2

8 December, 2014
Mr. Andrew Smith
Manager
Parks and Recreation

Dear Andrew,

Re: Lease arrangements for the Rocherlea Football Club

I write as a result of our meeting on 2 December 2014 regarding lease terms for the Rocherlea Football Club.

As per our discussions regarding the renewal of the Lease we propose that the following terms;

Tenure of the Lease (we are of the view that the lease should be for the maximum permissible time) at least 15 years.

The Lease cost per annum should be \$100.

Annual costs (Given the enormous amount of time and in kind support that we have dedicated to the new club facilities) we believe that the costs, including the new water rate should be minimal at the outset, 20% in the first year and increase in increments of 20% until the end of year 5 at 100%.

We understand that the Club is responsible for

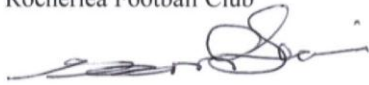
1. Rent as agreed
2. Rates
3. Building Insurance
4. Sewerage and Water
5. Telephone, Power charges and other services
- 6.

The recites to the Lease should clearly state the intent and recognise the huge contribution that the Club, its members and supporters have made to the new club facilities.

I look forward to concluding discussions with prior to Christmas 2014 and Council considering the Lease as soon as possible in the New Year 2015.

Yours Faithfully

Scott McLean
President
Rocherlea Football Club

A handwritten signature in black ink, appearing to read 'Scott McLean', with a stylized flourish at the end.

Cc Graeme Gardner
Steven Suter

18.3 Lilydale War Memorial Cenotaph Proposal**FILE NO:** 3904/3846**AUTHOR:** Dannielle Denning (Parks Planner)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a proposal for expanding the Lilydale War Memorial Cenotaph that includes the Council accepting a donation of land.

PREVIOUS COUNCIL CONSIDERATION:

Nil

RECOMMENDATION:

That the Council agrees to:

1. accept the donation of land and asset owner responsibilities;
 2. provide land owner consent for the lodgement of a combined Development Application for the subdivision and memorial redevelopment;
 3. pay out-of-pocket land transfer and development application fees provided the Lilydale RSL is responsible for surveying and legal processes; and
 4. support the construction of the memorial by the Lilydale RSL subject to all necessary permits.
-

REPORT:

The Lilydale War Memorial Cenotaph is located on a small title (168m²) owned by the Council at the corner of Main and Lalla Roads ([Attachment 1](#)). The Memorial was developed by the community and has been maintained in good condition by the Lilydale community since its completion in 2000.

Earlier this year the Lilydale Sub Branch of The Returned and Services League of Australia (RSL) successfully secured funding through the Federal Government's ANZAC Centenary Local Grants Program to construct a new World War 1 Memorial. A concept plan ([Attachment 2](#)) and a landscape plan ([Attachment 3](#)) have been developed.

18.3 Lilydale War Memorial Cenotaph Proposal...(Cont'd)

To create space for the project, Mr Leigh Arnold, the adjoining land owner to the north, has offered to donate 204m² of his land ([Attachment 4](#)) to be adhered to the Council's Title. (Note: Although the letter indicates transfer to the Lilydale RSL, Mr Arnold is aware the Council will be the landowner with the RSL as caretakers of the site). It is recommended that the Council accepts the donation of land and provides landowner consent for a combined development application to be submitted for the subdivision and the construction of the memorial.

ECONOMIC IMPACT:

There will be negligible economic impact on the Council. The War Memorial Cenotaph is well maintained by Lilydale RSL with little input from the Council. The Memorial will be constructed and then be maintained by the Lilydale RSL, including all associated maintenance costs ([Attachment 6](#)).

ENVIRONMENTAL IMPACT:

There are no environmental impacts expected.

SOCIAL IMPACT:

The proposal provides positive social outcomes as it commemorates the service and sacrifice of Northern Tasmanians during the First World War and provides an educative role through interpretive signage. The new memorial will potentially enhance visitor experience, as the site is located at the main entrance to the township of Lilydale.

STRATEGIC DOCUMENT REFERENCE:

The key directions within Council's Strategic Plan (2014-2024) which are considered relevant:

- 1.1.6 To contribute towards artistic cultural and heritage outcomes
- 4.1.6 To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life
- 7.1.4 To promote and attract national and international events and support the sector to ensure a diverse annual events calendar

BUDGET & FINANCIAL ASPECTS:

The project will be funded through in kind support by the community and a Federal Government grant of \$24,145.

18.3 Lilydale War Memorial Cenotaph Proposal...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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

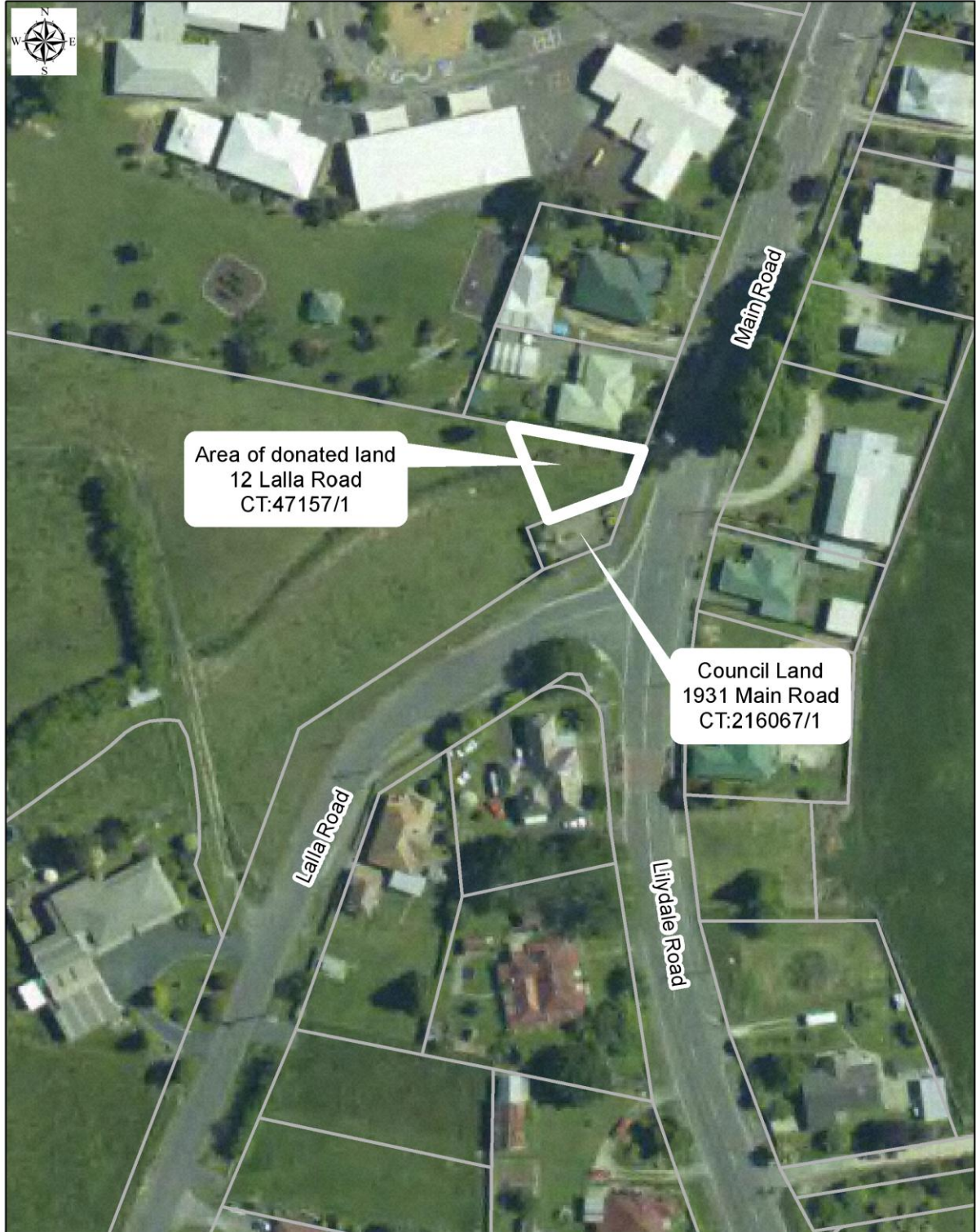


Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Locality Map
 2. Concept Plan for the new Memorial (distributed electronically)
 3. Landscape Plan for the new Memorial
 4. Letter from Mr Leigh Arnold offering to donate land
 5. Proposed Subdivision Plan
 6. Letter from Lilydale RSL committing to maintaining the Memorial including associated costs
-

