



City of  
**LAUNCESTON**

# **COUNCIL AGENDA**

**COUNCIL MEETING  
MONDAY 14 SEPTEMBER 2015  
1.00pm**

# City of Launceston

COUNCIL AGENDA

Monday 14 September 2015

---

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

Date: 14 September 2015

Time: 1.00pm

---

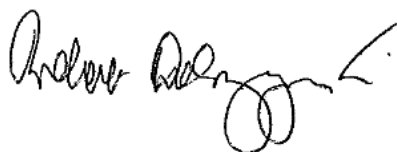
## Section 65 Certificate of Qualified Advice

### 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

---

## ORDER OF BUSINESS

Item No	Item	Page No
1	<b>OPENING OF MEETING - ATTENDANCE AND APOLOGIES</b>	1
2	<b>DECLARATION OF INTERESTS</b>	1
3	<b>CONFIRMATION OF MINUTES</b>	1
4	<b>DEPUTATIONS</b>	1
	No Deputations have been identified as part of this Agenda.	
5	<b>PETITIONS</b>	3
5.1	Petition - Prossers Forest Road, Ravenswood	3
6	<b>COMMUNITY REPORTS</b>	6
	No Community Reports have been registered with Council as part of this Agenda.	
7	<b>PUBLIC QUESTION TIME</b>	6
7.1	Public Questions On Notice	6
7.2	Public Questions Without Notice	6
8	<b>PLANNING AUTHORITY</b>	7
8.1	170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve	7
8.2	Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1	30

---

# City of Launceston

COUNCIL AGENDA

Monday 14 September 2015

---

Item No	Item	Page No
8.3	14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage	50
8.4	337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m <sup>3</sup> to 200,000m <sup>3</sup> (existing level 2 activity)	77
9	ANNOUNCEMENTS BY THE MAYOR	99
9.1	Mayor's Announcements	99
10	ALDERMEN'S REPORTS	100
11	QUESTIONS BY ALDERMEN	100
11.1	Questions on Notice - Aldermen R I Soward and J Finlay - 24 August 2015	101
11.2	Questions Without Notice	104
12	COMMITTEE REPORTS	105
12.1	Northern Youth Coordinating Committee Report - 2 July 2015	105
12.2	Pedestrian and Bike Committee Meeting - 25 August 2015	107
13	COUNCIL WORKSHOPS	109
14	NOTICES OF MOTION	110
14.1	Notice of Motion - Alderman S R F Wood - Events Funding	110
15	DEVELOPMENT SERVICES DIRECTORATE ITEMS	115
15.1	Environmental Services Department - Appointment as Authorised Officer	115

---

# City of Launceston

COUNCIL AGENDA

Monday 14 September 2015

---

Item No	Item	Page No
16	<b>FACILITIES MANAGEMENT DIRECTORATE ITEMS</b>	118
	No Items have been identified as part of this Agenda.	
17	<b>QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS</b>	118
	No Items have been identified as part of this Agenda.	
18	<b>INFRASTRUCTURE SERVICES DIRECTORATE ITEMS</b>	119
18.1	Petition - 21 Clyde Street, Invermay	119
18.2	Proposed Street Name - Barnards Way	126
18.3	Heritage Forest - Pedal Buggy Proposal	130
18.4	84 Gibson Street - Exchange of Easements	134
18.5	351 Golconda Road - Part Acquisition	139
19	<b>CORPORATE SERVICES DIRECTORATE ITEMS</b>	141
	No Items have been identified as part of this Agenda.	
20	<b>GENERAL MANAGER'S DIRECTORATE ITEMS</b>	141
	No Items have been identified as part of this Agenda.	
21	<b>URGENT BUSINESS</b>	141
	No Urgent Items have been identified as part of this Agenda.	
22	<b>CLOSED COUNCIL</b>	142
22.1	Confirmation of the Minutes	142
22.2	Leave of Absence Application - Alderman	142
23	<b>MEETING CLOSURE</b>	142

---

**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 24 August 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 if requested. Generally speaking time is limited to two minutes; three minutes for Community Reports. 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. When required to do so, 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 - Section 58*

**5.1 Petition - Prossers Forest Road, Ravenswood**

**FILE NO:** SF0097/SF1890/SF0138

**AUTHOR:** Anthea Rooney (Committee Clerk)

**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

---

**DECISION STATEMENT:**

To consider a petition submitted by Mr Robert Petty to protect and provide a safe environment for the community by installing speed calming devices to Prossers Forest Road, Ravenswood.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

That Council, as required under Section 58(2) of the *Local Government Act 1993*, receives the petition to protect and provide a safe environment for the community by installing speed calming devices to Prossers Forest Road, Ravenswood, tabled by the General Manager and submitted by Mr Robert Petty.

---

**REPORT:**

A petition submitted by Mr Robert Petty to protect and provide a safe environment for the community by installing speed calming devices to Prossers Forest Road, Ravenswood, with 236 signatures was received by Council.

This petition has been forwarded to the Director Infrastructure Services for action and as required under section 60(2)(b) of the *Local Government Act 1993*, a report will be brought back to Council within 42 days for Council to determine any action to be taken in respect of the petition.

The General Manager will give reasonable notice to Mr Petty of when the Council is to consider this petition.

---



**5.1 Petition - Prossers Forest Road, Ravenswood...(Cont'd)**

---

**ECONOMIC IMPACT:**

N/A

**ENVIRONMENTAL IMPACT:**

N/A

**SOCIAL IMPACT:**

N/A


**STRATEGIC DOCUMENT REFERENCE:**

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. Lodgement form for petition submitted by Mr Robert Petty to protect and provide a safe environment for the community by installing speed calming devices to Prossers Forest Road, Ravenswood (signatures available separately).
-

(Template)

**Statutory Informal Petition - Lodgement Form**

*Please complete this form and attach it to the first page of the Petition(s)  
Only one form is required for the entire petition*

I/We the proposer(s) of the petition, being residents/electors of the Launceston Municipal area, declare:

There are 236 signatories to the petition.  
(number of signatories)

To the knowledge of the proposer(s), the signatories are residents/electors of the Launceston Municipal area.

The petition was signed between 25/6/15 and 20/7/15  
(Commencement Date) (Completion Date)

The petition is proposed by (please print):

Full Name of Proposer	Address	Signature
ROBERT PETH	2 HAZELWOOD PARADE R/wood	<i>R Peth</i>

*please copy Ivan Dean MLC into all correspondence.  
ivan.dean@parliament.tas.gov.au 63242005.*

**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 answer will be provided in writing at the next Council Meeting.)*

**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 answer 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 and it will need to be written down. 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 Agenda Item 8 - Planning Authority.

## **8 PLANNING AUTHORITY**

### **8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve**

**FILE NO:** DA0262/2014

**AUTHOR:** Julia Allen (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:	Michael James Essex
Property:	170 Distillery Track, Nunamara
Zoning:	Rural Resource
Receipt Date:	26/06/2014
Validity Date:	22/07/2015
Deemed Approval:	14/09/2015
Representations:	3

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

There are records of previous Council decisions.

#### **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, the application be approved 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:

---

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

---

- a. Site and Bushfire Hazard Management Plan, prepared by Pitt & Sherry, drawing number LN15109 - G1, dated 27/05/2015
- b. FloorPlan, prepared by Pitt & Sherry, drawing number LN15109 - A1, dated 27/05/2014
- c. Shed Floor and Elevations Plan, prepared by Pitt & Sherry, drawing number LN15109 - A3, dated 27/05/2014
- d. House Elevations Plan, prepared by Pitt & Sherry, drawing number LN15109 - A2, dated 27/05/2014
- e. Report to Support Development Application, prepared by Pitt & Sherry, dated May 2015
- f. Certificate of Compliance to the Bushfire-prone Area Code under Planning Directive No.5 issued under s51(2)(d) of the *Land Use Planning and Approvals Act 1993*

**2. SOIL AND WATER MANAGEMENT**

During construction soil and water is to be appropriately managed. This includes the provision of silt fencing, filter screens, or dedicated silt traps to prevent the discharge of gravel, soil, or other debris to any existing watercourse during the construction process.

**3. RESERVED ROAD ACCESS**

This permit has no force or effect until a right-of-way access is established to provide a formal access between the subject site and the public section of the Tasman Highway. All costs associated with the creation of the right-of-way including survey and valuation costs are to be borne by the Applicant.

**4. RIPARIAN VEGETATION**

No burning, works, disturbance or removal of riparian vegetation is permitted.

Construction and earth moving vehicles are to be cleaned prior to coming to the site to minimise the introduction and spread of *Phytophthora cinnamomi*.

**5. EXTERNAL FINISHES**

All external materials, finishes and colours must be non-reflective and in muted natural tones.

**6. HOURS OF CONSTRUCTION**

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

---

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

---

**7. BUSHFIRE SAFETY**

- a. Prior to an Building Permit being issued for the dwelling under the *Building Act 2000*, written correspondence from an accredited bushfire practitioner as defined under the *Land Use Planning and Approvals Act 1993* must be provided confirming that the private access road between Tasman Highway and the habitable building has been constructed and/or upgraded to the requirements of a Modified 4C Access Road under ARRB Unsealed Roads Manual - Guidelines to Good practice 3<sup>rd</sup> Edition as specified in the Building Code of Australia;
- b. The endorsed Bushfire Hazard Management Plan (BHMP) and Certificate under s51(2)(d) of the *Land Use Planning and Approvals Act 1993* prepared by Ian Abernethy of Pitt and Sherry must be implemented and the commitments contained within the endorsed documentation must be maintained for the life of the development. This includes the installation of water storages, private access, hazard management areas and any other requirements as specified by the endorsed documentation. The endorsed documentation must be kept on the premises at all times and made available to any prospective purchaser or tenant.

**8. SECTION 71 AGREEMENT**

Prior to a building permit being issued for the dwelling under the *Building Act 2000*, an agreement pursuant to Section 71 of the *Land Use Planning and Approvals Act 1993* must be executed, to the effect that:

- a. the land owner of 170 Distillery Track, Nunamara identified in Certificate of Title Volume 31779 Folio 4 is responsible for the maintenance and upkeep of the access road between Tasman Highway and the dwelling; and
- b. the access road between Tasman Highway and the dwelling is to be maintained to the requirements of a Modified 4C Access Road under ARRB Unsealed Roads Manual - Guidelines to Good practice 3<sup>rd</sup> Edition as specified in the Building Code of Australia.

Such agreement must be lodged and registered in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993* with all costs associated with the preparation and registration of the agreement borne by the land owner.

**9. 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.

---

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

---

**Notes****Building Permit Required**

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

**Occupancy Permit Required**

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

**Plumbing Permit Required**

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

**General**

*This permit was issued based on the proposal documents submitted for DA0262/2014. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Resource Management and Planning Appeal Tribunal is withdrawn or determined; 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.*

**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.*

---

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

---

*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) <<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) <<http://www.fpa.tas.gov.au>>) or phone 6336 5300.*

*Permit Effect*

*Pursuant to Section 53(6) of the Land Use Planning and Approvals Act 1993, this planning permit does not take effect until such time as the agreement required by condition 8 has been executed.*

*On-Site Disposal of Effluent*

*This permit does not give permission for the installation of an on-site waste water system on this site. The applicant will need to submit a design report (including site and soil evaluation in accordance with AS/NZS 1547:2012) as well as a Special Plumbing Application (for the on-site wastewater system) with the Building Application. Before occupation of the dwelling, the required system must be commissioned.*

---

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

The proposal is for the construction of a single storey three bedroom dwelling 120m from the south east boundary and 46m from the south western boundary. Also proposed are three 5 x 5m sheds.

The dwelling is proposed to be accessed via an unmade crown reserved road from the Tasman Highway.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The subject land is a forested vacant rural lot 16.14 ha in area. It has no frontage to a road. It is accessible via a crown reserved road. The road is formed and in use, although a section near the subject land is not within the reserved road alignment shown on the title.

The title is an irregular shape with its northern to south western boundaries adjoining Distillery Creek. There is a water reserve easement on title to protect the creek from clearance or development.

The site is adjoined by other forested properties.

---



- 8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**
- 

### **3. PLANNING SCHEME REQUIREMENTS**

#### **3.1 Zone Purpose**

##### 26.0 Rural Resource Zone

##### 26.1.1 Zone Purpose Statements

26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.

26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.

26.1.1.3 To provide for uses that add value to primary industries.

26.1.1.4 To provide for uses that support or service rural communities.

##### **Consistent**

The proposal has been assessed as being consistent with the purpose of the Rural Resource zone. Refer to the assessment against the relevant use and development standards of the zone below.

##### 26.3 Use Standards

##### 26.3.1 Location and intensity

##### Objective:

##### To:

- (a) protect the long term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated;
  - (b) minimise the conversion of non-prime agricultural land to a non- primary industry uses;
  - (c) ensure that non-primary industry uses are located appropriate to the zone;
  - (d) discourage non-primary industry uses that can be reasonably located on land zoned for that purpose;
  - (e) provide for uses that are co-located with a dwelling and are of similar intensity to a home-based business;
  - (f) provide for tourism uses to enhance the experience and promotion of touring routes and natural and cultural features;
  - (g) locate uses so that they do not unreasonably confine or restrain the operation of primary industry uses; and
  - (h) provide for uses that are suitable in the locality and do not create an unreasonable adverse impact on existing uses or local infrastructure.
-

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

<p><b>Consistent</b> The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the specific provisions of the standard below.</p>
<p>A1 If for permitted or no permit required uses.</p>
<p><b>Relies on Performance Criteria</b> The proposed development is for a discretionary use. Therefore assessment against the corresponding performance criteria is required.</p>
<p>A2 If for permitted or no permit required uses.</p>
<p><b>Relies on Performance Criteria</b> The proposed development is for a discretionary use. Therefore assessment against the corresponding performance criteria is required.</p>

26.3.2 Dwellings

<p>Objective:</p> <p>To ensure that dwellings are:</p> <ul style="list-style-type: none"> <li>(a) directly associated with and a subservient part of a Resource development use; or</li> <li>(b) located on land with limited primary industry uses potential; and</li> <li>(c) located where they do not constrain surrounding agricultural uses; and</li> <li>(d) accessible by vehicles for residential purposes and emergency services.</li> </ul>
<p><b>Consistent</b> The land has a land capability of 6 and 7, which is marginally suitable for grazing due to severe site limitations. Extractive resource potential is low as are other primary industry uses. The site's conversion to a residential use is not seen to conflict with adjoining uses given that those lands are also forested with limited activity occurring upon them.</p>
<p>A1 If for the alteration, extension or replacement of existing dwellings.</p>
<p><b>Relies on Performance Criteria</b> The proposal is for a new single dwelling. An assessment against the performance criteria is required.</p>

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

P1.1 A dwelling may be constructed where it is directly associated with and a subservient part of a Resource development use, having regard to:

- (a) the scale of the use;
- (b) the complexity of the use;
- (c) the operational requirements of the use;
- (d) the requirement for the occupier of the dwelling to attend to the use; and
- (e) the proximity of the dwelling to the use; or

P1.2 A dwelling may be constructed where the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry uses, having regard to:

- (a) limitations created by any existing use or development surrounding the site;
- (b) the topography of the site;
- (c) the capacity of the land for primary industry uses; and
- (d) a report from a suitably qualified person.

**Complies**

The application is assessed as complying with P1.2.

The land as well as adjoining land has a land capability of 6, which due to severe limitation is only marginally suitable for grazing. The land is too small to be used for forestry, unless used in conjunction with many other titles, which the resource is such that this is unlikely.

The site is not located within a strategic important area in terms of mineral assets and there are no current mining leases within 5km of the site.

Adjoining properties have similar characteristics therefore the conversion of this title to a residential use is unlikely to introduce a conflict.

A2 New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.

**Relies on Performance Criteria**

The site does not have frontage to a Council maintained road. It is reliant on an unmade Crown Land reserved road for access. An assessment against the performance criteria is required.

---

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

---

P2 New dwellings must have suitable access to a road, having regard to:

- (a) whether the access is by right-of-carriageway or other formal legal arrangements;
- (b) the number of users of the access;
- (c) the length of the access;
- (d) the suitability of the access for use by the occupants of the dwelling;
- (e) the suitability of the access for emergency services vehicles;
- (f) the topography of the site;
- (g) the construction and maintenance of the access; and
- (h) the construction, maintenance and usage of the road.

**Complies**

With regard to the above criteria the application has been assessed as follows:

- (a) The land has been granted an access license to allow use of the unmade road reserve between the site and the Tasman Highway. This access licence is a 50 year licence and is subject to complying with the terms of the licence.

Because of the temporary nature of access licenses they are not considered to be suitable for access to a new dwelling. This view is in accordance with the Resource Management and Planning Appeal Tribunal decision J132/2007. A right of carriageway is recommended as the most suitable permanent legal arrangement to safe guard a legal access to the property. A condition of approval is recommended that this be established before construction commences either over the existing road alignment or over the reserved road with the road realigned accordingly.

- (b) The reserved road serves two other properties with dwellings and about thirteen other lots including the subject site that are vacant.
  - (c) The unmade crown reserved road is approximately 1.5km long from the site Tasman Highway from the subject site. Subject to appropriate construction and maintenance, this is considered acceptable.
-

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

- (d) and (e) The access is formed and mostly aligned within the reserved road boundaries although there is a section that is outside of the reserved road boundaries. The surface is capable of being used by a two wheel drive vehicle, although upgrades are required to bring the road up to a class 4C standard. The road does not currently provide an acceptable standard. A condition of approval is recommended to require the upgrade of the road. This requirement is consistent with the requirements of the bushfire code to upgrade the road to provide safe access in the event of a bushfire. A realignment of the road to contain it within the reserved road maybe also be necessary.
- (f) The topography of the road raises no concerns and appropriate gradients and geometry could be provided with appropriate upgrades and maintenance.
- (g) and (h) No formal arrangements for ongoing maintenance of the unmade reserved road have been proposed. It is considered essential for safety of the owners and visitors to the dwelling and particularly for bushfire protection, that there be a requirement for ongoing maintenance of the unmade road reserve to the acceptable standard. The most appropriate way to do this is by establishing an agreement registered on the title setting out the obligations for the current and future property owners. This has been recommended by condition.

**26.4 Development Standards**

26.4.1 Building height, setback and siting

Objective:
To ensure that:
(a) buildings minimise the impact on the visual character of the area; and
(b) buildings for sensitive uses do not constrain primary industry uses.
<b>Consistent</b>
The proposal is sited in an area where there is low primary industry activities and as such will have minimal impact on those industries. The area is covered in bushland where visual impacts will be reasonable.
A1 Building height must be no greater than:
(a) 12m; or
(b) 8m for dwellings.