Attachment 1



Date 30/09/2015 DD

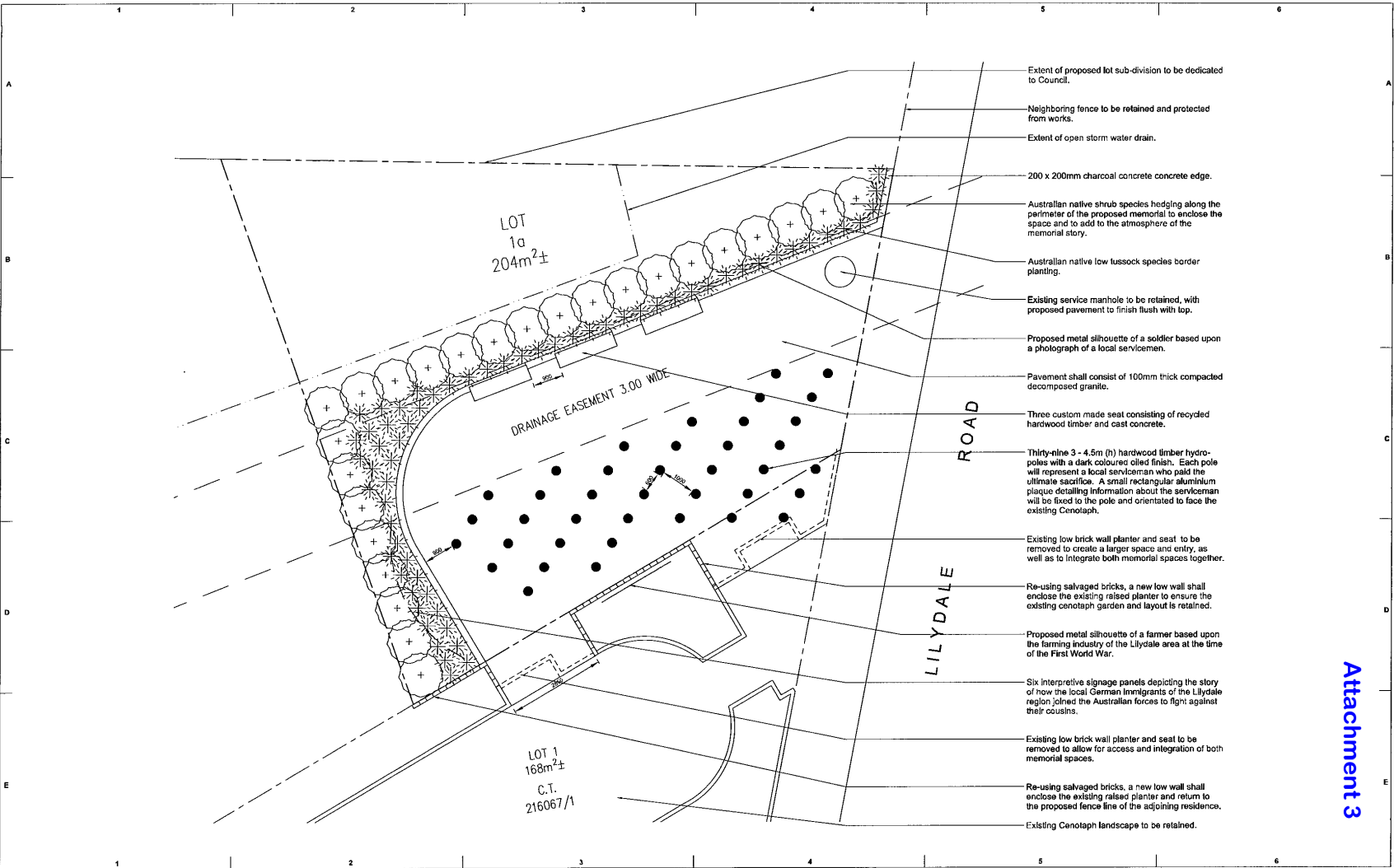
NOTE:
 While all reasonable care has been taken to ensure the accuracy of the information portrayed on this plan its purpose is to provide a general indication of the location of Council services. The information provided may contain errors or omissions and the accuracy may not suit all users. A site inspection and investigation is recommended before commencement of any project based on this data. This note forms an integral part of this plan. Launceston City Council 2012

**Lilydale War
 Memorial Cenotaph**

Scale (at A4) 1:1,000
 0 10 20 30 m



Attachment 3



LANGE
design
landscape architecture

Suite 8
44-48 George Street
Launceston TAS 5217
M: 0412 336 381
www.langedesign.com.au
leon@langedesign.com.au

CLIENT	
LILYDALE RSL Lilydale Sub-branch Tasmania	

ISSUE SCHEDULE	
Issue	Date
A	PRELIMINARY 25/06/15

NOTES

Landscape works, planting, associated specifications and details shall be used in conjunction with all other project consultants approved drawings including architectural, engineering, hydraulic, civil electrical services.

CALL BEFORE YOU DIG. Check all underground services prior to commencement of any works.

From all dimensions are checked on site prior to commencement of landscape works. All dimensions shown on drawings and include 10% tolerance unless noted otherwise.

PROJECT	
LILYDALE ANZAC MEMORIAL 1931 Lilydale Road, Lilydale, Tasmania	
DRAWING TITLE LANDSCAPE CONCEPT PLAN	

DRAWING INFORMATION			
Scale Bar	North		
Date	Project Stage	Sheet	Issue
28/07/15	Approval	1/1	A
DRAWING No.	DRAWING No.		
LAM0215 - LP01	LAM0215 - LP01		

Attachment 4

Leigh Arnold

P.O. Box 93 Lilydale TAS 7268

Phone: (03) 6395 1018 Fax: (03) 6395 1041 Mobile: 0418 136 272

E-Mail lamli@bigpond.com

9 September 2015

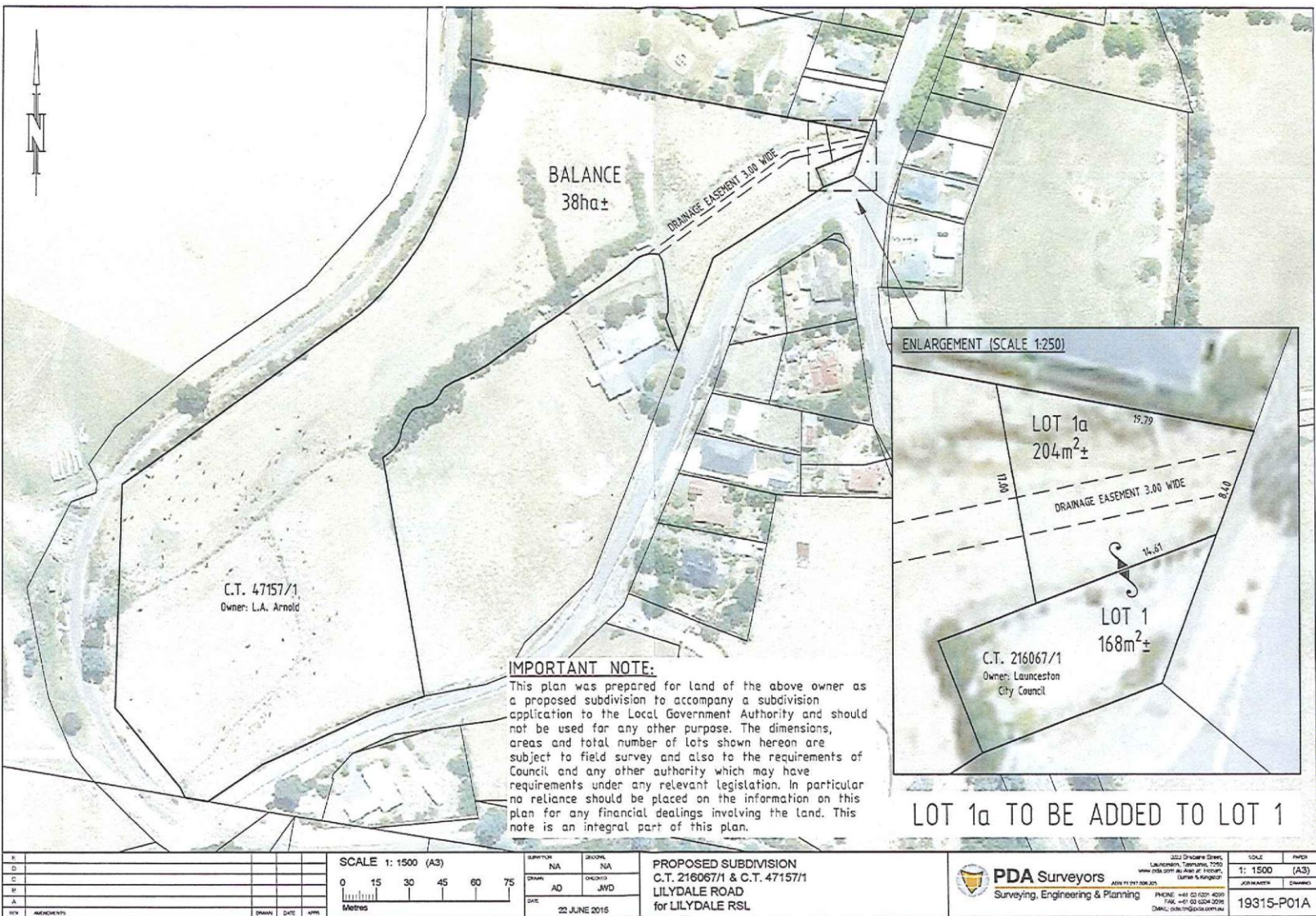
To Whom It May Concern - City of Launceston

I, Leigh Anthony Arnold of 32 Dewhurst Road, Lilydale, Tasmania wish to gift a portion of my land on the corner of Lalla and Main Roads, Lilydale in Tasmania to the Lilydale RSL to improve the Cenotaph.

Signed by me on attached Map.



Leigh Arnold



Attachment 5

<table border="1"> <tr><td>REV</td><td>DESCRIPTION</td><td>DRAWN</td><td>DATE</td><td>APP</td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>		REV	DESCRIPTION	DRAWN	DATE	APP						<p>SCALE 1: 1500 (A3)</p> <p>0 15 30 45 60 75</p> <p>Metres</p>	<table border="1"> <tr><td>SUBMITTER</td><td>NA</td><td>DRAWN</td><td>NA</td></tr> <tr><td>DATE</td><td>AD</td><td>DATE</td><td>JWD</td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table> <p>22 JUNE 2016</p>	SUBMITTER	NA	DRAWN	NA	DATE	AD	DATE	JWD					<p>PROPOSED SUBDIVISION C.T. 216067/1 & C.T. 47157/1 LILYDALE ROAD for LILYDALE RSL</p>	<p>PDA Surveyors Surveying, Engineering & Planning</p> <p>3322 DRACERS DRIVE, LAUNCESTON, TASMANIA, 7250 PH: 081 339 44 88 or 081 339 44 89 FAX: 081 339 44 89 EMAIL: info@pda.com.au</p>	<table border="1"> <tr><td>SCALE</td><td>1: 1500 (A3)</td></tr> <tr><td>PROJECT</td><td>19315-P01A</td></tr> <tr><td>DRAWN</td><td>JWD</td></tr> </table>	SCALE	1: 1500 (A3)	PROJECT	19315-P01A	DRAWN	JWD
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PROJECT	19315-P01A																																	
DRAWN	JWD																																	

Attachment 6

The Returned & Services League of Australia Ltd
LILYDALE RSL SUB-BRANCH INC.

President:
Gerry Coret J.P.

Secretary
Lyndsay Godfrey

Treasurer
Lyndsay Godfrey



PO Box 178
Lilydale
Tasmania 7268

PH: 036395 1223

rsllilydale@gmail.com

The Price of Liberty is Eternal Vigilance
A.B.N. 44692622653

2 September 2015

Mr Andrew Smith
The Manager Parks & Recreation
Launceston

Dear Andrew,

The R&SLA Lilydale Tasmania gratefully accept the parcel of land which is being gifted by the owner Mr Leigh Arnold to be incorporated in the new Cenotaph.

The Lilydale R&SLA agree to the maintenance and costs of the upkeep of the new Cenotaph extension which will enhance the entrance and ambience of the town of Lilydale.

And of course Commemorate the many Sailors, Soldiers and Airmen and Women of the District who served their country in Conflict.

Kind regards
Gerry Coret J.P.
President Lilydale R&SLA.

FILE No.	3904/3846		
EO	<input checked="" type="checkbox"/>	OD	Box <input checked="" type="checkbox"/>
RCVD - 8 SEP 2015 LCC			
Doc No.			
Action Officer	Noted	Replied	
A. SMITH			

18.4 Launceston Cenotaph**FILE NO:** SF0868/SF5547**AUTHOR:** Andrew Smith (Parks & Recreation Manager)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a report on the location of the Launceston Cenotaph.

PREVIOUS COUNCIL CONSIDERATION:

Item 14.1 Notice of Motion by Mayor Albert van Zetten - Council meeting 10th August 2015. The Council determined to seek a report on suitability of the current venue to accommodate increased attendance at the ANZAC Day commemorations.

RECOMMENDATION:

That the Council, in respect to the Launceston Cenotaph at the current Royal Park location, resolves to:

- support that the site is suitable for the annual ANZAC Day commemorations;
 - provide assistance to the Launceston branch of the Returned Services League to stage services on ANZAC Day at the Launceston Cenotaph; and
 - continue to explore opportunities to improve facilities at the Launceston Cenotaph to support the ANZAC Day services.
-

REPORT:

The President of the sub-branch of the Launceston Returned Services League (RSL) Graeme Barnett met with Council staff to consider the most appropriate location for the Launceston Cenotaph in order to provide for the ANZAC Day commemorations. Alternative venues around the city were considered and short listed to include City Park, Brickfields, North Bank and its current location in Royal Park.

The RSL consider that the current location has many benefits over the other options including the availability of parking, close proximity to the City, distance from Princes Square for the ANZAC Day walk, excellent passive surveillance, close proximity to two colleges, high number of pedestrians, access to toilets with 20 meters of the seating, the area being designated for a single use function and the long cultural associations with the site.

18.4 Launceston Cenotaph...(Cont'd)

The cultural associations include being able to view Kings Wharf where soldiers embarked for overseas service and the many services that have been held there since 1925. There is also a high possibility of the ashes of soldiers being spread there in the 1930's which is of significance to the RSL. The fact that students often sit around the Cenotaph is considered highly beneficial to the ongoing education and familiarisation of the site to the community.

The RSL reported that at the last ANZAC Day dawn service there were still a number of unused seats and the quality of the sound was the best that it has ever been. The sound had been extended to enable people as far away as the lawns of Launceston College to be able to hear clearly. The TAFE College provides access to their toilets for the services which means that visitors can be placed nearby for quick access to the facilities.

The RSL do not believe that any additional facilities are required even though numbers at the dawn service are higher than they ever have been. The only disadvantage with the current location is the restricted vision which is not really relevant to the Dawn service. It is not known if the current level of attendance will remain at record levels however the current location is considered to provide the best option for the commemoration services (Attachment 1).

Previously the option of relocating the Cenotaph was investigated and advice obtained in 1986/87 from Dunns Stone masons at the time was that apart from the substantial cost of relocating the Cenotaph, the stone is unlikely to survive the relocation without damage and matching the stone is not possible.

In considering alternative sites the Brickfields has limited parking and no toilets and is less centrally located, City Park provides for many activities some of which are not suited to a Cenotaph and North Bank is too far away and will have similar conflicts of use. None of the alternative sites have the cultural associations, the proximity to Colleges or the connection with the walk from Princes Square past the site of where ANZAC House used to be and where the Salute is taken.