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

<p><b>Complies</b> The dwelling is single storey with an overall height proposed at 5.28m. The sheds are proposed will be approximately 3m.</p>
<p>A2 Buildings, other than for sensitive uses, must be setback from a frontage:</p> <ul style="list-style-type: none"> <li>(a) no less than 30m; or</li> <li>(b) no less than the existing building for an extension.</li> </ul>
<p><b>Complies</b> The proposed sheds are located greater than 40m from the nearest boundary.</p>
<p>A3 Buildings for a sensitive use:</p> <ul style="list-style-type: none"> <li>(a) must be setback no less than 200m from the frontage, side and rear boundaries; or</li> <li>(b) must be setback no less than 50m to frontage, side and rear boundaries for extensions to existing buildings; or</li> <li>(c) where the setback of an existing building is less than 50m to a frontage, side or rear boundary, the extension must be setback no less than the existing building.</li> </ul>
<p><b>Relies on Performance Criteria</b> The dwelling is proposed to be about 46m from the south west boundary. An assessment against the performance criteria is required.</p>
<p>P3 Buildings for sensitive uses must be setback so as not to constrain adjoining primary industry uses, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the prevailing setbacks of existing buildings on nearby lots;</li> <li>(c) the location of existing buildings on the site;</li> <li>(d) the visual impact of the building when viewed from an adjoining road;</li> <li>(e) any proposed upgrading of adjoining roads;</li> <li>(f) the retention of vegetation within the front setback;</li> <li>(g) the existing use on adjoining and immediately opposite sites;</li> <li>(h) nature, frequency and intensity of emissions produced by primary industry uses on adjoining and immediately opposite lots;</li> <li>(i) any proposed attenuation measures; and</li> <li>(j) any buffers created by natural or other features.</li> </ul>

---

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

---

**Complies**

The dwelling is proposed to be setback 46m from the south west boundary and 120m from the south east boundary. The south western boundary borders the creek, which creates a nature buffer for the property. The adjoining land is forested to the south west and rises up above the subject land in elevation. There are no buildings or improvements in the vicinity of the site.

To the south east, the land is also forested and rises above the subject land in elevation. There is a shed located on that adjoining property at the southern end near the Tasman Highway.

Primary industry activities including forestry aren't evident on adjoining lands and as such the dwelling is not likely to have an adverse impact.

**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**

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

**E1.6.3 New habitable buildings on pre-existing lots****E1.6.3.1 Provision of hazard management areas for habitable buildings****Objective:**

Hazard management areas, as appropriate, for new habitable buildings on pre-existing lots:

- (a) provide sufficient separation from bushfire-prone vegetation, taking into consideration the nature and scale of the hazard;
  - (b) reduce the radiant heat levels, direct flame attack and ember attack likely to be experienced at the site of habitable buildings in the event of a bushfire;
  - (c) provide an area which offers protection to fire fighters and occupants exposed to bushfire while defending property; and
  - (d) are maintained in a minimum fuel condition.
-

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

**Consistent**

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

**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 habitable buildings 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) There are, in relation to habitable buildings, hazard management areas that-
  - (i) have widths equal to, or greater than, the separation distances required for BAL 29 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 and that demonstrates how hazard management areas will be managed consistent with the objective.

**Complies**

A Bushfire Hazard Management Plan (BHMP) and Certificate under s51(2)(d) of the *Land Use Planning and Approvals Act 1993* prepared by Ian Abernethy of Pitt and Sherry who is an accredited person, accompanied the development application. The BHMP and accompanying documentation specify that the location of the habitable building and hazard management areas are consistent with the objective of the standard. Therefore acceptable solution E1.6.3.1 (A1) (b) is met.

**E1.6.3.2 Pre-existing lots: Private access**

**Objective:**

**Private access on pre-existing lots:**

- (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.



**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

**Consistent**

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

A1 It must be demonstrated in one of the following ways that private access provides safe access to habitable buildings:

- (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.

**Complies**

The BHMP and accompanying documentation detail that the private access to the proposed habitable building consistent with the objective of the standard. Therefore acceptable solution E1.6.3.2 (A1) (b) is met.

A2 Private access to all static water supply points must be provided:

- (a) as included in a bushfire hazard management plan certified by the TFS or an accredited person as being in accordance with the objective of the standard; or
- (b) to a hardstand area within 3m of the static water supply point.

**Complies**

The BHMP and accompanying documentation detail that the private access to all static water supply points are in accordance with the objective of the standard. Therefore acceptable solution E1.6.3.2 (A2) (a) is met.

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:

- (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.

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

**Relies on Performance Criteria**

The BHMP and accompanying documentation recommend that the private access road is required to be upgraded to meet the requirements of Australian Standard AS3959 - 2009. This information is not considered sufficient enough to demonstrate compliance with the acceptable solution. Therefore assessment against the corresponding performance criteria is required.

P3 Construction of private access required to access habitable buildings and any water supply point must be an all-weather road sufficient to carry fully loaded fire fighting vehicles, including consideration of:

- (a) slope, gradient and cross-fall;
- (b) geometry and alignment;
- (c) culverts and bridges;
- (d) height and width of any vegetation clearance;
- (e) travel speed, sight lines and passing bays;
- (f) turning areas.

**Complies**

In this situation, limited information has been provided in relation to the structural details of the private access road. The site is currently accessed by an existing unmade gravel road which is located over a Crown Land road reserve. The current road does not meet the performance criteria. Therefore for the dwelling to be acceptable the road must be upgraded to an appropriate standard.

The applicant has received a license from Crown Lands to access the site over the road reserve. It is considered necessary that the existing road be upgraded to comply with the requirements of a Modified 4C Access Road under ARRB Unsealed Roads Manual - Guidelines to Good practice 3<sup>rd</sup> Edition as specified in the Building Code of Australia. It is therefore recommended that a condition be applied to the planning permit requiring the existing road to be upgraded to meet the requirements of a Modified 4C Access Road. This is considered appropriate to meet the performance criteria.

**E1.6.3.3 Water supply for fire-fighting purposes**

Objective:

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.

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

**Consistent**

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

A1 It must be demonstrated in one of the following ways that access to a water supply for fire-fighting purposes is provided:

- (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.

**Complies**

The BHMP and accompanying documentation detail a static water supply of 40 000 litres will be provided within close proximity to the habitable building. It is recommended that a condition be applied to the permit requiring the appropriate connections for firefighting purposes be attached to the firefighting tanks. It is therefore considered that acceptable solution E1.6.3.3 (A1) (d) is met.

**E1.6.5 Vulnerable uses**

**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.

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

---

**Consistent**

The proposal is capable of providing sufficient parking to meet the needs of the use. With upgrades, a safe and adequate access can be provided.

**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**

Compliance with the acceptable solution implies compliance with the objective.

**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**

Pursuant to Table E6.1, 1 space per bedroom is required for a residential use in the Rural Resource zone. Whilst the plans do not clearly show on site parking there is sufficient suitable area to provide parking.

**E6.6 Development Standards****E6.6.1 Construction of parking areas****Objective:**

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

---

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

<p><b>Consistent</b> Adequate parking areas are capable of being provided on the subject site.</p>
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> <li>(a) have a gradient of 10% or less;</li> <li>(b) be formed and paved;</li> <li>(c) be drained to the public stormwater system, or contain stormwater on the site;</li> <li>(d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and</li> <li>(e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.</li> </ul>
<p><b>Relies on Performance Criteria</b> The access to the site will exceed the gradient. An assessment against the performance criteria is required.</p>
<p>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:</p> <ul style="list-style-type: none"> <li>(a) the nature of the use;</li> <li>(b) the topography of the land;</li> <li>(c) the drainage system available;</li> <li>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</li> <li>(e) the likelihood of generating dust; and</li> <li>(f) the nature of the proposed surfacing and line marking.</li> </ul>
<p><b>Complies</b> The access is a 1.5km gravel track from the Tasman Highway to the subject site. It is between 5 - 6m wide for the most part, and generally uphill. The track upgraded and maintained to comply with bushfire safety requirements would be able to comply with the performance criteria. Conditions of approval have been recommended to deal with this issue.</p>

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

**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**

Compliance with the acceptable solution implies compliance with the objective.

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 site is capable of providing appropriate parking and access for the use where it is upgraded to satisfy bushfire safety standards.

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

**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**

Tasveg mapping identifies the riparian vegetation as *Leptospermum* scrub and *Eucalyptus amaydalina* forest and woodland on dolerite on the remainder of the property. Riparian scrub is listed in schedule 3A of the *Nature Conservation Act 2002* and encompasses many scrubland communities. These are not yet well documented in the state however clearance, fire and disease from *Phytophthora cinnamoni* are considered threats. The application does not ground truth the extent or type of the community however visual imagery clearly shows a change in the vegetation type between the creek line and the property.

No clearance is proposed nor is required to satisfy bushfire requirements, however a common dispersal pathway for *Phytophthora* is via contaminated soil coming in on construction equipment. Avoiding incidental clearance of riparian vegetation and ensuring construction equipment is clean prior to visiting the site will minimise these threats.

**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**

Compliance with the acceptable solution implies compliance with the objective.

**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

A1 Clearance or disturbance of priority habitat is in accordance with a certified Forest Practices Plan.
<b>Complies</b> No clearance of the priority habitat area is proposed. Conditions are recommended to ensure no disturbance and to manage potential spread of <i>Phytophthora</i> .

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Roads and Hydraulics	No objections. The access is not maintained by Council.
Environmental Health	No comments provided.
Parks and Recreation	No referral required.
Heritage/Urban Design	No referral required.
Building and Plumbing	Building and plumbing permits are required.
<b>EXTERNAL</b>	
TasWater	No referral required.
State Growth	The Department of State Growth has no objections to the proposal.
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 the 25 July 2015 to the 7 August 2015. Three submissions were received in support of the proposal.

ISSUE	COMMENTS
General support for the proposal.	Noted

**6. CONCLUSION**

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



**8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**

---

**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

**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**

---

- 8.1 170 Distillery Track, Nunamara - Residential - single dwelling; construction of a dwelling with access over a crown road reserve...(Cont'd)**
- 

**ATTACHMENTS:**

The following attachments have been circulated separately.

1. Location Map
  2. Plans
  3. Representations
-

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

**FILE NO:** SF636, Property ID 29949

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

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

---

**DECISION STATEMENT:**

To determine whether to initiate an amendment to the Launceston Interim Planning Scheme 2015 under Section 33P of the *Land Use Planning and Approvals Act 1993* which proposes to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, certificate of title volume 131354 folio 1.

**PLANNING APPLICATION INFORMATION:**

<b>Applicant:</b>	6ty° Pty Ltd
<b>Property:</b>	Volume 131354 Folio 1
<b>Land Area:</b>	584m <sup>2</sup>
<b>Zone:</b>	Inner Residential
<b>Received:</b>	30 July 2015
<b>Decision Deadline:</b>	14 September 2015 (by extension)

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

That the Council:

1. Pursuant to section 33(3) of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 10 to the Launceston Interim Planning Scheme 2015 to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, certificate of title volume 131354 folio 1.
  2. Directs Council officers to prepare draft Amendment 10 of the Launceston Interim Planning Scheme 2015.
-

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

3. In accordance with section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Director of Development Services its functions under section 35(1) of the Act, for the purposes of Amendment 10 to the Launceston Interim Planning Scheme 2015.
4. In accordance with section 38(a) of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.

**REPORT:**

**1 The Proposal**

The proposed amendment seeks to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, certificate of title volume 131354 folio 1 (the site). The proposed amendment aims to achieve this by making the following alteration to Table 11.2 of the Launceston Interim Planning Scheme 2015 (the scheme):

**11.2 Use Table**

<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Business and professional services	If for a medical centre; If at 40 Ann Street, Launceston (CT13154/1)

The current table of use for the Inner Residential zone limits the land uses that can occur under the Business and Professional Services to a medical centre only by way of a qualification. The purpose of the proposed planning scheme amendment is to remove the limitation imposed by Table 11.2 from 40 Ann Street by enabling the suite of sub-uses under the Business and Professional Services use class to be considered as discretionary uses, for 40 Ann Street.

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

---

## **2 Amendment Process**

Section 33 of the *Land Use Planning and Approvals Act 1993* (the Act) allows a person to request a Planning Authority to amend a planning scheme administered by it. The Council must decide whether or not to initiate the amendment within 42 days of receipt of the application pursuant to Section 33(3) of the Act or other such time as the Tasmanian Planning Commission (the Commission) may allow.

Should the Council elect to initiate the request for the amendment, the draft amendment is to be publicly exhibited for a period of 28 days or a longer period agreed to by the Council and the Commission pursuant to Section 38 of the Act. During the public exhibition period, representations may be submitted to the Council before the expiration of the exhibition period.

Following the public exhibition period, pursuant to Section 39 of the Act the Council must, no later than 35 days after the exhibition period, provide the Commission with a report comprising the following elements:

- a. copy of each representation received, or if no representations were received, a statement to that effect; and
- b. a statement of Council's opinion as to the merit of each representation (if any), including, in particular Council's views as to -
  - i. the need for modification of the draft amendment in light of each representation; and
  - ii. the impact of that representation on the draft amendment as a whole; and
- c. any recommendations in relation to the draft amendment as Council considers necessary.

The Commission must then consider the draft amendment in addition to the representations (if any), statements and recommendations contained in Council's report and where necessary, conduct hearings pursuant to Section 40 of the Act. The Commission then makes a decision to modify, reject or approve the draft amendment pursuant to Section 41 through to 42 of the Act.

---

- 8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**
- 

### **3 Site Analysis**

#### **3.1.1 Site Context**

The site is approximately 584m<sup>2</sup> in area and is located on the northern side of Ann Street approximately 17m east of the intersection between High Street and Ann Street. The site adjoins St George's Square to the north, an existing residential property with a detached dwelling identified as 38 Ann Street to the east, Ann Street to the south and the High Street road reserve to the west.

An existing building is located centrally on the lot which is currently used as a medical centre under planning permit D238/98. The existing building is a detached two storey structure with a building footprint of approximately 180m<sup>2</sup>. The main pedestrian entrance to the building is oriented to High Street with a secondary access provided to the rear of the building. Vehicular access is provided from two existing crossovers off Ann Street to the south with three car parking spaces provided to the east of the building and two car parking spaces provided to the east of the building. The car parking areas are formed and sealed with an all-weather bituminous material.

The site is located to the south of St George's Square. St George's Square comprises two large rectangular portions of land divided by High Street that combine to form approximately 1.3ha of public open space land and is bounded by Ann Street to the south, Arthur Street to the north and St George's Square roadways to the east and west. The site is largely isolated from surrounding residential land as a result of the physical separation provided by Ann Street, High Street, St George's Square and the public open space land. The site and adjoining property to the east is zoned Inner Residential and is located within the broader East Launceston residential area which is situated approximately 1km east of the Launceston Central Business District.

There exists a mixture of land uses within a 300m radius of the subject property which include residential, open space, community purpose and local business uses. Diagonally across from the site on the other side of High Street on the corner of High Street and Ann Street the land is zoned Local Business and comprises a café, butchers shop and home wares gift shop. Further to the west is the location of the Australian Broadcast Corporation (ABC) office and to the north-west is the location of a takeaway shop and convenience store. The East Launceston Primary School sports and recreation ground is located to the south-east and a coffee shop/cafe, professional office and mini-market are located to the north east along Arthur Street and Abbott Street. In addition, there are various visitor accommodation uses for bed and breakfast purposes which are predominately located within historic residential buildings along High Street.

---

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

---

### **3.1.2 Site History**

The subject property has a mixed land use history. Records provided by the applicant indicate that the original building was constructed for residential purposes. However, the year of construction is unclear. Anecdotal evidence indicates that the building was converted from a residence to a tram stop during the operation of the suburban tramway system between 1911 and 1942. The tram network was removed by 1952 in order to make way for motor vehicles. Following the decommissioning of the tramway system, the building was converted back to a residence until it was demolished in 1960. During this time, the land was zoned Reserves pursuant to the 1956 Launceston Planning Scheme.

The current building was constructed in 1960 in order to locate the East Launceston Police Station which comprised an office, holding cell and associated residence which operated until the mid-1980s. Under the 1983 Launceston Planning Scheme the subject property was zoned Public Recreation. The subject property and adjoining property to the east were not recognised as part of the residential area until the commencement of the 1996 Launceston Planning Scheme where it was zoned Urban Residential. Since 1998, the building has been operating as a medical centre under planning permit D238/98 which was issued under the 1996 Launceston Planning Scheme. Significant internal and external works have been undertaken to facilitate the medical centre use.

### **3.1.3 Land Use Trend**

The primary impetus for the proposed amendment is driven by the premise that the site has not been traditionally utilised for residential uses. Moreover, the existing building lends itself to business and professional services uses in terms of its positioning and orientation to High Street, proximity to established non-residential uses, internal 'office' configuration and the external appearance and site services of the building.

The applicant has identified that a significant land use trend has emerged over the last 5 years in relation to the delivery and location of health care services. Specifically, there is a growing preference amongst health care professionals and practitioners to co-locate in large practices for efficiency purposes. Recent examples include:

- Newstead Medical Centre - 165 Elphin Road, Newstead;
  - Tremaur Medical Centre - 67 Elphin Road, Launceston;
  - Summerdale Medical Practice - 180 Peel Street West, West Launceston;
  - West Tamar Health - Windsor Park Drive, Riverside; and
  - Launceston Medical Centre - 243-247 Wellington Street, South Launceston.
-

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

---

It is evident that large practices require larger land area in order to accommodate the requirements of planning schemes including such matters as car parking. The physical characteristics of the site coupled with the identified land use trend, suggests that the continuation of the building as a medical centre is likely to diminish. Enabling the relaxation of the current planning scheme controls would allow the building to be continued to be used for non-residential purposes which would be consistent with the historical land use trend of the site.

### **3.2 Hazards and Special Values**

#### **3.2.1 Heritage**

The site is not a place or precinct listed on the Tasmanian Heritage Register or under the scheme.

#### **3.2.2 Flooding**

The site is not located within a flood prone area.

#### **3.2.3 Bushfire**

The site is not located within a bushfire prone area.

#### **3.2.4 Landslip**

The site is not located in an area that is exposed to doubtful land stability.

#### **3.2.5 Natural Values**

The site is located within an area that has been fully developed. No natural values have been attributed to the subject site.

#### **3.2.6 Landscape and Scenic Values**

The Scenic Management Code (E7.0) of the planning scheme applies to the site. The proposed draft amendment will not impact upon the application of the Code. Any future development applications made under a scenario where the proposed amendment is approved will be subject to an assessment against the Code.

---



- 8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**
- 

### **3.3 Infrastructure Capacity**

#### **3.3.1 Stormwater**

The site is serviced by an existing stormwater main located along Ann Street.

#### **3.3.2 Water**

The site is serviced by an existing water main located along High Street.

#### **3.3.3 Sewerage**

The site is serviced by an existing sewer main located along Ann Street.

#### **3.3.4 Electricity**

The site is serviced by existing power lines located along Ann Street.

#### **3.3.5 Telecommunications**

The site is serviced by an existing telecommunications infrastructure located along Ann Street.

#### **3.3.6 Road and Traffic**

The site has access to Ann Street.

#### **3.3.7 Gas Pipeline**

The site is not located within the gas pipeline corridor.

## **4 Strategic Analysis**

### **4.1.1 Northern Regional Land Use Strategy**

Section 30O(1) of the Act requires the amendment to be, as far as practicable, consistent with the Strategy. The Northern Regional Land Use Strategy (the Strategy) was declared by the Minister for Planning on 16 October 2013 pursuant to section 30C(3) of the Act. The Strategy is a policy framework that guides land use, development and infrastructure decisions across the northern region by State and Local Government and other relevant infrastructure providers. The Strategy has provided significant guidance for the preparation of the Launceston Interim Planning Scheme 2012 and 2015.

---

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

---

Part D of the Strategy details the desired regional outcomes that have been determined as priorities for the northern region which include:

- Regional strategic planning directions and principles necessary to achieve those outcomes;
- Specific strategic policies to be applied to guide state and local government planning process and decision-making; and
- Specific regional planning projects and programs to be implemented over the life of the plan.

Of the six key desired regional outcomes, the Regional Settlement Network and Regional Activity Centre are considered to be the most relevant to the proposed amendment. Accordingly, a discussion against the policies associated with the desired regional outcomes that are relevant to the proposed amendment is provided below.

#### **4.1.2 Regional Settlement Network**

The desired regional outcome for the Regional Settlement Network is to reinforce urban growth boundary areas with an efficient urban settlement pattern strategy to ensure sustainable use of land across the region that:

- consolidates the role of the greater Launceston urban area and the surrounding sub-regional urban centres; and
- creates well-planned communities, supported by an activity centre network that gives people good access to public transport and links residential areas to employment locations.

In response to the relevant regional policies and actions specified for the Regional Settlement Network, the applicant has drawn the following conclusions:

- the site is contained within an existing urban growth boundary and is adjacent to a significant sub-arterial road and public open space area. The proposed amendment will continue to facilitate the use and development consistent with the existing use pattern of the site;
-

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

---

- the insertion of a qualification into the current planning scheme will not result in any adverse impacts to the established settlement pattern within the immediate area. Furthermore, it is considered that the proposed amendment will not result in a significant deviation from the existing use of the site;
- the existing use and development standards within the Launceston Interim Planning Scheme 2015 are considered sufficient and robust enough to regulate and control the impact of non-residential use on adjoining residential amenity as a result of the proposed amendment; and
- the proposed amendment will not impede the opportunity for the building to be converted back to residential uses, rather it will broaden the scope of uses that can be considered at the site that are similar to the existing lawful use of the land in terms of functionality of the use and perceived impacts on adjoining and nearby residential uses.

These conclusions are supported by Council officers. It is considered that the proposed amendment will not have a material impact upon the regional settlement network.

#### **4.1.3 Regional Activity Centre Network**

The desired regional outcome for the Regional Activity Centre Network is to develop and reinforce an attractive, sustainable and vibrant Regional Activity Centre network to support sustainable urban settlements and communities. Regional activity centres will be well designed urban places as specific locations for employment, infill housing, retail, commercial and community facilities with good access to high-frequency transit such as bus interchanges and bus route corridors.

The site is identified as being outside a designated activity centre. The proposed amendment will enable variety of Business and Professional Services uses to be considered on the site. Accordingly, it is important to ensure that the proposed amendment does not direct such uses away from the identified activity centres.

In response to the relevant regional policies and actions specified for the Regional Activity Centre Network, the applicant has drawn the following conclusions:

- the proposed amendment is not expected to impact on the established activity centre hierarchy given that the existing building has been use for a medical centre for the past 16 years;
-

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

---

- the relaxation of the discretionary uses of the subject property in essence is intended to provide a variation to the established use of the land; and
- the physical restrictions the subject property presents in terms of land size will limit the future uses that would be permissible as a result of the proposed amendment.

These conclusions are largely supported by Council officers. It is considered that the standalone decision to allow Business and Professional Services to be unrestricted on the site only will not compromise the integrity of the activity centre hierarchy. Overall, the proposed amendment is not considered to be inconsistent with the Strategy.

#### **4.2 Launceston Interim Planning Scheme 2015**

It is considered that the proposed amendment will not substantially alter the functionality of the Launceston Interim Planning Scheme 2015 (the scheme) apart from the insertion of an additional qualification against the Business and Professional Services use listed in Table 11.2 which will allow a broader range of uses to be considered for the site. The Inner Residential zone recognises that non-residential uses have the capacity to coexist with residential uses. This relationship is highlighted by the following zone purpose statements:

- *Clause 11.1.1.2 To provide for compatible non-residential uses that primarily serve the local community; and*
- *Clause 11.1.1.4 To maintain and develop residential uses and ensure that non-residential uses do not displace or dominate residential uses.*

Table 8.2 of the scheme describes business and professional serves as the "*use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agent, travel agency and veterinary centre*". Whilst some of the example uses may seem to have the potential to create significant adverse impacts to surrounding residential amenity, it is considered that market conditions in addition to the restrictions the subject property presents will largely self-moderate future uses.

It is considered that any future development applications made under a scenario where the proposed amendment is approved are able to demonstrate consistency with the zone purposes statements insofar as:

---

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

---

- many administrative, clerical, technical, professional or similar activities such as a consulting room, office, real estate agent or veterinary centre have the capacity to directly serve and contribute to the local community; and
- any change of use would replace an existing non-residential use with another non-residential use. Therefore no established uses would be displaced.

Furthermore, any future development applications made under a scenario where the proposed amendment is approved will be subject to assessment against all relevant sections of the scheme including zone and code use and development standards. Overall, the proposed amendment is considered to be compatible with the scheme.

#### **4. Land Use Planning and Approvals Act 1993 – Section 33 Considerations**

Before making a decision as to whether or not to initiate a draft amendment, Section 33(2B) of the Act requires Council to consider whether the requested amendment is consistent with the requirements of other legislative requirements including sections 32, 30I and 30J of the Act and section 65 of the *Local Government Act 1993*.

Section 32(1) specifies that a draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of Council –

- must, as far as practicable, avoid the potential for land use conflicts with the use and development permissible under the planning scheme applying to the adjacent area; and
- must not conflict with the requirements of Section 30O of the Act; and
- must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

The following discussion examines these requirements in greater detail.

---

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

---

#### **4.4.1 Land Use Conflict**

The applicant has asserted that the introduction of the qualification into Table 11.2 will not give rise to the potential for land use conflicts. It has been identified that whilst a broader range of uses may be considered for the site, non-residential use and development is controlled by existing use and development provisions within the Inner Residential zone. The applicant concludes by indicating that the existing controls that are in place ensure that use and development remains compatible with adjoining residential development.

This position is generally supported by Council officers. It is considered that the uses permissible as a result of the proposed amendment are similar if not the same as the existing non-residential use of the land in terms of impacts on surrounding residential uses. The site has been utilised as a medical centre for approximately 16 years and in that time no complaints have been recorded against the property which suggests that non-residential uses associated with the business and professional services use class are compatible with the locality. It should be noted that any future use or development will be subject to a separate development application in which any real or perceived impacts on adjacent and surrounding sensitive uses can be managed through conditions if required.

#### **4.4.3 Impact on Local and Common Provisions**

Section 30O(2) through to (4) of the Act allows for an amendment to the planning scheme to occur for the purposes of inserting a new provision into the scheme provided that the amendment:

- is not directly or indirectly inconsistent with a common provision of the scheme;
  - does not revoke or amend an overriding local provision ;
  - does not result in a conflicting local provision; and
  - does not impact upon a common provision within the scheme.
-

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

---

The proposed amendment aims to broaden the scope of uses that can be considered on the site by inserting a qualification into Table 11.2 of the scheme which is consistent with the format of Planning Directive No. 1 - The Format and Structure of Planning Schemes. The proposed amendment will not override, be in conflict or inconsistent with any other local or common provision of the scheme. The proposed amendment merely enables other uses to be considered on the site by way of a discretionary development application. All relevant local and common provisions will remain applicable to any future development application.

#### **4.4.3 Regional Impact**

The applicant maintains that the proposed amendment is not expected to impact the region from an environmental, economic or social perspective on the following basis:

- the environmental impacts of the proposed amendment are considered to be limited given that the site is located within an established urban area with full services available;
- the proposed amendment is not expected to have a significant impact on the Launceston central business district or activity centre hierarchy. The site has a long standing history of non-residential land use. Any economic impacts resulting from the proposed amendment is likely to be localised by allowing the land to be utilised for other business and professional service uses and retaining long-term tenants; and
- the proposed amendment is not likely to create any adverse impacts on adjoining residential areas.

This position is generally supported by Council officers. It is considered that the proposed amendment will have a negligible impact on the region as a whole. Any future use or development will be subject to a separate development application in which any real or perceived environmental, economic and social impacts on adjacent and surrounding residential uses can be managed through conditions if required.

#### **4.4.4 Section 32(2) of the Act**

Section 32(2) of the Act specifies that the provisions of section 20(2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.

---

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

---

These sections of the Act have been reviewed. It has been deemed that the proposed amendment will not conflict or contravene any of the sections.

**4.4.5 Section 33(2B) (ab) of the Act**

Section 33(2B) (ab) of the Act requires Council to consider any representation made under section 30I, and any statements in any report made under section 30J as to the merit of a representation, that may be relevant to the amendment.

The 30J report for the Launceston Interim Planning Scheme 2012 has been reviewed. There were no representations made under section 30I of the Act that were relevant to the proposed amendment.

**4.4.6 Section 33(2B) (b) of the Act**

Section 33(2B) (b) of the Act requires Council to consider any advice referred to in section 65 of the *Local Government Act 1993* received by it.

The advice and recommendations within this report have been prepared by a qualified town planner and reviewed by the Manager Planning Services and the Director Development Services. Accordingly, section 65 of the *Local Government Act 1993* has been satisfied.

**4.5 Land Use Planning and Approvals Act 1993 - Schedule 1 Objectives**

Section 20 (1) (a) of the Act requires a planning scheme to seek to further the objectives set out in Schedule 1 of the *Land Use Planning and Approvals Act 1993* (the Act).

**4.5.1 Schedule 1 - Part 1**

a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*

The site is located within a developed area that does not contain any significant natural, ecological or physical values. The proposed amendment will not adversely impact upon natural, ecological or physical values.

b) *to provide for the fair, orderly and sustainable use and development of air, land and water; and*

---



**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

---

The character and attributes of the site, established land use pattern of the adjacent and surrounding area and existing infrastructure services will ensure that the impact on land and water will be managed appropriately. The proposed amendment will not directly impact the sustainable use of air, land and water in terms of creating environmental nuisances.

*c) to encourage public involvement in resource management and planning; and*

Should Council decide to initiate the proposed amendment, public consultation will be undertaken in accordance with the Act. This will ensure the public are aware of the proposal and will enable the public to engage with the process through submissions.

*d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*

The proposed amendment will enable the site to be utilised for a broader range of uses. The proposed amendment is not expected to generate any additional impact to the amenity of surrounding sensitive uses greater than the level that currently exists from the existing non-residential use of the land.

*e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

This is facilitated through the amendment process and application of relevant legislation.

#### **4.5.2 Schedule 1 - Part 2**

*a) to require sound strategic planning and co-ordinated action by State and local government; and*

The proposed amendment has been assessed as being supportive of the objectives of the Act, NRLUS and the Scheme. Co-ordinated action by the State and local government is facilitated through the amendment process and application of relevant legislation.

*b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and*

---

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

---

The proposed amendment seeks to effectively allow a broader range of uses to occur on the site that will be similar, if not the same in nature as the current non-residential uses that are permissible under the scheme. The amendment process is an established mechanism under the Act to allow the amendment to be lawfully considered. The proposed amendment has been assessed as being consistent with the established land use pattern within the locality and is not expected to generate any additional impacts to surrounding sensitive uses greater than the level that already occurs from existing non-residential use and surrounding activity. Any future use and development will be subject to a separate development application in which appropriate controls for the use and development can be enforced.

- c) *to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and*

The proposed amendment is not expected to have any adverse social and economic impacts on the surrounding area. The proposed amendment is not expected to have a significant impact on the natural, biological and physical values of the area.

- d) *to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and*

All relevant regional and state policies have been considered through the amendment process.

- e) *to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and*

This objective is not relevant to the proposed amendment.

- f) *to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and*

The site is largely isolated from surrounding residential land as a result of the physical separation provided by Ann Street, High Street, St George's Square and the public open space land albeit it is adjacent to an existing residential property located at 38 Ann Street to the east. It is considered that existing use and development standards within the scheme are sufficient and robust enough to control any future development applications made as a result of the proposed amendment.

---

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

---

*g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*

The site is not a place or precinct listed on the Tasmanian Heritage Register or under the Scheme.

*h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*

The proposed amendment will not impact any public infrastructure or assets.

*i) to provide a planning framework which full considered land capability.*

The site is located within a fully developed area. Consideration of land capability is not relevant.

## **5 State Legislation and Policies**

### **5.1 State Policy on the Protection of Agricultural Land Policy 2009**

The site is located within a fully developed urban area, therefore the policy does not apply.

### **5.2 State Policy on Water Quality Management 1997**

Any future use and development will be subject to complying with development standards that are consistent with the policy.

### **5.3 State Coastal Policy 1996**

The site is not located within 1km of the coastline, therefore the policy does not apply.

### **5.4 National Environmental Protection Measures**

National Environmental Protection Measures (NEPMs) are automatically adopted as State Policies. They outline common environmental objectives for managing the environment.

---

**8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**

---

Current NEPMs include:

- National Environmental Protection (Used Packaging Materials) Measure;
- National Environmental Protection (Ambient Air Quality) Measure;
- National Environmental Protection (Movement of Controlled Waste Between States and Territories) Measure;
- National Environmental Protection (National Pollutant Inventory) Measure;
- National Environmental Protection (Assessment of Site Contamination) Measure;
- National Environmental Protection (Diesel Vehicle Emissions) Measure; and
- National Environmental Protection (Air Toxics) Measure.

In this situation, the NEPMs are either not applicable, or will not be impacted upon by the proposed amendment.

## **6 Conclusion**

The application for amendment seeks to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class to be unrestricted on land identified as 40 Ann Street, Launceston, certificate of title volume 131354 folio 1.

The amendment is supported based on the following grounds:

- The amendment is not expected to increase the detriment to the amenity of adjacent or nearby sensitive uses greater than the level currently generated by existing non-residential use of the land;
- The sub-use classes under business and professional services use class are considered to be in keeping with the existing land use pattern within the surrounding area; and

The proposed amendment has been assessed as being supportive of the objectives of the Act, NRLUS and the Scheme.

## **ECONOMIC IMPACT:**

No significant economic impacts have been identified.

---

- 8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1**
- 

**ENVIRONMENTAL IMPACT:**

No significant environmental impacts have been identified.

**SOCIAL IMPACT:**

No significant social impacts have been identified.

**STRATEGIC DOCUMENT REFERENCE:**

*Land Use Planning and Approvals Act 1993*

*Local Government Act 1993*

Northern Regional Land Use Strategy

Launceston Interim Planning Scheme 2015

State Policy on the Protection of Agricultural Land 2009

State Policy on Water Quality Management 1997

State Coastal Policy 1996

National Environmental Protection (Used Packaging Materials) Measure;

National Environmental Protection (Ambient Air Quality) Measure;

National Environmental Protection (Movement of Controlled Waste Between States and Territories) Measure;

National Environmental Protection (National Pollutant Inventory) Measure;

National Environmental Protection (Assessment of Site Contamination) Measure;

National Environmental Protection (Diesel Vehicle Emissions) Measure; and

National Environmental Protection (Air Toxics) Measure.

**BUDGET & FINANCIAL ASPECTS:**

N/A

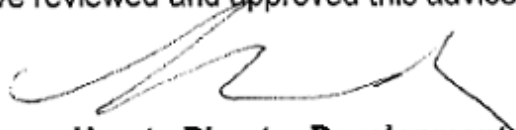
---

- 8.2 Amendment 10 to the Launceston Interim Planning Scheme 2015 - to insert a qualification into Table 11.2 of the Inner Residential zone to allow the Business and Professional Services use class as a discretionary use on land identified as 40 Ann Street, Launceston, Certificate of Title Volume 131354 Folio 1
- 

**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 have been circulated separately.

1. Location Map
  2. Application
-

## COUNCIL AGENDA

Monday 14 September 2015

---

### 8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage

**FILE NO:** DA0315/2015

**AUTHOR:** Claire Fawdry (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:	Prime Design
Property:	14-16 St Georges Square, East Launceston
Zoning:	Inner Residential
Receipt Date:	30/06/2015
Validity Date:	30/06/2015
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	22/09/2015
Representations:	3

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

D110/98	Extensions to dwelling in a scenic protection area
S93/88	Subdivision - 2 lots & balance
DA0038/2007	Construction of a building - extend dwelling (Scenic Protection) (adjoins heritage listed building)
DA0120/2009	Construction of a fence greater than 1.8m (retrospective application for part of works)
DA0403/2014	Boundary adjustment between two lots
DA0607/2014	Residential - single dwelling; construction and use of a new dwelling and garage
DA0607/2014.A01	Minor amendment to planning permit to extend the second floor balcony and room in the northern direction plus an awning added; extends the eaves gutter along the southern boundary instead of parapets; installs smaller opaque windows instead of the large windows originally proposed on the southern elevation; alters the exterior cladding of the garage so that it matches the front fence and increases the height of the glass balustrade facing Scott Street (garage terrace) by 700mm.

---

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

---

**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 from the Council, for DA0315/2015 Residential - single dwelling; construction and use of a dwelling and garage at 14-16 St Georges Square, East Launceston subject to the following conditions:

**1. ENDORSED PLANS**

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. Site Plan prepared by Prime Design, Project/Drawing No. PD14258 01, Rev. 05, Project Name: Proposed New Residence 5 Scott Street East Launceston, Dated 29/06/2015 **(To Be Amended)**;
  - b. Site Plan Aerial View prepared by Prime Design, Project/Drawing No. PD14258 02, Rev. 05, Project Name: Proposed New Residence 5 Scott Street East Launceston, Dated 29/06/2015 **(To Be Amended)**;
  - c. Ground Floor Plan prepared by Prime Design, Project/Drawing No. PD14258 03, Rev. 05, Project Name: Proposed New Residence 5 Scott Street East Launceston, Dated 29/06/2015;
  - d. First Floor Plan prepared by Prime Design, Project/Drawing No. PD14258 04, Rev. 05, Project Name: Proposed New Residence 5 Scott Street East Launceston, Dated 29/06/2015;
  - e. Door and Window Schedules prepared by Prime Design, Project/Drawing No. PD14258 05, Rev. 05, Project Name: Proposed New Residence 5 Scott Street East Launceston, Dated 29/06/2015;
  - f. Elevations prepared by Prime Design, Project/Drawing No. PD14258 06, Rev. 05, Project Name: Proposed New Residence 5 Scott Street East Launceston, Dated 29/06/2015 **(To Be Amended)**;
  - g. Elevations prepared by Prime Design, Project/Drawing No. PD14258 07, Rev. 05, Project Name: Proposed New Residence 5 Scott Street East Launceston, Dated 29/06/2015 **(To Be Amended)**;
  - h. Garage Floor & Roof Plan prepared by Prime Design, Project/Drawing No. PD14258 08, Rev. 05, Project Name: Proposed New Residence 5 Scott Street East Launceston, Dated 29/06/2015 **(To Be Amended)**;
  - i. Perspectives prepared by Prime Design, Project/Drawing No. PD14258 09, Rev. 05, Project Name: Proposed New Residence 5 Scott Street East Launceston, Dated 29/06/2015 **(To Be Amended)**;
  - j. Perspectives prepared by Prime Design, Project/Drawing No. PD14258 10, Rev. 05, Project Name: Proposed New Residence 5 Scott Street East Launceston, Dated 29/06/2015 **(To Be Amended)**;
-



**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

---

- k. Roof Plan prepared by Prime Design, Project/Drawing No. PD14258 11, Rev. 05, Project Name: Proposed New Residence 5 Scott Street East Launceston, Dated 29/06/2015;
- l. Street Section prepared by Prime Design, Project/Drawing No. PD14258 12, Rev. 05, Project Name: Proposed New Residence 5 Scott Street East Launceston, Dated 29/06/2015 **(To Be Amended)**;

**2. AMENDED PLANS REQUIRED**

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

- a. That the western wall of the garage is setback from the western side boundary by 1.459m (when measured from the frontage of the lot) and 0.768m (at the south western corner of the garage); and
- b. The solid privacy screen is to be 1.5m high and shifted to the east by a horizontal distance of 1.3m. As a consequence, the height of the western wall of the garage is to be reduced to no higher than 2.8m when measured from natural ground level at the frontage of the lot; and
- c. The 1.5m high privacy screen is to be erected at a minimum setback of 2.759m from the western side boundary (when measured from the frontage of the lot) and 2.068m (at the south western corner of the garage); and
- d. Access to the portion of the garage roof to the west of the privacy screen is prohibited and must be physically blocked.