ECONOMIC IMPACT:

Keeping the Cenotaph in its current location will have a positive economic impact in that funding will not be required to relocate the structure.

ENVIRONMENTAL IMPACT:

There will be no significant environmental impact with this recommendation.

18.4 Launceston Cenotaph...(Cont'd)

SOCIAL IMPACT:

Keeping the Cenotaph in its current location will have a positive social impact by maintaining the existing strong cultural associations with the site.

STRATEGIC DOCUMENT REFERENCE:

The key directions within Council's Strategic Plan (2014-2024) considered relevant are:

- 1.1.3 To optimise the use and usability of our assets for different types of activities
- 2.1.1 To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston
- 2.1.4 To promote Launceston's rich heritage and natural environment
- 4.1.5 To offer equitable access to services and facilities, including the design of public spaces that are accessible and suited to all abilities

BUDGET & FINANCIAL ASPECTS:

None provided the Cenotaph remains in its current location.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Letter from Graeme Barnett, President of Sub Branch of Launceston Returned Service League.
-

Attachment 1

THE LAUNCESTON RSL Sub Branch Inc.

of the Tasmanian Branch of the Returned & Services League of Australia (Inc)

ABN 29 498 431 085

**Launceston RSL
ANZAC HOUSE
313 Wellington Street
Launceston South
Tasmania 7249**



Phone 03 6344 9584
Fax: 03 6344 9587
Welfare 03 6344 9807
Email admin@launcestonrsl.com.au

Please address all mail to:
The Honorary Secretary

**The Price of Liberty is Eternal Vigilance
LEST WE FORGET**

25 September, 2015

Andrew Smith
Parks & Recreation Manager
Launceston City Council
By email

Andrew,

Following our discussions and investigations by the RSL relating to the relocation of the Launceston Cenotaph, I submit the following:

Brief History of the Cenotaph

The Launceston Cenotaph was built by the citizens of Launceston with both public and private funding, some of which was raised with cake stalls and the like. It was first used for the ANZAC Day ceremony in 1925.

Investigation Topics

The first topic related to the logistic considerations of a movement to any alternate location. These involved length of march to the Cenotaph from suitable form up areas. The Brickfields was the only location that allowed for a march which approximated the current distance. When the age of our current veterans is taken into consideration, any distance greater than the current route is thought to be impractical.

Parking and accessibility for viewing the march is considered impractical for any alternate route.

With the exception of a “green field” space, alternate sites have similar problems when considering the ability of attendees to view the proceedings on the Cenotaph itself, all have trees that mean that “line of sight” is restricted. For the dawn service (the Veteran’s Service) this is not relevant as there is insufficient light. This is only a consideration for the march (the peoples’ Service).

The sound system in 2015 was far superior to any other year, and if this can be maintained, there should not be a problem in the future.

The second topic related to the history of the current location. It is known that many families went to the sight to give a final handkerchief wave to their loved ones as they departed Kings Wharf. Whilst there is no documentary evidence to support the folk lore of Veteran's ashes being scattered at the current site, one only has to note the number of flowers placed on the Cenotaph throughout the year to believe that these are placed to remember the birthday or date of death of many Veterans.

The third topic was an examination of previous investigations into a relocation and a report to the Council in 1995 from Dunns implied that there would be a considerable cost, that the current monument would not be able to be moved as the stone would crack or shatter.

Overall Conclusion:

To be brief, leave the Cenotaph where it is. The biggest problem as far as we are concerned was putting the highway/Northern expressway through the middle of Royal Park in the first place.

I would be available to represent this document if it is felt necessary.

Yours faithfully,



Graeme Barnett RFD, B.Ec, CPA, CMA
President
Launceston Sub Branch
R&SLA Tasmania Inc

19 CORPORATE SERVICES DIRECTORATE ITEMS**19.1 Annual Financial Statements for the Year Ended 30 June 2015****FILE NO:** SF2633**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To receive the annual financial statements for the year ended 30 June 2015.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel 24 September 2015 - *the Panel authorised the General Manager to sign Management Representation letter and Financial Statements declaration*

RECOMMENDATION:

1. The Council, pursuant to Section 84(4) of the *Local Government Act 1993*, receives the audited Financial Statements for the year ended 30 June 2015 and note that
 - a) The General Manager has certified the Financial Statements in accordance with Section 84(3); and
 - b) The Financial Statements have been audited by the Auditor General in accordance with Section 84(1) and the statements have received an unqualified audit opinion.
 2. The Council further notes that pursuant to Section 72 of the *Local Government Act 1993* the Financial Statements will be included in the Annual report.
-

REPORT:

Under the *Local Government Act 1993* the Council is required to have its annual Financial Statements completed by 30 September each year. While there is no formal requirement to have these accounts adopted by the Council, there is a requirement under Section 84(2) "*... that the certified Financial Statements are tabled at a meeting of the council ...*"

The Financial Statements for the year ended 30 June 2015 were signed by the General Manager on 28 September 2015 and the audit certificate was signed by the Auditor General on 28 September 2015. The audit opinion was issued without qualification.

19.1 Annual Financial Statements for the Year Ended 30 June 2015...(Cont'd)

The statements will be incorporated into the Council's Annual Report which will be presented at the Council's Annual General Meeting. The Financial Statements and Annual Report will be a public document available in hard copy and on the Council's website.

A briefing on the draft statements was made available through the Audit Panel on 24 September 2015. A summary of some of the key financial results is as follows.

Statement of Financial Position

The Council's Statement of Financial Position shows net assets of \$1.66 billion compared to \$1.46 billion in 2014. The major changes in the Council's financial position are:

1. Infrastructure Assets have increased by \$186m mainly due to the revaluation of assets.
2. Current Assets have increased by \$0.6m with an increase in short term investments.
3. Current Liabilities are higher by \$0.14m due to Sundry Payables and Accruals.
4. Non-current Liabilities have decreased by \$3.8m as a result of a reduction in Interest Bearing Liabilities (\$2.13m), a reduction in the Waste Cell Provision for Rehabilitation resulting from the latest calculations and the Superannuation Obligation Provision reducing by \$1.4m.

Statement of Comprehensive Income

The Statement of Comprehensive Income shows both the Operating Result and also other non-operation items such as valuation adjustments. The Council's Underlying Surplus for the year ended 30 June 2015 was a surplus of \$1.686m which compares favourably to the underlying budget deficit of \$0.139m.

Operating revenue of \$97.54m was ahead of budget by \$3.187m due mainly to favourable variances in Rate Revenue \$1.0m, Investment Revenue \$1.4m and Operations Grants \$0.4m.

Operating expenses of \$95.854m were \$1.362m higher than budget due mainly to unfavourable variances in depreciation \$0.5m and a favourable labour variance of \$0.7m offset by an unfavourable adjustment to superannuation arising from our actuaries calculations relating to our defined benefit superannuation balances as at 30 June 2015 (\$1.2m). Irrespective of these calculations it is important to note that the Superannuation Fund is fully funded.

19.1 Annual Financial Statements for the Year Ended 30 June 2015...(Cont'd)

Other significant items are:

- Loss on Disposal of Fixed Assets (\$3.7m) unfavourable
- Financial Assistance Grant for 2015/16 received \$2.1m favourable
in advance 30 June 2015
- Infrastructure Take-up Adjustments \$5.0m favourable
- Net Infrastructure Revaluation Increase \$178.8m favourable

Overall the underlying Surplus of \$1.686m is a pleasing result.

Operating Summary

	Actual	Budget	Variance
	\$'000	\$'000	\$'000
Revenue	97,540	94,353	3,187
Less Expenses	95,854	94,492	(1,362)
Underlying Surplus/(Deficit)	1,686	(139)	1,825
Add			
Capital Grants	4,314	4,308	6
Finance Assistance Grants for 2015/16 received 30 June 2015	2,098	-	2,098
Infrastructure Take-Up Adjustments	5,011	-	5,011
Less Loss on Disposal of Fixed Assets	(3,703)	-	(3,703)
Surplus/(Deficit)	9,406	4,169	5,237
Other Adjustments	183,303	-	183,303
Comprehensive Result	<u>192,709</u>	<u>4,169</u>	<u>188,540</u>

Capital Result

The following figures summarise the 2014/15 Capital Program:

	\$'m
Assets capitalised in 2014/15	16.802
2014/15 Capital Spending	18.443
Gross Capital Budget carried over to 2015/16	14.926
Actual spending carried over to 2015/16	5.204
Net Capital Budget carried over to 2015/16	<u>9.722</u>

19.1 Annual Financial Statements for the Year Ended 30 June 2015...(Cont'd)

The following table reflects the status of capital projects as at 30 June 2015.

Status	Number of Projects	%
Not Started	17	7
Preliminary Design	41	17
In Progress	53	21
Practical Completion	101	41
Cancelled	34	14
Total	246	100

Overall Summary of the Council's Financial Position

- The Council's Balance Sheet including cash revenues continue to be in accordance with current and long term budgets.
- Loan balances are in accordance with budget.
- Cash balances remain in accordance with long term strategy and are consistent with budgeted project requirements.

The Council's Balance Sheet is in a very sound position as at 30 June 2015 and the underlying result for the year ended 30 June 2015 was a \$1.686m surplus.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

Priority Area 5: Governance Services

5.4 Ensure the City is managed in a financially sustainable manner.

19.1 Annual Financial Statements for the Year Ended 30 June 2015...(Cont'd)

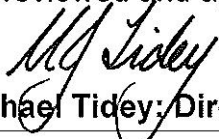
BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey: Director Corporate Services

ATTACHMENTS:

1. Audited Financial Statements for the year ended 30 June 2015 (distributed separately)
-

**19.2 Local Government (Audit Panels) Orders and Audit Panel Charter
(14-Plx-010)****FILE NO:** SF3611**AUTHOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the requirements of the *Local Government (Audit Panels) Order 2014* and the Council's Audit Panel Charter (14-Plx-010) to identify what if any changes need to be made to the Charter.

PREVIOUS COUNCIL CONSIDERATION:

Item 12.2 - Audit Panel 24 September 2015 - *It was resolved that the Audit Panel Charter be revised.*

RECOMMENDATION:

That Council approves the revised Audit Panel Charter (14-Plx-010) as set out below.

Audit Panel Charter (14-Plx-010)***PURPOSE:***

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

SCOPE:

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

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

POLICY:**Legislative Framework**

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

Local Government (Audit Panel) Order 2014

The Order includes the following clauses:

3. Interpretation
 4. Functions of audit panel
 5. Membership of audit panel
-

(14-Plx-010)...(Cont'd)

6. Chairperson of audit panel
7. Terms and conditions of appointment of audit panel members
8. Notification of appointment of members of audit panel
9. Charter of audit panel
10. Annual work plan
11. Meetings of audit panel
12. Recommendation of audit panel
13. Resources of audit panel

Objectives

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

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

The Audit Panel is to:

- a) Assist with the coordination of the internal and external audit functions to achieve overall organisational objectives in an efficient and effective manner.
- b) Oversee changes to the Council estimates in accordance with Section 82 of the *Local Government Act (1993)*.

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

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

Role and Authority

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

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

(14-Plx-010)...(Cont'd)

Responsibilities

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

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

Financial and Management Reporting

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

Risk Management

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

Internal Audit

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

(14-Plx-010)...(Cont'd)

External Audit

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

Other

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

Membership and Remuneration

The membership of the Panel will be consistent with the requirements of clause 5 of the Local Government (Audit Panels) Order 2014 in particular:

- a) Minimum of 3 and a maximum of 5 members (clause 5(1))
- b) Requirements for independent members
- c) Eligibility for membership

The membership of the Panel will be:

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

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

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

- a) The Chair is required to have relevant business or commercial experience and preferably qualifications,
 - b) The Chair must meet requirements commonly referred to as the 'fit and proper person test',
 - c) The Chair must not have any conflict of interest or conflict of duty in the matters that are likely to be considered by the Panel,
 - d) The Chair must be available to attend meetings subject to the usual meeting schedule, as determined by the Panel from time to time,
-

(14-Plx-010)...(Cont'd)

- e) Remuneration will be paid to each external member of the Panel on a set fee per annum, or another basis as appropriate.
- f) The evaluation of any external persons will be undertaken by the Mayor and General Manager with a recommendation for appointment then to be made to the Council.
- g) Appointments of external persons are for a period of up to four years, subject to a maximum term of eight years.
- h) If the Council proposes to remove a member of the Panel it must give written notice to the member and provide that member with the opportunity to be heard at a Council meeting which is open to the public.

Meetings

- a) The Panel shall meet at least (minimum of four meetings per year clause 11(2) Local Government (Audit Panels) Order) quarterly, to coincide with reporting requirements. (Given the responsibilities of the Panel it is expected that there will be six to eight meetings per annum.)
 - b) Additional meetings shall be convened at the discretion of the Chairperson or the written request of:
 - Mayor
 - General Manager
 - Panel Member
 - Auditor
 - c) An external member of the Audit Panel shall be appointed as Chair (clause 6 Local Government (Audit Panels) Order). In the absence of the Chair, the Panel members will appoint an acting Chair for the meeting.
 - d) A quorum shall be consistent with the requirements of clause 11(3) and (4) namely:
 - i. Majority of the total number of members, and
 - ii. All independent members.
 - e) The General Manager, or his delegate, and the internal auditor should attend all meetings, except where the full Panel chooses to meet in camera.
 - f) Council staff and aldermen may be invited to attend at the discretion of the Panel.
 - g) Secretarial and administrative support shall be provided through the Corporate Services Directorate.
 - h) Meetings shall be minuted and an agenda prepared and distributed at least 4 days prior to the meeting. The agenda will be structured around the functional areas of responsibility, i.e. reporting, audit and risk.
 - i) The agenda will be available to all aldermen, directors and staff involved in the meeting.
-

(14-Plx-010)...(Cont'd)

DELEGATIONS:

The Council authorises the Audit Panel, in accordance with the provisions of Sections 22 (Delegations) and 82 (Estimates) of the *Local Government Act 1993* to determine the following matters:

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

PRINCIPLES:

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

RELATED POLICIES & PROCEDURES:

12-PI-001 Budget Management Policy

14-HLPr-003 Committee Representation Details

11-PI-002 Tender Review Committee Policy

14-Plx-029 Community Appointments to Advisory Committees Policy

11-PI-001 Procurement Policy

RELATED LEGISLATION:

Section 22 of Local Government Act (Delegations)

Section 24 of Local Government Act (Special Committees)

Section 82 of Local Government Act (Estimates)

Audit Act 2008

Local Government (Audit Panels) Order 2014

REFERENCES:

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

(14-Plx-010)...(Cont'd)

DEFINITIONS:

Estimates (Section 82 of *Local Government Act 1993*)

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

Delegations (Section 22 of *Local Government Act 1993*)

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

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

Fit and Proper Person Test

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

REVIEW:

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

REPORT:

Apologies for the Audit Panel meeting on 24 September 2015 prompted a check on quorum requirements of the Charter, the *Local Government (Meeting Procedures) 2015* Regulations and the *Local Government (Audit Panels) Order 2014*.

(14-Plx-010)...(Cont'd)

The overall changes to the Charter indicated more clearly the linkages to the *Local Government (Audit Panels) Order 2014*. The specific change that has been required by the review is in regard to the determination of a quorum (Clause 11(3) and (4) of *Local Government (Audit Panels) Order 2014*).

(3) At a meeting of an audit panel, a quorum is constituted by a majority of the total number of members appointed.

(4) Despite subclause (3), if at least one member who is an independent member is not present at the meeting of the audit panel, there is no quorum present.

It could be that there is an error in the drafting in that the intention was to ensure 'at least one independent member is present' rather than all independent members but this is not the requirement that has been enacted.

The term of membership has been changed from three to four year to align with Clause 7 of the *Local Government (Audit Panels) Order 2014*.

Some minor wording corrections have also been made as part of this review.

A copy of the Audit Panel Order have been included for reference.

Local Government (Audit Panels) Order 2014

I make the following order under section 85B(1) of the *Local Government Act 1993*.