**3. PEDESTRIAN GATE**

To ensure pedestrian safety and access, a pedestrian gate is to be installed off Scott Street to provide access to the dwelling.

**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. 2015/01026-LCC) (attached).

**6. HOURS OF CONSTRUCTION**

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

---

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

---

**7. 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.

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

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

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

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

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

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

**9. VEHICULAR CROSSINGS**

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

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

---

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

---

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

**10. 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.

**11. CONSTRUCTION OF RETAINING WALLS**

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

**12. 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.

**13. 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).

---

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

---

**14. DEMOLITION**

The Developer must:

- a) protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
- b) not undertake any burning of waste materials on site;
- c) remove all rubbish from the site for disposal at a licensed refuse disposal site;
- d) dispose of any asbestos found during demolition in accordance with the Worksafe Tasmania *'How to Safely Remove Asbestos' Code of Practice 2012* or any subsequent versions of the document

**Notes****1 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.*

**2. 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.*

**3 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.*

**4. General**

*This permit was issued based on the proposal documents submitted for DA0315/2015. 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.
-

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

---

*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.*

**5. 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.*

**6. Appeal Provisions**

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

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

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

**7. 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.*

---

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

The proposal is for the use and development of a residential single dwelling on a new lot (sealed by the Land Titles Office on 7 August 2015 and now known as 5 Scott Street).

---

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

---

The proposed dwelling will be double storey with the master bedroom suite, second bedroom, open plan kitchen, dining and living area and entry foyer with staircase on the ground floor. The upper level is of smaller massing and contains a third bedroom, a library and study. The dwelling complies with all applicable acceptable solutions of the Zone and consequently has a No Permit Required status.

A triple garage is proposed to be constructed at a setback of 0.302m from the frontage of the lot. There is a roof terrace proposed on top of garage. Access to the roof terrace is from the backyard. The proposal includes a 1.7m high screen on the western boundary of the roof terrace to afford privacy between the neighbours. The western wall of the garage would therefore be 4.5m high at a side setback of between 0.768m and 1.459m. The triple car garage is proposed to have one single panel lift door and one double panel lift door facing the frontage.

It is proposed to retain the vegetation screening along the southern (rear) and western (side) title boundaries and also maintain the significant tree within the frontage of the lot. The applicant has indicated that the dwelling will be clad in mostly clay face brick and render/paint finish with aluminium framed windows.

It is noted that a previous development application for the use and development of a three storey dwelling and separate garage was approved on 22 January 2015. The dwelling and the garage contained discretionary factors and the application was publicly advertised. No representations were received during the advertising period. The garage was proposed in virtually the same location as the garage in the current application and the western wall was approved at 4.5m high at a side setback of between 0.799m and 1.459m. The garage accommodated two vehicles and contained a roof terrace atop similarly to the current application. The representors to the current application are aware of the previous approval.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The site is located on the southern, and marginally higher, side of Scott Street between St Georges Square and Welman Street. Scott Street slopes from east to west down towards Welman Street. The neighbouring properties are primarily developed with double storey dwellings and townhouses.

The site is described as 14-16 St Georges Square in this application, however the new title (5 Scott Street) has since been created by the Land Titles Office and is roughly square in shape. The new lot is formally described in Certificate of Title Volume 169927 Folio 2 and occupies an area of 614m<sup>2</sup>. The property known as 14-16 St Georges Square is described in Certificate of Title Volume 100603 Folio 2.

---

## **8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

---

Access to the existing dwelling at 14-16 St Georges Square is via driveway access off St Georges Square. There is vehicular access to the new lot off Scott Street towards the western title boundary which will be used for on-site car parking for the proposed dwelling. There is an existing gate in this location which will be removed to facilitate the development of the proposed garage off Scott Street.

The land rises to the south eastern corner of the site. The site is not located within a mapped class 4 or 5 landslip area.

The site for the proposed dwelling is currently a well maintained garden for 14-16 St Georges Square. There is a small pond located in the centre of the lot and a significant tree within the frontage of the lot. Trees have been planted along the southern and western title boundaries to afford privacy between the subject site and 54 Ann Street to the south and the three storey townhouses known as 1/7, 2/7 and 3/7 Scott Street to the west. The site is not within 100m of bushfire prone vegetation or within 50m of a watercourse.

Scott Street and St Georges Square are roads maintained by the Council and are sealed and drained to Council standard. The site will be connected to reticulated water, sewer and stormwater as well as appropriate telecommunication and power infrastructure.

### **3. PLANNING SCHEME REQUIREMENTS**

#### **3.1 Zone Purpose**

##### **11.0 Inner Residential Zone**

##### **11.1.1 Zone Purpose Statements**

11.1.1.1 To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.

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

11.1.1.3 To allow increased residential densities where it does not significantly affect the existing residential amenity, ensure appropriate location of parking, and maintain vehicle and pedestrian traffic safety.

11.1.1.4 To maintain and develop residential uses and ensure that non-residential uses do not displace or dominate residential uses.

11.1.1.5 To provide for development that provides a high standard of amenity and contributes to the streetscape.

---

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

**Consistent**

The proposal is for a new single dwelling and garage on a recently subdivided lot. The property at 14-16 St Georges Square contains an existing single dwelling and has a substantial backyard. Due to the size of the property, the owners decided to subdivide the western section of the land to create an additional lot with frontage to Scott Street.

The single dwelling use class has a No Permit Required status in the Inner Residential Zone. The dwellings in Scott Street and the surrounding street network off St Georges Square are characterised by substantial single and double storey dwellings and townhouses located close to the frontage. Many lots contain front fences and have carports or garages which are constructed to the front boundaries. Scott Street is very narrow and on-street car parking is prohibited. The proposed single dwelling will increase the density of Scott Street by developing a lot which is currently vacant. The existing tree, which is located within the frontage of the lot to Scott Street, will be retained to maintain the existing character of this section of the street.

The proposal is consistent with the zone purpose statements.

**11.4 Development Standards**

**11.4.1 Setback from a frontage for single dwellings**

Objective:

To ensure that the setback from frontages:

- (a) assist in the establishment of the streetscape character;
- (b) enhance residential amenity;
- (c) provide a transition space between the road and private dwelling allowing mutual passive surveillance for community safety; and
- (d) respond to slope and other physical characteristics of a lot and assist in attenuation of traffic noise.

**Consistent**

The proposal incorporates a triple car garage constructed at a distance of 0.302m from the frontage. There is an existing gate at the frontage which will be removed to facilitate the development of the garage. The existing fence on this frontage is at least 2m high and the majority of the fence will be retained except for where the garage will be constructed. The facade of the garage will be 3.8m high at the frontage. A 1m high glass panelled fence will be constructed on top of the garage to allow for the space to be used as a roof terrace.

The proposal is consistent with the objective for this standard.



**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

A1 Unless within a building area shown on a plan of subdivision, the wall of a single dwelling (excluding minor protrusions) must have a setback from a frontage that is:

- (a) no less than 4.5m from a primary frontage; and
- (b) no less than 3m to a frontage other than a primary frontage; or
- (c) a distance which is no more or less than the maximum and minimum setbacks of the dwellings on immediately adjoining lots; or
- (d) no less than the existing dwelling setback if less than 4.5m.

**Relies on Performance Criteria**

The lot is considered to be an 'infill lot' and therefore the frontage setback of the garage must meet the requirements of A1(c) above. The frontage setback distance of the building at 1/7 Scott Street and the dwelling at 14-16 St Georges Square to Scott Street is approximately 1m and 10m respectively (scaled from internal GIS mapping software). The garage will have a 0.302m frontage setback and therefore assessment against the performance criterion is required to demonstrate compliance with this standard.

P1 The setback from frontage must:

- (a) provide transitional space between the road and private dwelling allowing mutual passive surveillance;
- (b) be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site;
- (c) provide measures to ensure that noise generated by traffic will not adversely impact on residential amenity and vehicular egress provides for the safe use of the road; and
- (d) have regard to streetscape qualities or assist the integration of new development into the streetscape.

**Complies**

The character of Scott Street is important when considering the discretions sought in this application. The proposed dwelling at 14-16 St Georges Square has the most substantial frontage setback distance to Scott Street of all dwellings in the street.

Number 12 St Georges Square has primary frontage to St Georges Square and secondary frontage to Scott Street, similarly to the existing dwelling at 14-16 St Georges Square. Number 12 St Georges Square has a garage constructed to the Scott Street frontage. The triple storey townhouses to the west of the subject site have a frontage setback to Scott Street of approximately 1m. The two town houses opposite the subject site to the north, known as 4 and 6 Scott Street, have frontage setbacks of approximately 1m. Further to the west along Scott Street at number 10 is a relatively large single dwelling with a double car garage constructed (almost) to the frontage. There appears to be a minimal setback distance (approximately 0.5m) from the existing front picket fence which encloses the front property boundary. This garage has prominence in the street. It is roughly diagonal to the north west of where the proposed triple car garage will be located on the subject site.

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

The property known as 41 Welman Street is located on the corner of Scott Street and Welman Street. The dwelling is built to the Scott Street boundary and is double storey with a red brick facade. An associated double car garage to the east of this dwelling in Scott Street has been constructed to the frontage.

Consideration of the character of Scott Street and the impact that the proposed garage will have on the existing streetscape has determined that although the proposal will introduce a new built feature to the street, it is not considered that the garage will detrimentally impact the streetscape character of the street.

The privacy screen proposed on the western wall of the garage to provide privacy between neighbours will result in a wall height of 4.5m. This is substantial at a side setback of between 0.768m and 1.459m and a frontage setback of 0.302m. This proposed wall was raised as a concern by the three occupants of the townhouses to the west in terms of its visual appearance and overshadowing. An amended plan showing the roof terrace setback an additional 1.3m from the western garage wall is recommended to reduce the visual impact of the proposed wall.

It is also noted that a pedestrian gate is now shown on the proposal plans to provide access to the dwelling off Scott Street. A permit condition has been recommended to include a pedestrian gate in the existing fence to provide safe and appropriate access. It is envisaged that this gate will be positioned adjacent to the garage to the west of the existing significant tree on the site.

The proposal has been assessed against the performance criterion and is considered to meet the listed requirements.

**11.4.2 Site coverage and rear setback for single dwellings**

Objective:

To ensure that the location and extent of building site coverage:

- (a) facilitates the provision of open space, gardens and other outside areas on the site that contribute to residential amenity;
- (b) assists with the management of stormwater;
- (c) provides for setback from the rear boundary; and
- (d) has regard to streetscape qualities.

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

**Consistent**

The new lot is of sufficient size to accommodate the proposed dwelling and garage without exceeding the site coverage restrictions set out in this clause. There are various private open space areas identified on the proposal plans including the roof terrace on top of the garage and the landscaped garden surrounding the proposed dwelling. The significant tree located within the frontage will be retained and will afford shade and maintain the existing character of the site.

The proposal is consistent with the objective for this standard.

A1 A site coverage of no more than 50% excluding building eaves and access strips where less than 7.5m wide.

**Complies**

The new lot has a title area of 633.912m<sup>2</sup>. The proposed dwelling and garage will have a roofed area of 277.616m<sup>2</sup> (i.e. dwelling = 217.616m<sup>2</sup> and garage = 60m<sup>2</sup>) which equates to a site coverage percentage of 43.79%.

A2 A rear setback of no less than 4m, unless the lot is an internal lot.

**Complies**

The proposed dwelling is shown on the plans to have a minimum rear setback of 4m.

11.4.3 Building envelope for single dwellings

Objective:

To ensure that the siting and scale of single dwellings:

- (a) allows for flexibility in design to meet contemporary dwelling requirements;
- (b) protects the residential amenity of neighbours through minimising visual bulk and overshadowing; and
- (c) has regard to streetscape qualities.

**Consistent**

The new lot is roughly square in shape and the proposed dwelling will be somewhat centrally located with a significant frontage setback. This is to allow for the existing tree to be retained to maintain the character of the street.

The proposal is considered to be consistent with the objective for this standard.

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

A1 All single dwellings (excluding minor protrusions extending less than 1.5m) must be contained within either of the following building envelopes:

- (a) determined by a setback of no less than 3m from side boundaries and no less than 4m from the rear boundary and a building height of no more than 5.5m; or
- (b) determined by projecting at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and at a distance of 4m from the rear boundary to a building height of no more than 8.5m above natural ground level (see Figures 11.4.3 A and 11.4.3 B); and walls are setback:
  - (i) no less than 1.5m from a side boundary; or
  - (ii) less than 1.5m, provided the wall is built against an existing boundary wall or the wall or walls have a total length of no greater than 9m or one third of the boundary with the adjacent property, whichever is the lesser.

**Relies on Performance Criteria**

The dwelling itself fits within the building envelope set out in A1(b). The eastern elevation drawing identifies two minor protrusions from the building envelope. A minor protrusion is defined in clause 4.1.3 as: 'means awnings, steps, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services'. The protrusions identified on the elevation drawing are considered to meet the definition of a minor protrusion on the basis that the protrusions will not include any structural components of the roof, but rather encompass the parapet of the roof only.

The proposed triple car garage is however located with a front setback of 0.302m and with a side setback of between 0.768m and 1.459m. The western wall of the garage (which includes the 1.7m high privacy screen) would be 4.5m high when measured from natural ground level. Compliance with the acceptable solution cannot be achieved and assessment against the performance criterion is required to demonstrate compliance with this standard.

P1 The siting and scale of single dwellings must be designed to:

- (a) ensure there is no unreasonable loss of amenity on adjoining lots by:
  - (i) overshadowing and reduction of sunlight to habitable rooms and private open space to less than 3 hours between 9.00 am and 5.00 pm on June 21 or by increasing existing overshadowing where greater than above;
  - (ii) overlooking and loss of privacy; and
  - (iii) visual impacts when viewed from adjoining lots: and
- (b) take into account steep slopes and other topographical constraints; and
- (c) have regard to streetscape qualities.

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

**Complies**

The new lot is currently vacant and in a density arrangement which is reflective of the Inner Residential Zone, there would be a dwelling on this land which would cause a degree of overshadowing to neighbouring properties. Any consequent overshadowing as a result of the proposed single dwelling is not a consideration for assessment against P1 given that it fits within the building envelope detailed in A2(b) of this standard.

Overshadowing, overlooking, loss of privacy, visual impacts and streetscape qualities can however be taken into account with respect to the proposed garage as discretion is sought for its siting and scale.

There is an existing Colorbond fence, which is approximately 2m high, across the Scott Street frontage which will be retained. The proposed triple car garage is proposed to be setback 0.302m from the frontage and have a height of 3.8m when measured from the northern elevation. This height includes a 1m high safety balustrade on top of the garage. The floor height of the roof terrace will be 2.8m from natural ground. A 1.7m high solid privacy screen has been proposed on the western wall of the garage to provide separation between the roof terrace and the private open space area of 1/7 Scott Street. Although this privacy screen would provide separation between the private open space areas of neighbours', it would result in a wall height of 4.5m at a side setback of between 1.459m closest to the frontage and 0.768m to the rear from the shared boundary with 1/7 Scott Street.

The building envelope set out in A1(b) allows for a 3m high wall on the side boundary, however it must also take account of the frontage setback requirements. In this case, the proposed garage is outside of the building envelope because it is within the frontage.

An amended plan condition has been recommended as a condition of approval as a consequence of concerns raised in representations. It is reasonable to consider that if the roof terrace was shifted further towards the east of the garage roof, then the impact of the wall on the neighbour to the west would be reduced. As proposed, the roof terrace would have an area of approximately 58m<sup>2</sup> (9.5m x 6.2m). If the roof terrace was shifted to the east so that it was setback 1.3m from the western wall of the garage (as is recommended by condition), the area of the roof terrace would be reduced to approximately 48m<sup>2</sup> (7.7m x 6.2m). This amendment would reduce the height of the western wall to 2.8m above natural ground level (as the 1m high safety balustrade would not be required).

The privacy screen would then be setback from the shared boundary by a horizontal distance of 2.759m closest to the frontage and 2.068m at the rear. It is also recommended that the solid privacy screen be reduced to 1.5m high instead of 1.7m high. This is to reduce the impact of the height whilst still providing an acceptable privacy screen between neighbours.

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

It is worth noting that the proposed amendments would result in a building that would meet the building envelope (if it was not located within the frontage). That is, the visual bulk of the garage when viewed from the west would be considered reasonable.

The applicant provided shadow diagrams for the proposed garage in response to the concerns raised by representations. The shadow diagrams demonstrate that given the slope of the land, the boundary fence between the subject site and the neighbours to the west, casts a significant shadow at 9am on 21 June. At midday on 21 June, although the shadow has shifted to the south of the private open space areas of 1/7 and 3/7 Scott Street, 2/7 Scott Street is still quite shaded. By 3pm on 21 June, the shadow is cast to the south of the site. Compliance with P1(a)(i) for 2/7 Scott Street is borderline, however is considered to be achieved.

The proposal has been assessed as being compliant with the requirements of the performance criteria.

**11.4.4 Frontage setback and width of garages and carports for single dwellings**

Objective:

To ensure that the location and size of garages or carports:

- (a) do not dominate the facade of the dwelling or dominate the streetscape;
- (b) do not restrict mutual passive surveillance of the road and dwelling; and
- (c) provides for safe vehicular access to and egress from the site.

**Consistent**

The proposal incorporates a triple car garage which is proposed to be constructed very close to the frontage of the new lot. There is an existing gate in the fence at this point which will be removed to facilitate development of the garage. The existing fence along the Scott Street frontage is at least 2m high and the majority of the fence will be retained except for where the garage will be constructed. The facade of the garage is proposed to be 3.8m high at the frontage. This height includes a 1m high safety balustrade on top of the garage for the proposed roof terrace. The western wall of the garage is proposed to be 4.5m high when measured from natural ground level. Amended plans have been recommended as a condition of approval to shift the privacy screen to the east by 1.3m to reduce the visual impact and bulk of the proposed western wall of the garage.

The existing character of Scott Street is important in the context of how the proposed garage would impact the streetscape. The proposal will introduce a new built feature in the street however with appropriate alterations to the proposal as per the recommended amended plans condition, it is suggested that the garage should not detrimentally impact the character of Scott Street.

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

<p>The proposal is consistent with the objective for this standard.</p>
<p>A1 Garages or carports within 12m of the frontage whether free-standing or part of the dwelling:</p> <ul style="list-style-type: none"> <li>(a) must have a total width of openings facing the primary frontage of no greater than 6m or half the width of the frontage, whichever is the lesser; and</li> <li>(b) must have: <ul style="list-style-type: none"> <li>(i) a setback from frontage measured to the door, post or supporting column no less than required for a single dwelling in 11.4.1 A1; or</li> <li>(ii) a setback from the primary frontage no less than 0.5m if the ground slopes up or down for 10m from the frontage at more than 1:5.</li> </ul> </li> </ul>
<p><b>Relies on Performance Criteria</b></p> <p>The garage will be constructed 0.302m from the frontage and have a width of openings facing the street of 2.7m (single car garage) and 5.3m (double car garage). The total width of openings facing Scott Street will be 8m as shown on the Northern Elevation Plan.</p> <p>Assessment against the performance criterion is required to demonstrate compliance with this standard as the garage has a total width of openings in excess of 6m.</p>
<p>P1 The siting and design of garages and carports must:</p> <ul style="list-style-type: none"> <li>(a) complement the character of the dwelling;</li> <li>(b) not dominate the frontage of the lot through location and visual bulk;</li> <li>(c) retain mutual passive surveillance between dwelling and road;</li> <li>(d) provide for safe vehicular movements between road and site; and</li> <li>(e) have regard to streetscape qualities.</li> </ul>
<p><b>Complies</b></p> <p>There are a number of dwellings in Scott Street which have minimal frontage setbacks or have garages constructed to the frontage. Number 12 St Georges Square has a garage constructed to the Scott Street frontage. Further to the west along Scott Street at number 10 is a relatively large single dwelling with a double car garage constructed (almost) to the frontage. This garage has prominence in the street. It is roughly diagonal to the north west of where the garage is proposed to be located on the new lot. The property known as 41 Welman Street is located on the corner of Scott Street and Welman Street. The dwelling is built to the Scott Street boundary and is double storey with a red brick facade. A double car garage to the east of this dwelling in Scott Street has also been constructed to the frontage.</p>

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

Consideration of the character of Scott Street and the impact that the proposed garage would have on the existing streetscape has determined that although the proposal will introduce a new built feature in the street, it is not considered that the reduced frontage setback of the garage will detrimentally impact the streetscape character of Scott Street.

The proposal has been assessed against the performance criterion and is considered to meet the requirements of this standard.

**11.4.5 Privacy for single dwellings**

**Objective:**

To ensure that the location and design of windows of habitable rooms, balconies, decks, roof gardens, parking spaces and carports maintain residential amenity by minimising the potential for overlooking between neighbours.

**Consistent**

The location of the proposed dwelling on the new lot allows for boundary setback distances for the upper floor to be at least 3m to a side and 4m to the rear boundaries. The roof terrace on top of the garage is proposed to be screened to afford privacy between the neighbours.

The proposal is consistent with the objective for this standard.

A1 Balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) that have a finished surface or floor level greater than 1m above natural ground level must have a side setback of no less than 3m and a rear setback of no less than 4m.

**Relies on Performance Criteria**

The roof terrace on top of the garage is proposed to have a 1.7m high privacy screen. It is recommended that this be amended to a privacy screen of 1.5m high and to be shifted 1.3m to the east. The privacy screen would therefore have a side setback of 2.759m closest to the frontage and 2.068m to the rear.

Note that if the roof terrace had a side setback of 3m that screening would not be required to achieve compliance with A1. Given that the 1.5m high privacy screen on top of the garage will have a side setback of between 2.759m and 2.068m, assessment against the performance criterion is required to demonstrate compliance with this standard.



**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

P1 The potential for direct overlooking from balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) with a finished surface or floor level more than 1m above natural ground level on one lot to the habitable rooms and balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation or offset or by use of solid or translucent screening.

**Complies**

It has been recommended to reduce the height of the privacy screen on top of the proposed garage to 1.5m instead of 1.7m for a number of reasons. Firstly, the reduction in height by 0.2m reduces the overall height of the screen on top of the proposed garage from 4.5m to 4.3m. Secondly, a 1.5m high privacy screen would be adequate to hinder the line of sight of an average person standing on the roof terrace looking west and also an average person standing in the private open space area of 1/7 Scott Street looking east.

A2 Windows of habitable rooms which have a floor level greater than 1m above natural ground level must:

- (a) have a side setback of no less than 3m; or
- (b) be offset no less than 1.5m from the windows of habitable rooms on adjacent lots where on the same horizontal plane; or
- (c) have a window sill height of no less than 1.7m.

**Complies**

The upper level windows of the proposed dwelling will be setback 4m from the western side boundary, 6.6m from the eastern side boundary and 7.2m from the rear boundary.

**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 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

**Consistent**

The proposal incorporates a triple car garage and access arrangements off Scott Street. Our Infrastructure Assets Department has recommended permit conditions in relation to the driveway access so that compliance with Council standards can be achieved.

The proposal is consistent with the purpose statements of the Code.

**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 on-site car parking is proposed to service the proposed single dwelling. The proposal is consistent with the objective for this standard.

**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 1 space per bedroom or 2 spaces for dwellings with three bedrooms for residential uses in any other zone or any other residential use in the General Residential Zone.

The subject site is located within the Inner Residential Zone and the proposed dwelling will have a master bedroom suite and second bedroom on the ground floor. The first floor contains a third bedroom, library and study. Therefore, Table E6.1 requires two on-site parking spaces to achieve compliance. The proposed triple garage will provide adequate on-site parking for the proposed residential single dwelling use. The one additional parking space does not trigger assessment against the performance criterion in this circumstance.

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(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.
<b>Consistent</b> The parking spaces proposed within the triple car garage will be constructed to an appropriate standard. The proposal is consistent with the objective for this standard.
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.
<b>Complies</b> The proposal includes a very short driveway into a triple car garage to be constructed 0.302m from the frontage. The garage floor will be formed and drained appropriately.

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.
<b>Consistent</b> The parking spaces proposed within the triple car garage will be constructed to an appropriate standard. Our Infrastructure Assets Department has reviewed the proposal and has recommended appropriate permit conditions of approval. The proposal is consistent with the objective.

---

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(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**

Not more than four on-site parking spaces are proposed. Vehicles will enter the garage in a forward direction and reverse out (or visa-versa). The garage will be of sufficient dimensions to accommodate vehicular parking. The clearance of the garage is at least 2.1m. No accessibility parking spaces are proposed nor required.

---

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Roads and Hydraulics	Internally referred Consent provided with recommended conditions.
Environmental Health	No referral required Consent provided with recommended conditions.
Parks and Recreation	No referral required
Heritage/Urban Design	No referral required
Building and Plumbing	Building, Plumbing and Occupancy Permits will be required following planning approval.
<b>EXTERNAL</b>	
TasWater	Application was referred to TasWater on 1 July 2015. Further information was requested on 6 July 2015. The applicant was notified of the RFI on this date by email. It is noted that the application was being advertised when the TasWater RFI was received. Conditional consent received by TasWater on 18 August 2015 - Submission to Planning Authority Notice TWDA 2015/01026-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 8 July 2015 to 21 July 2015. Three (3) representations were received.

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

On 24 July 2015, planning officers met with Maureen and Barry Street from 3/7 Scott Street, Nita Conn from 1/7 Scott Street and a representative on behalf of Margaret and Steve Clark from 2/7 Scott Street at their properties to better appreciate the concerns raised in their representation letters. A summary of the issues raised are listed below in the following table:

<b>ISSUE</b>	<b>COMMENTS</b>
<p>The main building is positioned only 1.547m from our boundary fence. The original plan was 3.0m from the boundary fence. We believe that 1.54m is unreasonably close! This is especially so given that we have a very small courtyard garden and that our garden is more than 1m below the ground level of the proposed construction. The proposed building will loom over our small garden and block out our only source of sun, not only to our garden but also to our kitchen and dining area. The building will also very much compromise the privacy of our small outdoor area. It is our understanding that building regulations do not permit a building to be built so close to our fence, especially given our very small outdoor area and that our kitchen and dining areas are sited within the shadow of the proposed new construction.</p>	<p>The dwelling itself fits within the building envelope set out in the Inner Residential Zone. The building envelope in fact allows for a 3m high wall to be constructed on a boundary and still fit within the building envelope. A previous planning permit was issued for the development of a new single dwelling on the site in January 2015. The application was discretionary and the dwelling itself protruded from the building envelope. It is correct that the side setback distance to the western boundary was 3m compared to the 1.547m setback which is currently proposed, however the height of the wall at that setback was 6.9m which is significantly higher than the 3.4m high wall which is proposed at a closer setback.</p>
<p>The garage is a under a metre from my boundary fence.</p>	<p>This is correct. The garage is proposed to be constructed 0.302m from the frontage and have a side setback ranging between 0.768m and 1.459m.</p>
<p>On top of the garage will be a patio/entertaining area, which too is under a metre from my boundary fence overlooking my small courtyard.</p>	<p>There is a privacy screen to a height of 1.7m proposed on the western side of the roof terrace on top of the garage designed to minimise any overlooking or loss of privacy to the west. An amended plan condition has been recommended to reduce the height of the privacy screen to 1.5m and shift it 1.3m from the western wall of the garage. This is to reduce the visual impact of the wall on the boundary.</p>

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

<b>ISSUE</b>	<b>COMMENTS</b>
<p>A monstrosly 4m tall privacy wall to be built on the eastern side will completely obstruct the sunlight into my courtyard, kitchen and dining room.</p>	<p>The western wall of the garage is proposed to be 4.5m high. The ceiling of the garage is at a height of approx. 2.55m from ground level. The extra 2m is attributed to a 1.7m high privacy screen and the provision for a floor on top of the garage ceiling. Shadow diagrams were requested from the applicant in response to shadowing concerns. The garage has been assessed against the performance criterion in this regard and it has been determined that the requirements are met. Notwithstanding however, the visual impact of the western garage wall is proposed to be reduced by reducing the privacy screen to 1.5m high and shifting it to the east by 1.3m from the western wall of the garage i.e. 2.8m from the side boundary when measured at the frontage.</p>
<p>The patio/entertaining area should only go halfway out on to the garage roof, which allow my family and friends to enjoy the sunny privacy of my courtyard.</p>	<p>Following a site visit, discussion with representors and assessment against the planning scheme, an amended plan condition has been recommended as a condition of approval requiring that the roof terrace be setback 3m from the western side boundary, reducing the wall height to 2.8m high instead of 4.5m high at that setback. This would reduce the overall appearance of the wall so close to the side boundary and also potentially reduce the degree of overshadowing to the west.</p>
<p>I feel the patio/entertaining area to be located under a meter's distance will expose me to undue noise and rob my privacy.</p>	<p>Noise would be of a residential nature and the planning scheme does not control residential noise in a residential zone.</p>
<p>This new 2 storey building will look into my family bathroom which I'm not comfortable about.</p>	<p>There is one window on the western elevation of the proposed dwelling. It is an upper level window to the proposed library and the window has a side setback to the boundary in excess of 5m. Upper level windows which are located at least 3m from a side boundary do not require screening or to be obscured in order to meet the requirements of the planning scheme.</p>

**8.3 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(Cont'd)**

<b>ISSUE</b>	<b>COMMENTS</b>
The trees along the western boundary of the neighbour's property block out sunlight.	The applicant has advised that it is their intention to retain the trees along the western boundary to afford privacy. They have advised however that they are prepared to prune the trees if this is a concern for their neighbours.

**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 14-16 Georges Square, East Launceston - Residential - single dwelling; construction and use of a dwelling and garage...(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:**

The following attachments have been circulated separately.

1. Locality Map
  2. Plans to be Endorsed
  3. Plans to be Amended
  4. TasWater - Submission to Planning Authority Notice
  5. Representations
-

## COUNCIL AGENDA

Monday 14 September 2015

---

### 8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)

**FILE NO:** DA0074/2015

**AUTHOR:** Julia Allen (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:	DTK Logging P/L
Property:	337 Gundagai Road, Bangor
Zoning:	Rural Resource
Receipt Date:	17/02/2015
Validity Date:	29/04/2015
Further Information Request:	04/03/2015
Further Information Received:	30/04/2015
Deemed Approval:	23/09/2015
Representations:	4

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

- D299/98 - planning permit issued on the 27th January 1999 for a quarry.
- DA0523/2009 - planning permit issued for an increase in the maximum production limit to 50 000m<sup>3</sup>. Planning permit issued 18 March 2011.

#### **RECOMMENDATION:**

It is recommended that, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993*, Section 25 of the *Environmental Management and Pollution Control Act 1994* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0074/2015 for Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50, 000m<sup>3</sup> to 200, 000m<sup>3</sup> (existing level 2 activity) at 337 Gundagai Road, Bangor 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:

---

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

---

- a. Gundagai Quarry Development Proposal and Environmental Management Plan (DPEMP) 2010, prepared by Van Diemen Consulting, and attached to this permit and marked '*Attachment A*' and
- b. Gundagai Quarry DPEMP Supplement attached to this permit and marked '*Attachment B*'

**2. NO ACCESS ONTO GUNDAGAI ROAD**

There is to be no access to or from the site for the purposes of or connection with an extractive activity, directly from Gundagai Road.

**3. ENVIRONMENTAL PROTECTION AGENCY REQUIREMENTS**

Notwithstanding any other condition in this permit, the use and development must be carried out in accordance with Appendix 3 the Environmental Protection Agency decision dated 11 August 2015 (EPA reference 238499) and marked as '*Attachment C*'.

**4. ACCESSIBLE CAR PARKING**

At least one (1) car parking space must be designed and constructed to be compliant with AS 2890.6 Off-street parking for people with disabilities. This space must be available if required, but does not have to be dedicated solely for use by a person with a disability.

**5. UNSEALED PARKING/ACCESS**

Areas set aside for the parking of vehicles together with the aisles and access lanes must be designed to meet AS2980. It must be constructed, drained and adequately maintained in a condition suitable for use by two wheel drive vehicles to the satisfaction of the Planning Authority.

**6. LAPSING OF PERMIT**

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

**7. TOILET AMENITIES**

Within 3 months of the permit date of issue, toilet amenities for the 4 full time and 2 casual staff members must be provided. The amenities can be either portaloos which must be emptied and cleaned on a regular basis or if more permanent toilets are proposed the applicant must submit a design report (including site and soil evaluation in accordance with AS/NZS 1547:2012) as well as a Special Plumbing Application (for the on-site wastewater system) with the Building Application. The toilet amenities must be setback at least 30 metres from any title boundary.

---

- 8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**
- 

**8. PART 5 (SECTION 71) AGREEMENTS**

The owner, under Section 71 of the Land Use Planning and Approvals Act 1993, shall enter into an agreement with the Launceston City Council regarding the ongoing maintenance of public roads serving the quarry.

The agreement must require the owner to pay to Council prior to the 30 June each year a contribution towards the cyclic resealing of the route shown on the plan annexed hereto and marked 'A' between the quarry access off Tunnel Road and Golconda Road. The length of the route is 6.66 km and has a trafficable pavement of 6 metres being comprised of two 3 metre wide lanes.

The contribution shall be \$8,000 per annum, indexed annually by the CPI (Transportation Index) based on a 50% share of the total cost of resealing the route every 15 years.

Such agreement shall be drafted in a form to the satisfaction of the Director of Infrastructure Services and placed on the Certificate of Title in accordance with Section 78 of the Land Use Planning and Approvals Act 1993. All reasonable costs associated with the preparation and registration of the agreement must be met by the applicant.

*Notes*

1. General

*This permit was issued based on the proposal documents submitted for DA0074/2015. 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.*

---

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

---

2. Other Approvals

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

3. Appeal Provisions

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

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

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

4. 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.*

5. Signage

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

---

**REPORT:**

**1. THE PROPOSAL**

The proposal is to increase the volume of gravel material produced from the existing quarry from 50,000 to 200,000 cubic metres per annum.

The quarry when expanded to full capacity will employ up to six people.

Hours of operation are proposed to be 6am to 5pm Monday to Friday, 8am to 4pm Saturday, and closed on Sundays and public holidays. Notwithstanding operating hours, blasting will be limited to be between 10am to 4pm Monday to Friday and crushing will not occur between the hours of 6am and 7am Monday to Friday.

---

## **8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

---

The quarrying activity involves:

- Surface site preparation by soil removing and stock piling;
- Rock drilling and blasting by licensed contractor;
- Rock removal by excavator;
- Rock crushing and screening using mobile crusher;
- Stockpiling of processed material in the quarry area;
- Loading trucks with wheel loader from stockpile area in quarry; and
- Transport of materials by trucks ranging from 12 to 30 tonne capacity.

Rock extraction areas prepared for quarrying have topsoil removed and stockpiled away from the working quarry near the existing sediment settling dam for later use in progressive rehabilitation works.

A compacted gravel area outside of the extraction zone of the pit provides for 6 car spaces.

No amenities are provided or proposed to be provided for onsite. Employees need to travel to the business office in Lilydale to use amenities.

The quarry is accessed via an all-weather gravel right of way onto South Retreat Road/Tunnel Road. The main route connecting the Quarry to Golconda Road was upgraded as part of planning permit DA0523/2009 and this route will remain the primary access to the wider road network.

The proposal, when operating at maximum capacity, is expected to generate up to 95 heavy vehicle trips per day (two way movements - consisting of up to 47 one way laden truck movements). The peak number of trucks visiting the site on a daily basis will remain the same as present due to production constraints but there will be more days where traffic is running over the course of the year. The roads will be busy to meet the extraction limit proposed.

## **2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The site consists of a 13.64ha title with frontage to Gundagai Road, although that frontage is not used for access. The site contains a quarry that has been operational for the last 14 years. The quarry was operating at a 10,000 cubic metre extraction limit until DA0523/2009 planning permit was issued in 2011 allowing for production to increase to 50,000 cubic metres per annum.

The site is accessed via a right of way over forestry land to South Retreat/Tunnel Road.

---

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

---

The site is surrounded by forest, which with the topography screens the entire operation from nearby public places.

The surrounding land is used for either forestry or agriculture. Several lifestyle properties are interspersed throughout the area as well. The closest residents are about 430m north east from the quarry.

The nearest township is Lilydale, located about 7km south east of the quarry.

The proposal is classified as a Level 2 Activity under the *Environmental Management and Pollution Control Act 1994* (EMPCA). Level 2 activities do not follow the same application process as a normal permitted or discretionary planning application.

Pursuant to Section 25 of EMPCA, Council is required to refer the application to the Environmental Protection Agency (EPA). The EPA then decides if an assessment is required, and if so, directs Council when to advertise and the length of advertising required. Post advertising, Council is then required to forward any representations to the EPA for consideration.

Once the EPA has issued its decision, Council must then make its decision within 42 days.

Council can only consider land use planning matters that are outside of the jurisdiction of the EPA's consideration. For this proposal, the main issue that Council has jurisdiction to consider are the traffic impacts arising from the proposal.

The EPA made their decision on the 11 August 2015. The EPA permit conditions address a range of environmental matters including noise, dust, blasting, decommissioning and rehabilitation, effluent disposal and hazardous substances.

---

- 8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)
- 

### **3. PLANNING SCHEME REQUIREMENTS**

#### **3.1 Zone Purpose**

##### 26.0 Rural Resource Zone

##### 26.1.1 Zone Purpose Statements

26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.

26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.

26.1.1.3 To provide for uses that add value to primary industries.

26.1.1.4 To provide for uses that support or service rural communities.

##### **Consistent**

26.1.1.1 The proposal is for the expansion to an existing hard rock quarry.

26.1.1.2 The use can only exist where the resource is suitable and accessible. The proposal if managed well can coexist with surrounding residential and other primary industry uses.

26.1.1.3 The proposal is for the expansion of a quarry that provides materials used by the construction and related industries.

26.1.1.4 The quarry facility provides local employment opportunities and material that supports road and construction industries.