10 February 2014

BRYAN GREEN
Minister for Local Government

1. Short title

This order may be cited as the *Local Government (Audit Panels) Order 2014*.

2. Commencement

This order takes effect on the day on which its making is notified in the *Gazette*.

3. Interpretation

(1) In this order –

Act means the *Local Government Act 1993*;

audit panel means an audit panel that a council is required to establish under section 85(1) of the Act;

(14-Plx-010)...(Cont'd)

independent person means a person who is not a councillor or employee of the relevant council.

(2) The Acts Interpretation Act 1931 applies to the interpretation of this order as if it were by-laws.

4. Functions of audit panel

(1) In this clause –

Part 7 plan means a strategic plan, an annual plan, a long-term financial management plan or a long-term strategic asset management plan of a council prepared under Division 2 of Part 7 of the Act.

(2) For the purposes of section 85A(1)(d) of the Act, the following matters are specified as the matters that an audit panel is to consider in a review of the relevant council's performance:

(a) whether the annual financial statements of the council accurately represent the state of affairs of the council;

(b) whether and how the Part 7 plans are integrated and the processes by which, and assumptions under which, those plans were prepared;

(c) the accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the council has in relation to safeguarding its long-term financial position;

(d) whether the council is complying with the provisions of the Act and any other relevant legislation;

(e) whether the council has taken any action in relation to previous recommendations provided by the audit panel to the council and, if it has so taken action, what that action was and its effectiveness.

5. Membership of audit panel

(1) The audit panel of a council is to be constituted by a minimum of 3 and a maximum of 5 members of whom –

(a) if the panel has 4 or 5 members, at least 2 must be independent persons; or

(b) if the panel has 3 members, at least one must be an independent person.

(2) Without limiting who may be members of an audit panel, the following persons are eligible to be members of an audit panel:

(a) a councillor, other than the mayor, of the relevant council;

(b) a councillor, or employee, of another council;

(c) a member of an audit panel of another council.

(3) A person who is an employee, or the general manager or the mayor, of a council is not entitled to be a member of the audit panel of that council.

(4) The council is to appoint the members of its audit panel.

(5) In appointing an independent person as a member of an audit panel, the council –

(a) is to ensure that the person possesses good business acumen and sound management and communication skills; and

(14-Plx-010)...(Cont'd)

(b) may take into account any other relevant knowledge, abilities and skills of the person including, but not limited to –

- (i)** knowledge and expertise in the areas of audit practices and financial management; and
- (ii)** knowledge of and experience in relevant industries; and
- (iii)** experience with governance processes including, but not limited to, risk management.

6. Chairperson of audit panel

- (1)** The chairperson of an audit panel may only be an independent person who is a member of the audit panel.
- (2)** If an audit panel includes more than one independent person as members, the relevant council is to appoint one of the independent persons as chairperson of the audit panel.

7. Term and conditions of appointment of audit panel members

- (1)** A member of an audit panel holds office for such period of not less than one year and not more than 4 years as is specified in the member's instrument of appointment and, if eligible, may be reappointed.
- (2)** A member of an audit panel who is an independent person is entitled to be paid the remuneration and allowances determined by the relevant council.

8. Notification of appointment of members of audit panel

The general manager of a council is to notify the Director of –

- (a)** the appointment of all the members of the council's audit panel, and the term of each of those appointments, as soon as practicable after establishing the panel; and
- (b)** the identity of the chairperson, and each independent member, of the audit panel; and
- (c)** of the appointment of each new member of the audit panel, and the term of that appointment, as soon as practicable after making that appointment.

9. Charter of audit panel

- (1)** A council may provide to its audit panel a charter relating to –
 - (a)** the manner in which the audit panel is to perform its functions; and
 - (b)** the procedure of the audit panel in respect of its meetings.
- (2)** A charter under subclause (1) may relate only to administrative matters.

10. Annual work plan

To assist the audit panel in performing its functions efficiently and effectively, the audit panel is to develop an annual work plan that includes, but is not limited to, a schedule of meetings and the known objectives for each meeting so scheduled.

(14-Plx-010)...(Cont'd)

11. Meetings of audit panel

(1) In this clause –

financial manager means the person, determined by the general manager of a council by notice provided to the person, to be responsible to the general manager in relation to the preparation of the council's financial statements (for the purposes of this clause only).

(2) An audit panel is to hold not less than 4 meetings in each financial year.

(3) At a meeting of an audit panel, a quorum is constituted by a majority of the total number of members appointed.

(4) Despite subclause (3), if at least one member who is an independent person is not present at the meeting of the audit panel, there is no quorum present.

(5) The general manager of a council is to attend, or to ensure that his or her delegate attends, each meeting of the council's audit panel.

(6) The financial manager of a council is to attend, or to ensure that his or her delegate attends, each meeting of the council's audit panel.

(7) An audit panel may invite or allow any councillor of the relevant council or an employee of the relevant council to attend one or more meetings of the audit panel.

(8) Subclauses (5), (6) and (7) do not apply in relation to a meeting of the audit panel if the audit panel determines that the meeting is to be held in private.

(9) Except as provided by this order or the charter provided to an audit panel under clause 9, the audit panel may regulate its own proceedings.

(10) An audit panel is to provide a copy of the minutes of its meeting to the relevant council as soon as reasonably practicable.

12. Recommendation of audit panel

On conducting a review under section 85A of the Act, the audit panel is to provide the relevant council with a written report of its conclusions and recommendations, if any.

13. Resources of audit panel

A council is to provide secretariat support to, and all necessary funding required by, its audit panel.

Displayed and numbered in accordance with the *Rules Publication Act 1953*.
Notified in the *Gazette* on 19 February 2014.

This order is administered in the Department of Premier and Cabinet.

(14-Plx-010)...(Cont'd)

Table Of Amendments

Citation	Serial Number	Date of commencement
Local Government (Audit Panels) Order 2014	S.R. 2014, No. 34	19.2.2014

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

This item is prepared consistent with the Governance Goals and Corporate Plan priority area, of the Strategic Plan.

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey, Director Corporate Services

19.3 Rates and Charges Policy**FILE NO:** SF0521**AUTHOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the review of the Rates and Charges Policy (23-Plx-010).

PREVIOUS COUNCIL CONSIDERATION:

SPPC Workshop 21 September 2015 - *Changes to the Rates and Charges Policy were discussed*

RECOMMENDATION:

That pursuant to Sections 86A and 86B of the *Local Government Act 1993* Council adopts the updated Rates and Charges Policy (23-Plx-010) as set out below.

Rates and Charges Policy (23-Plx-010)**PURPOSE:**

This policy provides the rating framework that the Council has adopted for rates and charges.

This policy is prepared in accordance with Section 86B of the *Local Government Act 1993* and provides an overview of the rating framework that the Council has adopted.

The policy reflects the fundamental premise as set out in Section 86A (LGA 1993) that:

- a) rates are a tax and not a fee for service; and
- b) the value of land is an indicator of the capacity to pay.

The Council through the application of this policy primarily levies rates based on property values with a contribution through fixed and service charges. The policy also outlines the Council's approach to the provision of remissions and the management of the rate debt.

SCOPE:

The policy sets out the Council's rates and charges (taxation) objectives in regard to:

- a) Statutory compliance; and
- b) Discretionary matters.

The policy is a statement of policy and intent, it does not supersede or overrule the specific rating resolutions and policies that are determined by resolution of the Council.

19.3 Rates and Charges Policy...(Cont'd)

PRINCIPLES:

The Council's rating policies are formed within a framework that includes:

- a) The Local Government Act 1993;
- b) Established taxation principles;
- c) Organisational Values;
- d) The Council's Strategic Financial Plan; and
- e) The Council's Rating Resolution.

POLICY:**Rating Objectives**

To maintain an appropriate distribution of rates and charges consistent with the principles stated in this policy with the objectives of:

- a) Consistent and equitable treatment of all residents and ratepayers;
- b) Achieving an appropriate mix and distribution of taxation from
 - i. rates based on property values, fixed and service charges and revenue from other sources; and
 - ii. different sectors (including land use categories and localities) within the municipality.
- c) Managing the impact on ratepayers of changes in
 - i. the Council's funding requirements; and
 - ii. property valuations as reflected in municipal revaluations.
- d) Using rate settings to support the achievement of strategic objectives.