---



**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

**26.3 Use Standards**

26.3.1 Location and intensity

<p>Objective: To:</p> <ul style="list-style-type: none"> <li>(a) protect the long term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated;</li> <li>(b) minimise the conversion of non-prime agricultural land to a non- primary industry uses;</li> <li>(c) ensure that non-primary industry uses are located appropriate to the zone;</li> <li>(d) discourage non-primary industry uses that can be reasonably located on land zoned for that purpose;</li> <li>(e) provide for uses that are co-located with a dwelling and are of similar intensity to a home-based business;</li> <li>(f) provide for tourism uses to enhance the experience and promotion of touring routes and natural and cultural features;</li> <li>(g) locate uses so that they do not unreasonably confine or restrain the operation of primary industry uses; and</li> <li>(h) provide for uses that are suitable in the locality and do not create an unreasonable adverse impact on existing uses or local infrastructure.</li> </ul>
<p><b>Consistent</b> The site is not suitable for intensive agriculture, however it does have a suitable rock resource that provides suitable material for the road and construction industries. Managed appropriately, the resource can be extracted without adversely impacting on surrounding residential and primary industry uses.</p>
<p>A1 If for permitted or no permit required uses.</p>
<p><b>Complies</b> Extractive industry is a permitted use.</p>
<p>A2 If for permitted or no permit required uses.</p>
<p><b>Complies</b> Extractive industry is a permitted use.</p>

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

**26.4 Development Standards**

26.4.1 Building height, setback and siting

Objective:  To ensure that: (a) buildings minimise the impact on the visual character of the area; and (b) buildings for sensitive uses do not constrain primary industry uses.
<b>Consistent</b> To meet the acceptable solution implies compliance with the objective.
A1 Building height must be no greater than: (a) 12m; or (b) 8m for dwellings.
<b>Complies</b> The site should provide toilet facilities. These are capable of meeting the acceptable solution subject to condition.
A2 Buildings, other than for sensitive uses, must be setback from a frontage: (a) no less than 30m; or (b) no less than the existing building for an extension.
<b>Complies</b> An additional dam and drains are proposed to catch sediment runoff from the extraction site prior to that water entering the nearby watercourse and roads to the new extraction sites. That infrastructure is setback greater than 30m from any boundary.  The site should provide toilet facilities. These are capable of meeting the acceptable solution subject to condition.

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to: (a) protect the safety and efficiency of the road and railway networks; and (b) reduce conflicts between sensitive uses and major roads and the rail network.
<b>Consistent</b> A Traffic Impact Assessment (TIA) from Midson Traffic was submitted with the proposal. The road network was upgraded as required by DA0523/2009, which involved upgrades to Tunnel and Bacala Roads. Since that permit, a load limit has been imposed on part of Tunnel Road. The submitted TIA concludes that the proposal can operate in a manner that satisfies the code's requirements.

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(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.
<b>Consistent</b> The proposal will not increase the daily traffic generated from the existing use, however the number of days that cartage occurs will increase. The submitted TIA, has assessed that the existing access and junctions used by the proposal are capable of being used safely and efficiently by the proposal.
A2 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 more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.
<b>Relies on Performance Criteria</b> The peak daily and peak hour activity will remain the same as the existing use due to daily production constraints. The increase in extraction will be achieved by an increase in the number of days per annum that cartage occurs. An assessment against the performance criteria is required.
P2 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.
<b>Complies</b> An increase in the number of days that cartage occurs, subject to demand, will increase. The road network to be used by the proposal, was upgraded, where required, as part of DA0523/2009. The TIA prepared by Midson Traffic, assessed the sight distances, capacity and road safety of the roads to be used by the proposal. It is covered section 4.3 of that report. No issues were identified for those junctions. Council's Infrastructure Department also raised no issues with the proposal.

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

**E4.6 Development Standards**

**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 proposal uses two junctions that are less than the acceptable solution for site distance. These are junctions are currently used by the use. The TIA submitted has assessed those junctions and has concluded that the junctions can be safely used for the scale and intensity of the use proposed.

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.

**Relies on Performance Criteria**

Table 2 on page 23 of the TIA considers the sight distances for each junction investigated. South Retreat (also known as Tunnel Road)/Quarry access and South Retreat (also known as Tunnel Road)/Yonderover Road do not have sufficient sight distances to meet the acceptable solution. An assessment against the performance criteria is required.

P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:

- (a) the nature and frequency of the traffic generated by the use;
- (b) the frequency of use of the road or rail network;
- (c) any alternative access;
- (d) the need for the access, junction or level crossing;
- (e) any traffic impact assessment;
- (f) any measures to improve or maintain sight distance; and
- (g) any written advice received from the road or rail authority.

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

**Complies**

The TIA concluded:

*'The quarry access junction with South Retreat Road falls short of the Planning Scheme SISD requirements by approximately 10 metres (shortfall of approximately 17 metres in accordance with Ausroads requirements). The layout of the junction is such that the measurements vary depending on the location that the vehicles props give way - increased site distance is available from a location back from the junction (due to curves in the road - available sight distance increases to approximately 90 metres). It is further noted that the junction has very few vehicle movements during peak periods, and that most of these movements are associated with the Quarry itself. The dominant turning movements are left-in/ right-out, with few vehicles approaching from the quarry access. For these reasons, the junction is considered safe and efficient.'*

On the basis of this assessment, the proposal is considered compliant with the performance criteria.

**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 proposes a gravelled parking area near the quarry site. This area is intended to provide for up to six car spaces.

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(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**

An excess in the car parking required by the interim scheme is proposed for the use. This is supported to meet the needs of the use.

A1 The number of car parking spaces must:

- (a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or
- (b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or
- (c) not exceed the requirements of Table E6.1 by more than 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.

**Relies on Performance Criteria**

Table E6.1 Extractive Industries require 1 space per 2 employees. The proposal proposes 6 spaces. At full capacity the proposal will employ 6 people.

The proposal does not meet part c). An assessment against the performance criteria is required.

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

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

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

- (g) the effect on streetscape; and
- (h) the recommendations of any traffic impact assessment prepared for the proposal; or

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

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

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

**Complies**

The site is entirely car dependant. Parking is required for both employees as well as visitors, which will be reliant on driving to the site. Additional onsite parking provision is viewed as beneficial in this context. The parking proposed is considered to be reasonable and is likely to meet the needs of the use rather than the scheme standard. There is plenty of scope for informal parking within the site if needed.

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.

**Complies**

The parking shown is not dimensioned, so it is difficult to determine if there is a space available that is capable of being used by persons with a disability. In any case, there is sufficient room available on site to meet the standard. A condition to that effect is recommended.

P2 No performance criteria.

**Complies**

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

**E6.5.4 Motorcycle parking**

Objective:

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

**Consistent**

Pursuant to E6.2.3.4 no motorbike spaces are required.

**E6.6 Development Standards**

**E6.6.1 Construction of parking areas**

Objective:

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

**Consistent**

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**

The proposal is capable of complying with the standard other than for the gradient of the driveway. An 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.



**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

**Complies**

The site is not level and the gradient will exceed 10% during parts of the access into the site. The access and parking exists and is functional. The surface is compacted gravel, which is a suitable surface for a rural area.

**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 proposal is capable of meeting the acceptable solution which implies compliance with the objective.

**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.**

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

**Complies**

Whilst the plans are not dimensioned, there is sufficient room available onsite to permit parking and onsite manoeuvring of vehicles in accordance with the acceptable solution. The recommended condition for car parking construction would ensure this occurs.

**E6.6.3 Pedestrian access**

**Objective:**

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

**Consistent**

Not required for the use where less than 10 parking spaces are required.

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Roads and Hydraulics	<p>The TIA and the supplementary email from Keith Midson following the Courts decision in relation to the 12 tonne load limit imposed on Tunnel Road have been accepted and there are no issues of significance raised.</p> <p>The previous permit issued for the quarry in 2011 for the increase in production required the quarry operator to contribute to the resealing of the road for the life of the quarry. It is considered that the use of a Section 71 agreement made under Part 5 of LUPA and registered on the title of the quarry site is a more appropriate mechanism to ensure this requirement is discoverable.</p>
Environmental Health	<p>This is a Level 2 premises and therefore Environmental Services have no jurisdiction in this matter apart from the appropriate disposal of human waste water. The department is concerned that no amenities are proposed on site for staff. This has the potential to cause public health and environmental issues when staff are unable to make it to Lilydale office and have to relieve themselves onsite.</p>

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Parks and Recreation	N/A
Heritage/Urban Design	N/A
Building and Plumbing	Building and plumbing permits are required for permanent toilet structures.
<b>EXTERNAL</b>	
TasWater	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	The application is classified as a level 2 activity and therefore required an assessment by the EPA. The EPA have issued a permit no. 8959, on the 11 August 2015 subject to a conditions including dust control, blasting and noise control, decommissioning and rehabilitation, effluent disposal and drainage, storage and handling of hazardous substances, and weed management. A copy of the permit is attached to this report.
Aurora	N/A

**5. REPRESENTATIONS**

Pursuant to Section 27G of the *Environmental Management and Pollution Control Act 1994*, the application was advertised for a 28 day period from the 9 May 2015 to the 6 June 2015. Four representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised that Council has jurisdiction to consider, it should be read in conjunction with the representations received which are attached to this report.

Issues raised pertaining to environmental matters are beyond Council's jurisdiction to consider. These matters have been considered by the Environmental Protection Authority, and a copy of their report and decision is attached to this report.

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

ISSUE	COMMENTS
<p>Section 2.1.4 South Retreat Road is owned and maintained by Forestry Tasmania is not correct. Forestry Tasmania owns the section of South Retreat Road that is located on the Permanent Timber Production Zone Land only.</p>	<p>The City of Launceston owns and maintains Tunnel Road/South Retreat Road to the east, beginning from the right angle bend in the road located east of the subject site.</p>
<p>Appendix D, Section 4.3.5 The access to the quarry connects to Colgraves Road. This is incorrect, it connects to South Retreat Road. By agreement with Forestry Tasmania, and the adjacent landowner share equal responsibility for the maintenance of the quarry access road. Request that the maintenance requirements from any additional load imposed on those roads are maintained to a condition that is to a satisfactory standard approved by Forestry Tasmania.</p>	<p>Noted comment about the location of the access, the plans depict the arrangement correctly. It is likely that maintenance requirements will increase with increased heavy vehicle traffic. The issue of maintenance of the access road is a matter between Forestry Tasmania and DTK Logging Pty Ltd to resolve through their agreements on the access.</p>
<p>Compliance with permit conditions</p>	<p>There were compliance issues with the permit DA0529/2009 concerning the Tunnel Road upgrades and heavy vehicle travel along a section of Tunnel Road that was not allowable for the use. These matters have been attended to. The road upgrades have been completed and a load limit has been imposed on the gravel section of Tunnel Road. The compliance issues have been resolved.</p>
<p>Questions how the daily peak traffic generation will not increase with the increase in production</p>	<p>From page 12 of the TIA, 'Whilst the overall annual production is proposed to increase, the peak daily and peak hour activity will remain the same. This is due to constraints of daily production - the size of the quarry and the production techniques utilised results in a physical limit to the daily output of the quarry. The increased annual production is a result of more frequent higher outputs when demands increase.' Therefore the daily peak will remain the same, but there will be more days that cartage can occur.</p>

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

ISSUE	COMMENTS
Quarry access unsafe	The daily truck traffic is not proposed to change other than there being more days that cartage occurs to absorb the increase in the production limit proposed. It is acknowledged that the quarry access to South Retreat Road junction is deficient in terms of site distance by 10 metres. The TIA submitted however concludes that it is still capable of being used safely, and given that the daily peak traffic generation will not change from the existing scenario, the access should be capable of handling the traffic proposed.

**6. CONCLUSION**

The proposal is for the expansion of an existing level 2 activity quarry from a maximum production capacity of 50 000m<sup>3</sup> to 200 000m<sup>3</sup>. On the 11 August 2015, the Environmental Protection Authority completed their assessment and concluded that the proposal is capable of being managed in an environmentally acceptable manner such that it is unlikely that the RMPS or EMPCA objectives would be compromised provided that the Permit conditions - environmental no. 8959 appended, are imposed and complied with.

The EPA conditions cover the various environmental matters. Notably condition N1 requires the current operating hours of 7am to 5pm Monday to Friday, 8am to 4pm Saturday and closed Sunday and public holidays to be maintained.

Pursuant to Section 25(2) of the *Environmental Management and Pollution Control Act 1994*, the Planning Authority, is not required to assess any matter addressed by the EPA's assessment. The relevant land use matters that are within the Planning Authority jurisdiction to consider in this application are the traffic impacts.

The application was accompanied by a Traffic Impact Assessment prepared by Midson Traffic. The TIA recognises the load limit imposed on Tunnel Road and concludes that the roads used by the proposal are capable of safely absorbing the increased traffic anticipated. No further upgrades to existing road infrastructure are considered necessary to support the use.

Conditional approval is recommended.

**8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)**

---

**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.

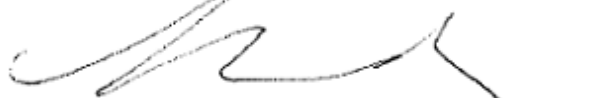
**BUDGET & FINANCIAL ASPECTS:**

N/A

**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**

---

- 8.4 337 Gundagai Road, Bangor - Extractive Industry - quarrying activity; expansion to existing quarrying activity from 50,000m<sup>3</sup> to 200,000m<sup>3</sup> (existing level 2 activity)...(Cont'd)
- 

**ATTACHMENTS:**

The following attachments have been circulated separately.

1. Locality Map
  2. Development Proposal and Environmental Management
  3. Supplementary DPEMP
  4. Environmental Assessment
  5. Representations
-

**9 ANNOUNCEMENTS BY THE MAYOR**

**9.1 Mayor's Announcements**

**FILE NO:** SF2375

---

**Tuesday 25 August 2015**

- Attended the RACT Board of Management Luncheon
- Attended the 2015 Hydro Tasmania Cocktail Party

**Wednesday 26 August 2015**

- Attended the Scotch Oakburn Opening Night Performance of Grease

**Thursday 27 August 2015**

- Officially welcomed the Tasmania Visitor Information Networks 2015 Conference
- Attended the Tasmania Visitor Information Networks 2015 Conference Official Dinner

**Wednesday 2 September**

- Officially opened the Opening Night Performance of Legally Blonde

**Thursday 3 September - Sunday 14 September**

- Attend Political Delegate Trip to China
-



**10 ALDERMEN'S REPORTS****11 QUESTIONS BY ALDERMEN**

*(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.)*

**11.1 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.)*

---

**11.1 Questions on Notice - Aldermen R I Soward and J Finlay - 24 August 2015****FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

---

**DECISION STATEMENT:**

To consider Questions on Notice raised by Alderman R I Soward and Alderman J Finlay in accordance with the requirements of Section 30 of the *Local Government (Meeting Procedures) Regulations 2015*.

---

**REPORT:**

1. Questions on Notice raised by Alderman R I Soward at the Council Meeting of 24 August 2015.

Alderman R I Soward asked:

- (a) Why have the bollards been erected in Brisbane Street near the footpath opposite Brisbane St Newsagency?

**Response:** Mr H Galea (Director Infrastructure Services)

The bollards have been erected by the proprietors of the 'Cider House', a business near the Princess Theatre, in accordance with an approved application for on-street dining. The bollards are infrastructure specified in the construction guidelines.

- (b) What options are available to Launceston residents with regards to grey water storage?

**Response:** Mrs L Hurst (Director Development Services)

Property owners may re-use grey water onsite if they obtain a special plumbing permit. Accredited systems or authorised products are the only systems and products permitted to be installed. Typically these systems are only viable in unserviced areas on bigger blocks that can deal with the irrigation of water.

Any plumbing application would require a site and soil evaluation to ensure the property could cope with the volume of grey water that would be collected for irrigation and to determine the type and size of the system to be installed.

---

**11.1 Questions on Notice - Aldermen R I Soward and J Finlay - 24 August 2015...(Cont'd)**

---

There are three different ways grey water can be used, subject to special plumbing permit approval:

1. For irrigating gardens, but must be used immediately (not stored),
2. For irrigation and stored for use but not treated (must be used within 24hrs), and
3. For irrigation and toilet flushing and stored for longer than 24hrs (must be treated in an appropriate on-site treatment system).

2. Alderman J Finlay asked:

Was there a DA required for the removal of the jetty at Windermere?

**Response:** Mrs L Hurst (Director Development Services)

Planning Officers have reviewed the map of the location of the Windermere Jetty and the applicable sections of the Launceston Interim Planning Scheme 2015. The jetty was located on land leased from the Crown and there was a permit from Parks and Wildlife to operate it. Marine and Safety Tasmania (MAST) provided support and Parks and Wildlife issued a permit for the removal of the structure. The removal of the structure was based on technical reports indicating the serious deterioration of the structure and possible imminent collapse. Some months ago advice was sought from planning and the interpretation was that no permit was necessary. However, upon a further review of the Planning Scheme it appears that a discretionary application to demolish the jetty should have been made and assessed against the relevant provisions of the Scheme. A retrospective application will therefore be required.

**ECONOMIC IMPACT:**

N/A

**ENVIRONMENTAL IMPACT:**

N/A

**SOCIAL IMPACT:**

N/A

**STRATEGIC DOCUMENT REFERENCE:**

N/A

---

11.1 Questions on Notice - Aldermen R I Soward and J Finlay - 24 August 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.

  
**Robert Dobrzynski: General Manager**

**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 Report - 2 July 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's regular meeting held on 2 July 2015.

**RECOMMENDATION:**

That Council receive the report from the Northern Youth Coordinating Committee (NYCC) meeting held on 2 July 2015.

---

**REPORT:**

The Northern Youth Coordinating Committee met on Thursday 2 July 2015 and discussed the following items:

- An update by the peak body, the Youth Network of Tasmania (YNOT) on Australian Federal Government 2015/16 youth-related budget cuts.
- Funding for national youth engagement programs has been reduced including an 80% immediate cut to National Youth Week with 100% funding reduction in 2 years. Youth engagement programs were 100% defunded including the National Youth Awards and Australian Clearinghouse for Youth Studies (provider of good practice information to the youth sector).

The State Government has confirmed \$40,000 funding has been allocated in 2015-16 to assist YNOT with organisation of the Tasmanian Youth Conference in 2015-16 and 2016-17.

- Cornerstone Youth Services overview on #switchitround, a state-wide arts-based program funded through Primary Health Network. The program is aimed at reducing alcohol and smoking rates amongst young people. A survey undertaken pre and post the program showed a positive attitude change to alcohol and tobacco. The program primarily used social media to engage with young people.
-

**12.1 Northern Youth Coordinating Committee Report - 2 July 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 advantages of the region.

**STRATEGIC DOCUMENT REFERENCE:**

Key Directions:

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.

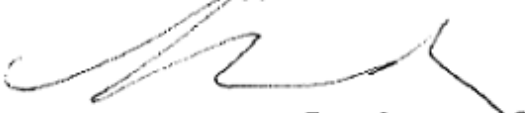
**BUDGET & FINANCIAL ASPECTS:**

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 Pedestrian and Bike Committee Meeting - 25 August 2015****FILE NO:** SF0618**AUTHOR:** Julie Tyres (Administration Officer - Roads & Hydraulics)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

---

**DECISION STATEMENT:**

To receive a report and consider a recommendation from the Pedestrian and Bike Committee.

**RECOMMENDATION:**

That Council, in respect to a report from the Pedestrian and Bike Committee meeting held on 25 August 2015, resolves to write to the Premier to urge the State Government to establish a special infrastructure fund for bicycle infrastructure to replace deleted Trails and Bikeways funding.

---

**REPORT:**

The Pedestrian and Bike Committee held a meeting on 25 August 2015 and discussed:

1. Pedestrian and Bike counts to be held on 22 September 2015.
2. Note Stronger Communities bid for drinking fountains.
3. University Trail improvements proposed:
  - East Tamar highway to Foch Street
  - Mowbray Connector
  - Goderich Street - Main Street - Forster Street crossing.

The Committee also sought that the Council write to the Premier to urge the State Government to re-establish an infrastructure funding pool for cycling.