Rating Strategies and Methodologies

The strategies and methodologies that have been developed consistent with the principles and rating objectives are as follows.

The valuation methodology is based on assessed annual value.

The inclusion of a general fixed charge (that is not based on a property's value) as a component of the general rate.

The use of service charges for waste management (collection) and onsite (waste water) disposal systems based on the capacity of the service and facility.

Transitional arrangements through the capping of rate increases for residential ratepayers when municipal revaluations occur.

Debt management policies and disincentives intended to encourage the timely payment of rates.

The minimisation of rate remissions to support equitable outcomes for all ratepayers and for the remissions to be strategically targeted to address unintended consequences of legislation and policy.

19.3 Rates and Charges Policy...(Cont'd)

Exemptions based solely on the legislative provisions of Section 87 (LGA 1993).

Valuation Methodologies

The Council has determined to use assessed annual value as the basis of rates (Section 89A(2), LGA 1993) within the municipality. Valuations are arranged by the Office of the Valuer General. Municipal valuations occur on a six yearly cycle, with indexation adjustments made over two years.

Supplementary valuations occur when additions or significant alterations are made to a property. The values are determined as though the alterations existed at the date of the last municipal revaluation.

Rating Structures and Different Rates

The Council uses the power provided by Section 107 (LGA 1993) to levy a different rate for properties within a defined area of the city centre to raise an additional rate for promotional activities within this area.

Contribution Methodology

Assessed annual value is a differential valuation system that varies with the use and capital value of the property. Through this differential valuation system the contribution from sectors of the municipality varies with changes in property values. The use of assessed annual value is consistent with the rating principles contained in Section 86A (LGA 1993).

Fixed Charge

The Council has resolved to impose a fixed charge (Section 91, LGA 1993) on each rateable property or tenancy, consistent with the legislation a minimum rate is not also levied. The application of a fixed charge recognises that all rateable properties should make a fixed contribution to the cost of the Council's operations and services. The application of a fixed charge reduces the rates that are raised based on property values. The Council recognises the regressive taxation effect of fixed charges and so limits the amount of the fixed charge.

Service Charges

The Council imposes a service charge (Section 93(1)(d) LGA 1993) for waste management services. The Council believes that waste management (the collection of waste and recycling materials) is a defined service for which a pay for use charge is appropriate.

Private operators provide specific services to a limited number of organisations where for operational reasons it is not practical or efficient to provide the Council managed service. These organisations are able to opt out of the Council arranged service.

19.3 Rates and Charges Policy...(Cont'd)

The Council varies or applies different charges based on the capacity of the bin selected, this pricing strategy is intended to provide incentives to reduce waste, encourage recycling and reflect the cost of waste disposal.

The Council also imposes a service charge for the maintenance of onsite waste water disposal systems for a small number of properties based on the category of service provided and a representative cost within each of the categories.

Residential Rate Cap (Transitional Arrangements)

The Council supports the fundamental principle, subject to any differential rating structures, that properties with the same value (in the same category) should pay the same rate.

The Council recognises that the municipal revaluation may produce circumstances where the rates on individual properties increase significantly. In order to assist residential ratepayers to transition to the new rating levels the Council has determined to cap the amount that the general rate can increase at 20 percent per annum following a municipal revaluation.

Debt Management

The Council recognises that some members of the community will not pay the applicable rates and charges either because

- a) they choose not to, or
- b) they are unable to due to financial difficulties.

The Council provides financial disincentives through interest and penalty charges and undertakes commercial debt collection practices to ensure that the payment of rates and charges is given appropriate priority.

The Council seeks to assist those members of the community in genuine financial difficulty through payment arrangements. It also understands that the failure to take appropriate and timely action can actually have a greater adverse consequence for the ratepayer than the debt collection action.

Unpaid Council rates and charges are a debt that is secured (similarly to a mortgage) against the property (Section 119 LGA 1993). Thus any debt must be repaid when the property is sold. The Council has the power to sell a property when debts are outstanding for more than three years (Section 137 LGA 1993).

19.3 Rates and Charges Policy...(Cont'd)

Postponement of Payments

Section 125 (LGA 1993) provides the power for the Council to defer or postpone the payment of rates on the grounds of hardship, the Council has determined that it will not offer this long term debt management facility as there are other commercial facilities that should be used in these circumstances. The Council provides short term payment arrangements.

Rate Remissions

The Council has the capacity under Section 129 (LGA 1993) to provide discretionary rating remissions in specific circumstances. The Council is required to exempt under Section 87 (LGA 1993) some properties from rates.

The Council has resolved to provide rating remissions under Section 129 in the following situations.

- Residential retirement home units
- Crown leases/licences for jetties and slipways (Policy 23-PI-008)
- Charitable organisations (Policy 23-PI-002)
- Small balances (Policy 23-PI-006)

Other Rates

CBD Promotional Rate

Council, based on the request of the effected businesses, applies a differential rate to fund promotional activities within the central business area (details are specified in the annual rates resolution).

The delivery of the promotional outcomes is provided by Cityprom Ltd under a service agreement with the Council.

State Government Departments and Business Enterprises

State Government properties, with some exceptions related to parks and infrastructure, are subject to rates and charges on the same basis as other properties (Section 87(1)(b) LGA 1993).

Construction Rates

Construction rates can be levied (Sections 97 and 98 LGA 1993) related to drainage infrastructure works. The Council uses developer contribution arrangements in preference to construction rates due to limitations contained in Section 98 regarding the amount that can be charged.

19.3 Rates and Charges Policy...(Cont'd)

Separate Rates

Separate rates can be levied (Section 100 LGS 1993) where the Council believes the services provided are of particular benefit to the "affected land; or the owners or occupiers of that land".

There are currently no separate rates.

Fire Service Rates

The Council as required by legislation raises rates on behalf of the State Fire Commission (Section 93A LGA 1993). The amount of the rate revenue is determined by the State Fire Commission. The Council pays the amount to the Commission less an administrative fee that the Council receives for the provision of the service.

Payments

The Council has spread the payment dates across the year with the instalments due.

- Instalment 1 - 30 August
- Instalment 2 - 30 November
- Instalment 3 - 31 January
- Instalment 4 - 30 April

Penalty charges apply when instalments are not paid by the due date, interest applies on unpaid balances.

Rates can be paid in full, by four instalments or by more frequent payments so long as the instalments are paid by the due date, penalty and interest will not be incurred.

Payment Methods

The Council provides a range of payment facilities that include the use of modern technologies and in person.

The use of a surcharge for the use of credit cards is subject to ongoing review. The surcharge if adopted would recover some of the costs (merchant fees) of providing the facility.

Discounts

The Council does not provide payment discounts (Section 130 LGA 1993) due to the additional cost imposed on those who are unable to take advantage of such a facility. (The estimated cost of discount significantly exceeds the additional interest earnings that would result from the take up of the discount.)

Application of Payments

Payments are applied to outstanding debts in accordance with the sequence prescribed in the legislation (Section 131 LGA 1993).

19.3 Rates and Charges Policy...(Cont'd)

Objection

Objections to rates notices can only be made based on the grounds specified in Section 123 (LGA 1993). The grounds broadly relate to factual or calculation errors.

Objections to valuation can be made under Section 28 (VLA 2001) only on the grounds specified and within 60 days of the date of notice issue. Application can be made for the correction of errors of fact at any time.

Disclaimer

This policy is a general statement of Council intent it is not a statement of legislative compliance. The policy provisions do not provide a legal basis for a challenge or objection to any rating matters. The policy is updated from time to time.