**ECONOMIC IMPACT:**

N/A

**ENVIRONMENTAL IMPACT:**N/A

---



## 12.2 Pedestrian and Bike Committee Meeting - 25 August 2015...(Cont'd)

---

### **SOCIAL IMPACT:**

N/A

### **STRATEGIC DOCUMENT REFERENCE:**

The key directions within Council's Strategic Plan (2014-2024) which are considered relevant:

- 2.1.6 To promote active and healthy lifestyles
- 3.1.2 To improve and maintain accessibility within the City of Launceston area, including its rural areas
- 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
- 8.5.1 To strategically manage our assets, facilities and services

### **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.



**Harry Galea: Director Infrastructure Services**

## **13 COUNCIL WORKSHOPS**

Council Workshops conducted on 17 August 2015 were:

- Planning Scheme Amendments
- Contract for Sale of Land

Council Workshops conducted on 7 September 2015 were:

- Kerbside Organics and Launceston Waste Centre Composting Facility
  - Launceston Waste Centre - Waste Concession Review
-

**14 NOTICES OF MOTION**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 16(5)*

**14.1 Notice of Motion - Alderman S R F Wood - Events Funding**

**FILE NO:** SF5547/SF6274

**AUTHOR:** Anthea Rooney (Committee Clerk)

**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

**DECISION STATEMENT:**

To consider additional event sponsorship. Note that this decision requires an absolute majority of Council.

**PREVIOUS COUNCIL CONSIDERATION:**

13 July 2015 - Item 15.1 - Event Sponsorship - Round 1 2015/2016  
 24 August 2015 - Item 15.1 - Event Sponsorship - Round 2 2015/2016

**RECOMMENDATION:**

That Council determine to provide additional funding in light of the high calibre and number of applications for events funding received.

Had the threshold for funding been lower, the recommended funding amounts would have been allocated to the following events receiving the high score of 65% and greater.

	Round	Score	Request	Recommendation	
Chilli Skyfire	2	69%	\$10,000	75% of \$10,000	\$7,500
Festival of Voices	2	67%	\$20,000	75% of \$20,000	\$15,000
Fusion Advent Pagent	1	65%	\$5,000	75% of \$5,000	\$3,750
				Total	\$26,250

**REPORT:**

Due to events funding rounds one and two being exhausted these three events missed out on funding. However they all scored 65% and above, obviously they are worthy of support. These events are proven performers that fit the criteria adding vibrancy, social and economic benefit to our city. These events represent interest groups from a broad cross section of the Launceston community.

**14.1 Notice of Motion - Alderman S R F Wood - Events Funding...(Cont'd)**

**OFFICER COMMENTS:**

Mrs L Hurst (Director Development Services) and Ms A Walsh (Grants and Sponsorship Officer):

A total of six events (across Event Sponsorship Rounds 1 and 2) received a score >50% but were not recommended to receive funding as a result of the budget allocation (i.e. \$85,000 per round) being fully expended.

The table below provides details of percentages received and what the individual recommendations would have been had sufficient funds been available within the 2015/2016 Event Sponsorship budget.

Organisation	Round	Event	Agreed SPL	%	Maximum \$ (based on %)
Fusion Australia	1	Launceston Advent Pageant	1	65	\$3,750
Down Syndrome Tasmania	1	Step Up For Down Syndrome	1	58	\$1,000
Chilli FM	2	Chilli Skyfire	2	69	\$7,500
Festival of Voices	2	Festival of Voices	3	67	\$11,250
St Giles Society	2	Balfour Burn for St. Giles	1	56	\$2,500
Opcon Pty Ltd	2	The Basin Concert	2	55	\$5,000
<b>Total</b>					<b>\$31,000</b>

It should be noted that the final SPL for any event is determined by the assessment panel and may differ from the request contained in the application.

Mrs L Purchase (Governance and Planning Coordinator):

The following information is provided in accordance with Regulations 18(2) and (3) of the *Local Government (Meeting Procedures) Regulations 2015*.

This Notice of Motion would involve four decisions. Two of these decisions (1 and 2 below), if resolved in the affirmative, would overturn part of previous decisions by the Council.

1. A decision to partly rescind a decision from 13 July 2015 (Item 15.1) in so far as it explicitly stated that funding would not be provided to Fusion Advent Pageant. This decision requires an absolute majority of the Council.
2. A decision to partly rescind a decision from 24 August 2015 (Item 15.1) in so far as it explicitly stated that funding would not be provided to Chilli Skyfire and Festival of Voices. This decision requires an absolute majority of the Council.

**14.1 Notice of Motion - Alderman S R F Wood - Events Funding...(Cont'd)**

---

3. A decision in regard to the Motion proposed by Alderman S R F Wood.
4. A decision to amend the Council statutory budget by increasing operating expenses by the approved amount. This decision would also require an absolute majority of the Council.

While not specifically required by the decision of 13 July 2015, Fusion Australia (for the Fusion Advent Pageant) was advised by email dated 21 July 2015 that their application for event sponsorship was unsuccessful. Similarly, Chilli FM (for Chilli Skyfire) and Festival of Voices were advised by email dated 1 September 2015 that their applications for event sponsorship were unsuccessful.

**ECONOMIC IMPACT:**

N/A

**ENVIRONMENTAL IMPACT:**

N/A

**SOCIAL IMPACT:**

N/A

**STRATEGIC DOCUMENT REFERENCE:**

N/A

**BUDGET & FINANCIAL ASPECTS:**

Mr Michael Tidey (Director Corporate Services):

The motion requires the allocation of additional funds to the Events budget. It is not possible at this early stage in the 2015/2016 financial year to be able to confirm the availability of funds for the reallocation within the existing budget (the preferred approach). Therefore, it would be necessary to amend the Council statutory budget by increasing expenses with the funding to be provided by reserves from the favourable cash variance in the 2014/2015 operating results.

The budget adjustment consideration of this item has been approved by Mr Michael Tidey (Director Corporate Services).

---


14.1 Notice of Motion - Alderman S R F Wood - Events Funding...(Cont'd)

---

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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

  
**Robert Dobrzynski: General Manager**

**ATTACHMENTS:**

1. Notice of Motion - Alderman S R F Wood - Events Funding
-

CITY OF LAUNCESTON

MEMORANDUM

FILE NO: SF5547 / SF6274  
 SW  
 DATE: 3 September 2015

TO: Robert Dobrzynski General Manager  
 c.c. Committee Clerks

FROM: Simon Wood Alderman

**SUBJECT: Notice of Motion - Events Funding**

In accordance with Clause 16 (5) of the *Local Government (Meeting Procedures) Regulations 2015* please accept this Notice of Motion for placement on the agenda of the Meeting of Council to be held on 14 September 2015.

**Motion**

That Council determine to provide additional funding in light of the high calibre and number of applications for events funding received.

Had the threshold for funding been lower, the recommended funding amounts would have been allocated to the following events receiving the high score of 65% and greater.


	Round	Score	Request	Recommendation
Chilli Skyfire	2	69%	\$10,000	75% of \$10,000 = \$7,500
Festival of Voices	2	67%	\$20,000	75% of \$20,000 = \$15,000
Fusion Advent Pagent	1	65%	\$5,000	75% of \$5,000 = \$3,750
				Total = \$26,250

**Background**

Due to events funding rounds one and two being exhausted these three events missed out on funding. However they all scored 65% and above, obviously they are worthy of support. These events are proven performers that fit the criteria adding vibrancy, social and economic benefit to our city. These events represent interest groups from a broad cross section of the Launceston community.

**Attachments**

Nil



**Alderman Simon Wood**

**15 DEVELOPMENT SERVICES DIRECTORATE ITEMS****15.1 Environmental Services Department - Appointment as Authorised Officer****FILE NO:** SF0113**DIRECTOR:** Leanne Hurst (Director Development Services)

---

**DECISION STATEMENT:**

To appoint a new employee within the Environmental Services Department as an Authorised Officer for the purpose of various legislation and Council by-laws.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

That Council appoints the following employees referred to in column one of the schedule, as Authorised Officers, to conduct the function and powers of various Legislation listed in column two of the schedule and subject to conditions (if any) referred to in column three of the schedule.

---



**15.1 Environmental Services Department - Appointment as Authorised Officer...(Cont'd)**

Authorised Officer	Powers / Functions	Conditions (if any)
Deborah Fortuin - Manager Environmental Services	<p>Local Government Act 1993</p> <ul style="list-style-type: none"> <li>• S20A Power of Entry</li> <li>• S237 Authentication of certain documents</li> <li>• S200 Abatement Notices</li> <li>• S240 Appearance in Court</li> </ul> <p>Environmental Management and Pollution Control Act 1994</p> <ul style="list-style-type: none"> <li>• S21 Council Officer</li> </ul> <p>Public Health Act 1997</p> <ul style="list-style-type: none"> <li>• S11 Appointment as an Environmental Health Officer</li> </ul> <p>Food Act 2003</p> <ul style="list-style-type: none"> <li>• S101 Appointment as Authorised Officer</li> </ul> <p>Dog Control Act 2000</p> <ul style="list-style-type: none"> <li>• S82 - Appointment as Authorised Officer</li> </ul> <p>Appointment as an authorised officer under Council By-Laws.</p>	<p>Notes:</p> <p><sup>1</sup> A matter may be referred to Council for decision where an Officer is of the opinion that the decision should be made by the Council.</p>

**REPORT:**

Various Legislation relating to the environmental services tasks require that Council or the General Manager appoint an officer as an Authorised Officer to fulfil the powers and functions of the Acts.

**15.1 Environmental Services Department - Appointment as Authorised Officer...(Cont'd)**

---

**ECONOMIC IMPACT:**

Not applicable for this item.

**ENVIRONMENTAL IMPACT:**

Not applicable for this item.

**SOCIAL IMPACT:**

Not applicable for this item.

**STRATEGIC DOCUMENT REFERENCE:**

Not applicable for this item.

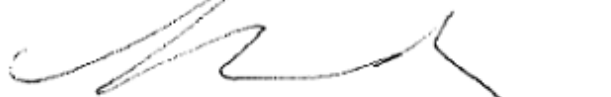
**BUDGET & FINANCIAL ASPECTS:**

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**

---

**16 FACILITIES MANAGEMENT DIRECTORATE ITEMS**

No Items have been identified as part of this Agenda.

**17 QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS**

No Items have been identified as part of this Agenda.

---

**18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS****18.1 Petition - 21 Clyde Street, Invermay****FILE NO:** SF1291/0608**DIRECTOR:** Harry Galea (Director Infrastructure Services)

---

**DECISION STATEMENT:**

To inform the Council on the actions undertaken on a petition seeking to introduce a two-hour non-residential parking limit and two speed humps in Clyde Street Invermay.

**PREVIOUS COUNCIL CONSIDERATION:**

Item 13.1 Council Meeting Monday 24 August 2015

The Council received a petition from Mr Steve Walter, Mr Brian Fisher and Mrs Kelly Fisher seeking to introduce non-residential parking and traffic controls along Clyde Street.

**RECOMMENDATION:**

That Council, in accordance with Section 60 (2) (b) of the *Local Government Act 1993*, confirms the action taken by the Infrastructure Services Directorate in reply to the petition received from Mr Steve Walter, Mr Brian Fisher and Mrs Kelly Fisher to introduce a two-hour non-residential parking limit and two speed humps in Clyde Street, Invermay.

---

**REPORT:**

The Council at its 24 August meeting received a petition seeking to introduce a residential parking scheme and speed humps along Clyde Street, Invermay. The petition was referred to the Infrastructure Services Directorate for action.

In accordance with the *Local Government Act 1993* the Council is to receive a report within 42 days of tabling the petition to determine or confirm any action taken.

Enclosed as Attachment 1 is a letter to the organisers of the petition outlining the decision on the residential parking scheme and as Attachment 2, a letter reporting on the traffic investigations relating to a request to install speed humps.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

---

**18.1 Petition - 21 Clyde Street, Invermay...(Cont'd)**

---

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

The social and amenity impacts within the street appear to be as a result of the high number of vehicles within and parked outside 18 Clyde Street. The petition seeks to control this Social Impact by introduction of a Residential Parking Scheme and Traffic Controls. Essentially it is a Land-Use which was investigated by the Council's Planning Department but considered to be within the requirements of the Launceston Planning Scheme.

**STRATEGIC DOCUMENT REFERENCE:**

The key direction within 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.

**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 to Mr S Walter and Mr Brian & Mrs Kelly Fisher (25 August 2015)
  2. Letter to Mr S Walter and Mr Brian & Mrs Kelly Fisher (4 September 2015)
-

**Attachment 1**

File No: SF1291/0608  
HG:dp

25 August 2015

Steve Walter  
17 Clyde Street  
**INVERMAY TAS 7248**

Brian and Kelly Fisher  
19 Clyde Street  
**INVERMAY TAS 7248**

Dear Mr Walter and Mr & Mrs Fisher

**Clyde Street - Petition to Install Residence Parking Scheme and Speed Humps**

I refer to your petition tabled at the Council's meeting of 24 August 2015 seeking the installation of a resident's parking scheme and speed humps along Clyde Street, Invermay.

The petition has been referred to the Infrastructure Services Directorate to investigate and respond. Please find attached a copy of the Council's Residential Parking Permit Policy (32-PI-003) which is the principle document to determine when implementation of a scheme is warranted. Unfortunately Clyde Street does not qualify for a permit controlled parking scheme. The essential deficiency is that all properties have the ability to park two or more vehicles on their property.

The other issue the petition raises seeks to install a number of speed humps along the street. It is our view that given that the street is a cul-de-sac and only 300m long, it is very improbable that the Council would install speed humps. There are two reasons for this - firstly speed humps are generally used to calm the speed of all traffic and it is difficult to comprehend that the vast majority of users are above the legal limit. This then leaves using speed humps to control an irresponsible few - in these cases speed humps are not the answer, but instead better enforcement is required by the Police.

Before we determine a final position on this I propose to erect a traffic counter that measures speed and volume which will confirm the pattern of usage. I shall provide a further response on this issue in the next 2-3 months once we have undertaken the research.

.../2

---

Thank you for raising these matters with the Council.

As the organisers 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](mailto:Harry.Galea@launceston.tas.gov.au)

**Attachment:**

1 Residential Parking Permit (32-PI-003)

**Copy:**

1 Engineer - Traffic & Development, Uriel Walters  
2 Engineering Officer - Traffic, Nigel Coates

---

**Attachment 2**

File No: SF1291/0608  
HG:dp

4 September 2015

Steve Walter  
17 Clyde Street  
**INVERMAY TAS 7248**

Brian and Kelly Fisher  
19 Clyde Street  
**INVERMAY TAS 7248**

Dear Mr Walter and Mr & Mrs Fisher

**Clyde Street - Traffic Management Request**

I refer to your petition and the Council's reply of 25 August 2015 which indicated that we will undertake to install a traffic counter to determine the behaviour of the traffic.

A traffic classifier was installed over the period 27 August to 2 September - a week long period. The data indicates that the 85th percentile speeds (i.e. the speed reflecting 85% of drivers) for both directions are much less than 50km/h and the percentages of vehicles exceeding 50km/h are also relatively low. There was a very small number of vehicles travelling at concerning speeds, but the number are so low that even if referred to the Police they would be treated at the lowest of priority.

We have also obtained the State Government's crashes database and find that there has only been one crash (property damage only) in Clyde Street in the last 5 years, and that involved someone reversing out of a driveway and hitting a parked car. There were another 3 property damage only parking related crashes between 2001-2010.

Based on the traffic data and crash history, I see no justification for installing any traffic calming devices in Clyde Street. The only thing I would suggest is that anyone repeatedly speeding in Clyde Street is likely to be a resident of the street and other residents are encouraged to report these to Tas Police to deal with these individuals. Even if the Police do not catch them in action we understand that the Police will visit offending drivers to give them a friendly warning, which on the majority of occasions has the desired effect.

Thank you for raising your concerns with the Council. Can you please inform the other signatories of the petition 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](mailto:Harry.Galea@launceston.tas.gov.au)

**Attachment:**

1 Clyde Street - Traffic Analysis summary

**Copy:**

1 Engineer - Traffic & Development, Uriel Walters

2 Engineering Officer - Traffic, Nigel Coates

---

Traffic Counts for 27 August to 3 September, 2015

2 Clyde St Eastbound

2 Clyde St Westbound

2 Clyde St 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	0	1	43.0	2	3	33.7	2	3	38.4
1 - 2	0	2	39.2	1	2	37.0	1	4	38.1
2 - 3	0	1	41.0	0	0	32.0	1	1	36.5
3 - 4	0	1	37.0	0	1	36.0	0	2	36.5
4 - 5	0	1	35.0	0	3	38.3	0	4	36.7
5 - 6	1	1	41.8	2	1	25.3	3	2	33.6
6 - 7	6	2	36.5	2	1	46.5	7	2	41.5
7 - 8	6	5	41.4	1	2	38.7	7	7	40.1
8 - 9	15	7	45.6	7	2	46.5	22	9	46.1
9 - 10	11	6	44.1	9	3	42.7	20	9	43.4
10 - 11	11	8	40.0	9	4	39.5	19	11	39.8
11 - 12	16	11	43.0	15	10	49.8	31	21	46.4
12 - 13	12	10	43.0	13	10	43.2	25	20	43.1
13 - 14	9	12	44.3	12	12	43.3	21	23	43.8
14 - 15	12	12	51.5	13	15	42.3	26	27	46.9
15 - 16	13	9	44.7	16	11	47.7	28	19	46.2
16 - 17	13	8	49.8	16	7	47.0	30	14	48.4
17 - 18	12	7	47.3	16	10	45.5	28	17	46.4
18 - 19	10	5	47.3	12	7	46.0	21	12	46.7
19 - 20	8	7	47.3	6	5	41.7	14	12	44.5
20 - 21	2	4	40.7	5	5	42.7	8	9	41.7
21 - 22	3	2	41.7	5	4	50.3	8	6	46.0
22 - 23	4	3	47.9	3	3	40.7	7	6	44.3
23 - 24	1	2	39.5	2	2	41.8	3	4	40.7

<b>Average Daily Traffic</b>	<b>152</b>	<b>154</b>	<b>306</b>
------------------------------	------------	------------	------------

<b>Heavy Vehicles</b>	<b>3.96%</b>	<b>3.81%</b>	<b>3.89%</b>
-----------------------	--------------	--------------	--------------

<b>Peak Hourly Volume</b>	<b>21</b>	<b>24</b>	<b>45</b>
---------------------------	-----------	-----------	-----------

<b>Posted Speed Limit</b>	50 km/h	50 km/h	50 km/h
<b>85th Percentile Speed</b>	45.0 km/h	44.6 km/h	44.8 km/h
<b>Maximum Speed</b>	71 km/h	88 km/h	88 km/h

<b>Vehicles Above 50km/h</b>	74 6.88%	66 5.90%	140 6.38%
<b>Vehicles Above 60km/h</b>	4 0.37%	11 0.98%	15 0.68%
<b>Vehicles Above 70km/h</b>	1 0.09%	3 0.27%	4 0.18%

**18.2 Proposed Street Name - Barnards Way****FILE NO:** SF0621; DA0468/2013**DIRECTOR:** Harry Galea (Director Infrastructure Services)

---

**DECISION STATEMENT:**

To consider a new street name within the Inveresk site.

**PREVIOUS COUNCIL CONSIDERATION:**

Council Meeting 19 June 1995 - Item 9 - Glebe Bypass Road Naming

Decision: The name Barnard Drive being submitted to the nomenclature board for approval and to adjacent municipal areas to ensure no conflict with existing street names.

Council Meeting 17 July 1995 - Item 17

Decision 2: Council suggest to the Better Cities committee that an appropriate road or street in the Better Cities site be named after Lance Barnard.

**RECOMMENDATION:**

That pursuant to the provisions of the *Local Government (Highways) Act 1982* and *Survey Co-ordination Act 1944*, the Council resolves to approve the name Barnards Way for the new public street off Invermay Road that is made a public road by virtue of the sealed plan SP169278.