RELATED POLICIES & PROCEDURES:

23-PI-008 Rating Exemptions and Remissions for Crown Lease Jetties and Slipways

23-PI-006 Property Debt (Small Charge) Remission Policy

23-PI-003 Rating Exemptions and Remissions for Charitable Organisations

RELATED LEGISLATION:

Local Government Act 1993 (Part 9 - Rates and Charges) (LGA)

Valuation of Land Act 2001 (VLA)

REFERENCES:

Knox City Council Rating Related Policies and Proposed Budget 2011-12

Access Economics/Henry Review (www.taxreview.treasury.gov.au)

Taxation Policy Criteria (Oakes Committee April 1990)

- Equity or Fairness
- Simplicity and Efficiency
- Accountability or Visibility
- Acceptability
- Benefits Derived
- Capacity to Pay

Local Government Rates and Charges - Guidance paper for policy development April 2012

DEFINITIONS:

Economic Efficiency

- Does the rating methodology distort property ownership and development decisions in a way that results in significant efficiency costs?

Simplicity

- Is the system practical and cost-effective to administer?
 - Is the system simple to understand and comply with?
-

19.3 Rates and Charges Policy...(Cont'd)

Equity

- Does the tax burden fall appropriately across different classes of ratepayers?

Capacity to Pay (is the tax progressive or regressive?)

- Those with a greater capacity contribute more.

Benefit Principle

- Should those who benefit more, contribute more?

Sustainability

- Does the system generate sustainable and reliable revenues?
- Is it durable and flexible in changing conditions?

Cross-border Competitiveness

- Does the rating system undermine the Council as a business location?

REVIEW:

This policy will be reviewed no more than 18 months after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

REPORT:

The Policy has been reviewed in consultation with Aldermen and subject to minor changes to remove dates and amounts that are no longer current. The wording in regard to the onsite wastewater disposal system has been slightly changed to better reflect the way the charge is determined.

The next review of the policy is scheduled for February 2017.

ECONOMIC IMPACT:

The allocation of rates can affect the local economy. This updated policy does not fundamentally change the existing policy settings.

ENVIRONMENTAL IMPACT:

There is a direct environmental impact from the policy.

SOCIAL IMPACT:

The distribution of rates can affect sections of the community.

19.3 Rates and Charges Policy...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

Priority Area 8: A secure, accountable and responsive Organisation.

Ten-Year Goals: To continue to ensure the long-term sustainability of our Organisation.

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey; Director Corporate Services

19.4 Budget Amendments 2015/16 (24 September 2015)**FILE NO:** SF3611 / SF6183**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider changes to the Council's 2015/16 Statutory Estimates.

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

PREVIOUS COUNCIL CONSIDERATION:

Item 9.1 - Audit Panel 24 September 2015 - *It was resolved that the item go to the Council for a decision*

RECOMMENDATION:

1. That pursuant to Section 82(4) of the *Local Government Act 1993* that Council approves the following amendments to the Statutory Estimates:
 - a) Revenue
 - i. The increase in revenue from external grants of \$60,000
 - ii. The increase in revenue of \$7,700,000 from grants initially expected to be received in 2014/15.
 - b) Operating Expenditure
 - i. The net reduction in expenses from transfers to Capital of \$8,500.
 - c) Capital Works Expenditure
 - ii. The net increase in expenditure from transfers from Operations of \$8,500.
 - iii. The net increase from capital grants of \$7,760,000.
 2. That Council notes the amendments from Point 1 result in:
 - a) the operating surplus (including \$13.956m in capital grants) being amended to \$14.018m; and
 - b) the capital budget being increased to \$32.419m.
-

19.4 Budget Amendments 2015/16 (24 September 2015)...(Cont'd)

REPORT:

The budget amendments are changes to budget estimates that require a Council decision. The changes relate to external grant revenue and a transfer from Operations to Capital expenditure.

	Operations \$'000	Capital \$'000
Statutory Budget	6,249	24,650
Operations to Capital	9	9
External Funds	7,760	7,760
Budget as at 31 August 2015	14,018	32,419
Deduct Capital Grants and Contributions	(13,956)	
Underlying Operating Budget Surplus	62	

The table summarises all the other budget agenda items and includes reconciliations of the budgeted operating result and capital expenditure.

Details of the amendments are as follows:

The following item has been affected by external funding changes and affects both the Capital and Operations budgets.

Project	Description	\$
CP23394	Reimagining the Gorge	60,000

The following item has been affected by external funding changes and affects both the Capital and Operations budgets.

The following external grant funds were originally in the 2014/15 Capital Budget but were not received 2014/15. To eliminate the large budget variance in 2014/15 these items were taken out of the 2014/15 budget and this item correctly introduces the external grant funds to the 2015/16 capital and operations budgets.

Project	Description	\$
CP 21502	Macquarie House Catalyst Project	3,000,000
CP 20884	North Bank	3,000,000
CP 23200	St Leonards Hockey Surface	200,000
CP 23303	Kings Meadows Stormwater	1,500,000
		7,700,000

19.4 Budget Amendments 2015/16 (24 September 2015)...(Cont'd)

The following item needs to be reallocated from Operations to Capital.

Project	Description	Current Approved Amount	Transfer From	Transfer To	New Budget
OP45952	Urban Roads Operations - Activity TMS	\$60,116	\$8,500	-	\$51,616
CP23496	Legana Street Handrail	-	-	\$8,500	\$8,500
	TOTALS	\$60,116	\$8,500	\$8,500	\$60,116

The project scope of works:

Parks Services are currently upgrading a garden bed at the end of Legana St. They have removed a collection of trees, blackberries and other weeds to replant with small more suitable plants. This activity has highlighted a risk to footpath users that now don't have any sort of barrier to stop them falling from the footpath down to the road. It is recommended that we install a new handrail along the edge of the footpath for approximately 60m.

Based upon the Capitalisation Framework Document this asset will need to be capitalised.

ECONOMIC IMPACT:

Not applicable to this report.

ENVIRONMENTAL IMPACT:

Not applicable to this report.

SOCIAL IMPACT:

Not applicable to this report.

STRATEGIC DOCUMENT REFERENCE:

Not applicable to this report.

BUDGET & FINANCIAL ASPECTS:

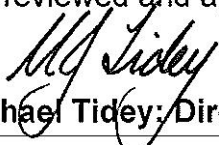
Dealt with in the body of the report.

19.4 Budget Amendments 2015/16 (24 September 2015)...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey: Director Corporate Services

20 GENERAL MANAGER'S DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

21 URGENT BUSINESS

Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, states that a council, by absolute majority at an ordinary council meeting, may decide to deal with a matter that is not on the Agenda.

No Urgent Items have been identified as part of this Agenda

22 CLOSED COUNCIL

Local Government (Meeting Procedures) Regulations 2015 - Regulation 15(2)

22.1 Confirmation of the Minutes**RECOMMENDATION:**

Pursuant to the *Local Government (Meeting Procedures) Regulations 2015 - Regulation 34(6)* states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

22.2 Rate Recovery Sales - Debts 1 - 22**22.3 Rate Debt 1****22.4 Rate Debt 2****22.5 Rate Debt 3****22.6 Rate Debt 4****22.7 Rate Debt 5****22.8 Rate Debt 6****22.9 Rate Debt 7****22.10 Rate Debt 8****22.11 Rate Debt 9****22.12 Rate Debt 10****22.13 Rate Debt 11****22.14 Rate Debt 12****22.15 Rate Debt 13****22.16 Rate Debt 14****22.17 Rate Debt 15****22.18 Rate Debt 16**

22.19 Rate Debt 17**22.20 Rate Debt 18****22.21 Rate Debt 19****22.22 Rate Debt 20****22.23 Rate Debt 21****22.24 Rate Debt 22****RECOMMENDATION:**

That Agenda Item 22.2 - Rate Recovery Sales - Debts 1 - 22 and Agenda Items 22.3 - 22.24 - Rate Debts 1 - 22 be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

- 15(2)(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

22.25 Audit Panel (Independent) Members - Annual Remuneration Indexation**RECOMMENDATION:**

That Agenda Item 22.25 - Audit Panel (Independent) Members - Annual Remuneration Indexation be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(a) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

- 15(2)(a) personnel matters, including complaints against an employee of the council and industrial relations matters.

22.26 Aldermen's Leave of Absence**RECOMMENDATION:**

That Agenda Item 22.26 - Aldermen's Leave of Absence be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(h) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

- 15(2)(h) applications by councillors for a leave of absence.
-

23 MEETING CLOSURE