---

**REPORT:**

The development application DA0468/2014 for the subdivision of land to create two development lots within the Inveresk Precinct included the creation of a road title for the purposes of creating public road frontage for the two development lots, one of which is being currently developed for UTAS student accommodation.

The road title is essentially coincident with the existing construction of the private roadway and footpath from the Invermay Road roundabout along the main access and incorporating the narrower roadway between the new lots and the circular car parking area.

The name Barnards Way is derived from a desire by the Council in 1995 to recognise the then politician Lance Barnard's contribution toward the development of the Better Cities site (former rail yards) Refer previous Council consideration 17 July 1995 - Item 17.

---

**18.2 Proposed Street Name - Barnards Way...(Cont'd)**

---

This name has been used by the York Park Inveresk Precinct Authority for many years however it has never been approved as an official street name. Despite the accepted informal use of the name, it is appropriate that Barnards Way be subject to the same approval process as all new street names.

It is therefore acknowledged that there is a Barnards Road located at Underwood off Lilydale Road. This road was located in the Lilydale municipality and became part of the Launceston municipality as a result of the amalgamations in the mid 1980's. At the time of the previous Council consideration in 1995, Aldermen were aware of the duplication and given the use of a different generic terms (ie Drive vs Road) was considered acceptable. A further point of differentiation is that Barnards Way is within the urban area while Barnards Road is rural.

Neighbouring Councils have advised that there is no duplication of the name within their municipalities.

**ECONOMIC IMPACT:**

This decision has no economic impact.

**ENVIRONMENTAL IMPACT:**

This decision has no environmental impact.

**SOCIAL IMPACT:**

This decision has no social impact.

**STRATEGIC DOCUMENT REFERENCE:**

The key direction within 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:**

N/A

---

**18.2 Proposed Street Name - Barnards Way...(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.

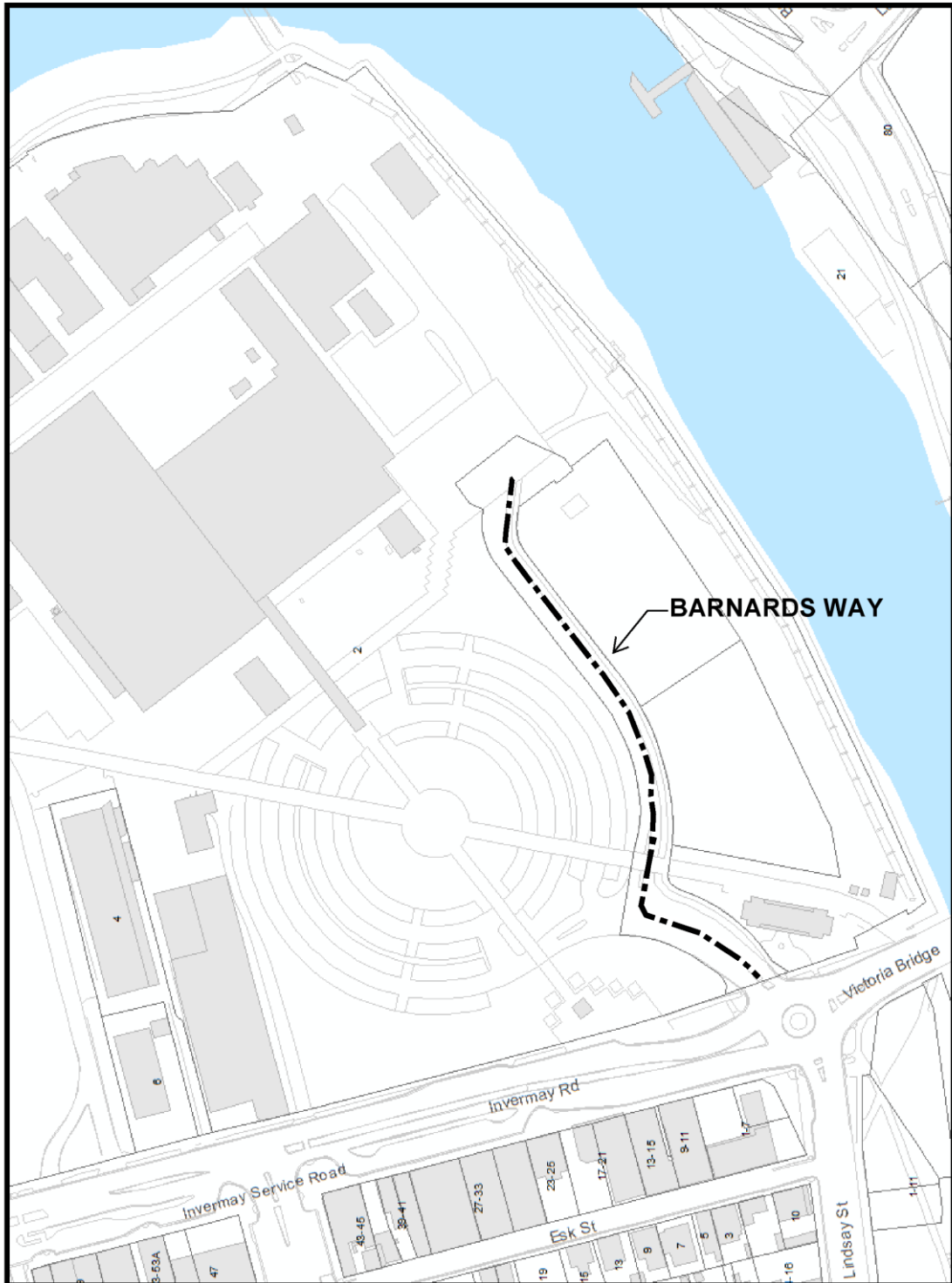


**Harry Galea: Director Infrastructure Services**

**ATTACHMENTS:**

1. Location plan - Barnards Way
-

Location plan - Proposed street name - Barnards Way



**18.3 Heritage Forest - Pedal Buggy Proposal****FILE NO:** SF0830**AUTHOR:** Andrew Smith (Parks and Recreation Manager)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

---

**DECISION STATEMENT:**

To consider a proposal to operate pedal buggies in Heritage Forest.

**PREVIOUS COUNCIL CONSIDERATION:**

SPPC Meeting 7 September 2015 - Item 4.1

**RECOMMENDATION:**

That Council agrees to issue a licence permit for five (5) years to Dry Slopes Pty Ltd for operating up to a maximum of 12 pedal buggies on approved tracks in Heritage Forest subject to the licensee:

- a) maintaining \$20 million in public liability insurance;
  - b) complying with all relevant safety standards;
  - c) payment of an annual licence fee determined as Year 1 - \$200; Year 2 - \$300; Year 3 - \$400; Year 4 - \$500 and Year 5 - \$500;
  - d) providing adequate supervision to ensure the safe operation of the equipment;
  - e) obtaining planning approval for the placement of a shipping container; and
  - f) paying for the installation of any changes to path signage, bridges, bollards or other structures required for the operations.
- 

**REPORT:**

Council recently received a letter seeking a licence for the operation of pedal buggies for hire in Heritage Forest as an addition to the operation of Sliders Tube Park. The pedal buggies would be stored within the area currently leased to Dry Slopes Pty Ltd, the owners of Sliders Tube Park but will operate within the broader Heritage Forest on specified gravel paths.

---

**18.3 Heritage Forest - Pedal Buggy Proposal...(Cont'd)**

---

The concept was presented to a meeting of the Heritage Forest Advisory Committee on 3 June 2015 where the proposal was supported in principle by the committee as it provided another active recreation opportunity within the park. The committee also noted the activity would need to be managed appropriately so that it would fit in with the existing recreational activities such as dog walking and bicycle riding. Consideration was also given by the committee to the identification and signage of suitable paths within the forest with sufficient width and sight distances suitable for the maximum speed of the buggies.

Dry Slopes Pty Ltd have proposed two routes, a 30 minute and a 20 minute course all to the North of the soccer grounds and both operating only on the formed gravel roads. In the absence of slopes, speeds will be similar to a slow bicycle and they already have the necessary infrastructure in place to support the activity i.e. office, kiosk, toilets and car park and would only require an additional shipping container for storage. The applicant proposes to commence operations with 5 units, 3 x four seaters (2 adults & 2 children) and 2 x two seaters (2 adults or 2 children) and expand over time to a maximum of 12 units. Any additional signage or changes to existing infrastructure required as a result of the activity will be paid for by the applicant and the applicant will be required to provide appropriate supervision to ensure the safe operation of the pedal buggies.

Valuers have determined that a suitable licence fee would be in the order of \$1,000 per annum with CPI increases each year (Attachment 1). Russ Jackson has reviewed this valuation report and believes some factors have not been taken into account, for example the seasonal and exploratory nature of the concept which is only feasible as an extension of their existing operation and on suitable days. Dry Slopes Pty Ltd has proposed a commercial return to Council in the form of an annual license fee and has stated:

*"It would be financially unsustainable to pay \$1,000 per annum in rent given the above limitations and the fact that we have to fund any modifications from signage to bollards to support the activity. I would prefer to see a performance based fee as per a concession in a National Park, and propose a base rate of \$100 per annum plus 5% of gross which may be subject to an annual CPI increase in the base rate".*

There is sympathy for the company's position given any estimation of usage is a complete guess. Although there are a few licences where rental values are based on gross income, this form of measurement is not favoured. ISD's primary objective is to encourage more and varied recreational products, for all our parks and reserves - this proposal matches this objective - and income is a secondary consideration (particularly given there are no capital or additional operating costs that fall onto the Council).

An alternative to using gross income is a phased in approach during the first licence period. The aspirational goal is to apply the valuer's licence fee beginning the renewal licence. If this approach is supported then a copy of each year's audit income will be required to provide the background usage information that will assist the valuer when determining the licence fee following the inaugural licence.

---



**18.3 Heritage Forest - Pedal Buggy Proposal...(Cont'd)**

---

The suggested phased in licence fee is proposed:

Year 1	\$200
Year 2	\$300
Year 3	\$400
Year 4	\$500
Year 5	\$500

**ECONOMIC IMPACT:**

This proposal would have a minor positive economic impact.

**ENVIRONMENTAL IMPACT:**

This proposal will have no negative environmental impact.

**SOCIAL IMPACT:**

This project will have a positive social impact by encouraging active recreation including group participation.

**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.
- 2.1.6 To promote active and healthy lifestyles.

**BUDGET & FINANCIAL ASPECTS:**

Payment of an annual licence fee determined as Year 1 - \$200; Year 2 - \$300; Year 3 - \$400; Year 4 - \$500 and Year 5 - \$500

---

**18.3 Heritage Forest - Pedal Buggy 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. Opteon Valuation Report (distributed electronically)
-

**18.4 84 Gibson Street - Exchange of Easements****FILE NO:** 110360/DA0497/2013**AUTHOR:** Robert Holmes (Property Coordinator)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

---

**DECISION STATEMENT:**

To consider a request to exchange interests in land.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

In respect to a request made by RV Pty Ltd to exchange a right of way and service easement associated with Mt Pleasant Detention Basin, and in accordance with section 177 of the *Local Government Act* 1993, Council resolves to an exchange of interests in land as follows:

- A Right of Way and Services Easement variable width as shown the plan marked Attachment A (ECM # 3567606) having an area of 754m<sup>2</sup> in favour of Council is to be created by subdivision process as per the plans approved under DA0497/2013 and
- A Right of Way and Services Easement 4 metres wide as shown on the plan marked Attachment B (ECM # 3567607) having an area of 622m<sup>2</sup> is to be released to R V Pty Ltd by way of an Instrument under Section 108 of the Land Titles Act 1980.

Consideration for the exchange of interests is that RV Pty Ltd is to pay Council the sum of \$850 (plus GST if applicable) and to reimburse Councils expenses in obtaining valuation advice being the sum of \$400 plus GST. RV Pty Ltd is to meet the cost of registration of the dealing.

---

**REPORT:**

Council has a flood mitigation facility at Kings Meadows being the Mt Pleasant Detention Basin. Tenure to the detention basin is provided by a Drainage Easement within the title to 9 Luxmore Place being CT 163959 folio 1. Technical access to the Mt Pleasant Detention Basin is currently provided by a right of way and service easement located within the title to property known as "Mt Pleasant Estate" being 84 Gibson Street as contained CT 167608 folio 503 as shown on the plan marked Attachment B.

---

**18.4 84 Gibson Street - Exchange of Easements...(Cont'd)**

---

The "Mt Pleasant Estate" development proposed that relocation of the existing right of way and service easement would achieve more efficient utility of their land. A subdivision permit DA0497/2013 issued under delegated authority approved the proposal to relocate the easement and right of way from its current location to an alternate location as shown on the plan marked Attachment A.

The approved permit provided the following condition;-

*"21. Permit to amend a sealed plan.*

*Prior to the sealing of the final plan of survey for Stage 7, the developer must lodge a petition to amend a sealed plan to remove the existing right of way from the title which provides access to the Mount Pleasant Dam."*

The developer has complied with this condition by lodging the petition to amend a "sealed plan" pursuant to Section 103 of the Local Government (Building & Miscellaneous Provisions) Act 1993. However, the Land Titles Office subsequently advised that the right of way and service easement should be released by way of an application under Section 108 of the Land Titles Act 1982 being an "Instrument Releasing Easement or Profit a Prendre"

Regardless of whether the transfer mechanism is by way of "petition" or by "release of interest" legal advice is that where Council has the benefit of such interest both mechanisms should be treated as a disposal of an interest in land.

Disposal of an interest in land requires that Council obtain valuation advice in compliance with Section 178 of the Local Government Act 1993. The valuation advice indicates that compensation for the exchange of interests is that Council should be paid the sum of \$850 plus GST with the developer paying all costs associated with the transfer. This forms the basis of the recommendation.

**ECONOMIC IMPACT:**

Consideration for the exchange interest in land has been determined by valuation process.

**ENVIRONMENTAL IMPACT:**

N/A

**SOCIAL IMPACT:**

N/A

---

**18.4 84 Gibson Street - Exchange of Easements...(Cont'd)**

---

**STRATEGIC DOCUMENT REFERENCE:**

N/A

**BUDGET & FINANCIAL ASPECTS:**

Proceeds will be credited to Sundry Income.

**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.

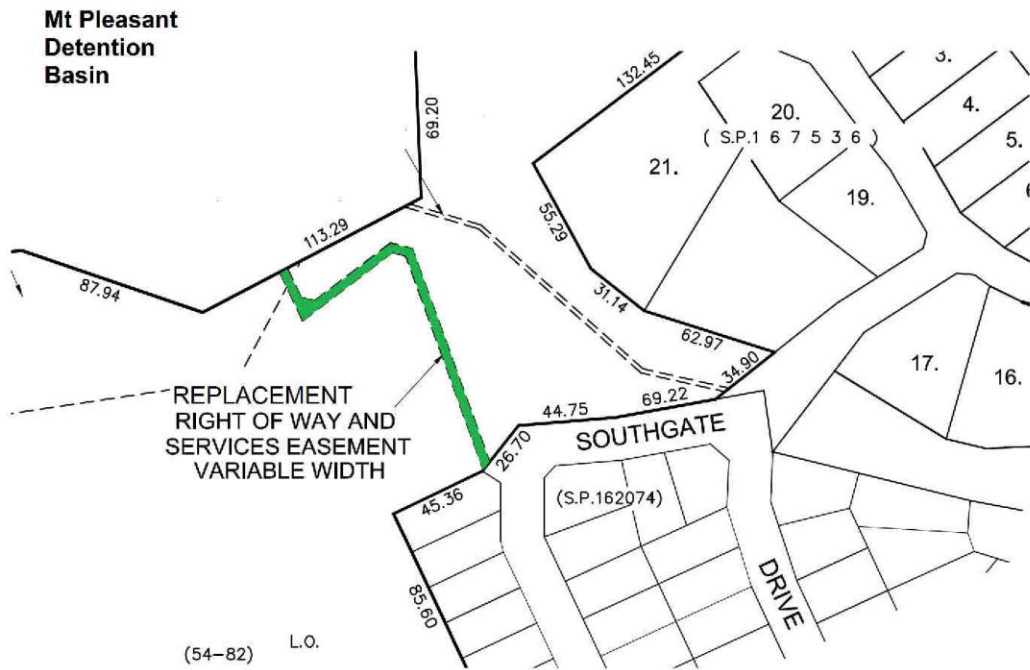


**Harry Galea: Director Infrastructure Services**

**ATTACHMENTS:**

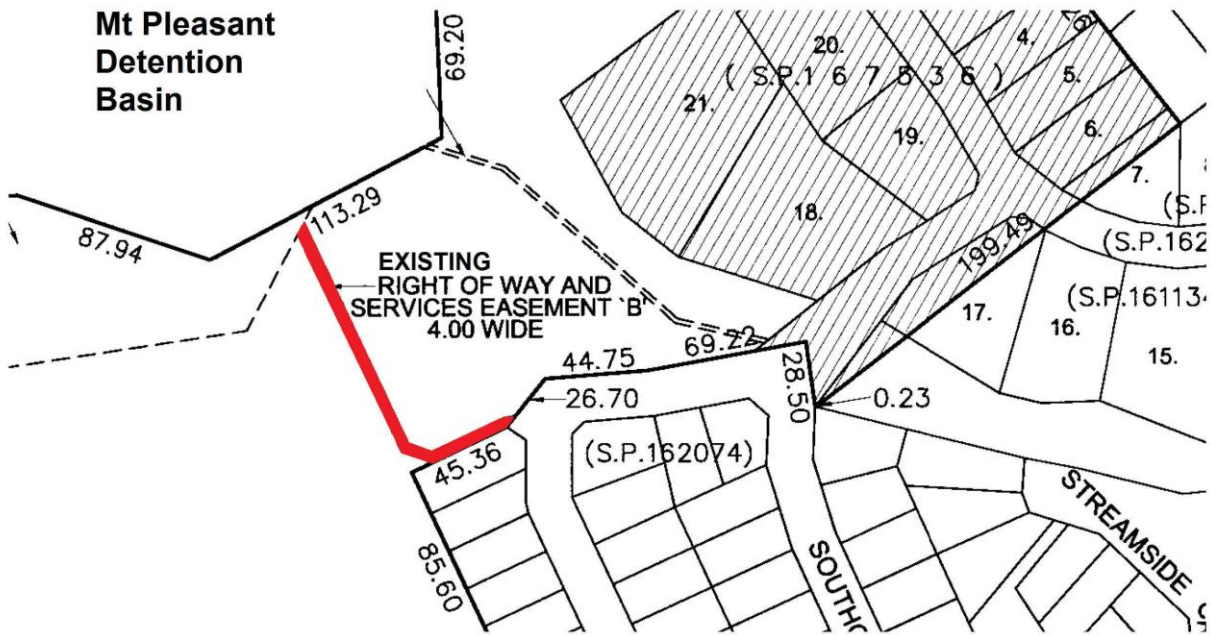
1. Replacement Right of Way and Service Easement (Attachment A)
  2. Existing Right of Way and Services Easement being released (Attachment B)
-

**Attachment A**



**Replacement Right of Way and Services Easement**

**Attachment B**



**Existing Right of Way and Services Easement to be removed**

**18.5 351 Golconda Road - Part Acquisition****FILE NO:** SF1491/26594**AUTHOR:** Robert Holmes (Property Coordinator)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

---

**DECISION STATEMENT:**

To consider a request to reach agreement in regard to compensation.

**PREVIOUS COUNCIL CONSIDERATION:**

Council Item 18.1 - 23 March 2015

Council resolved to compulsorily acquire land for road widening purposes.

**RECOMMENDATION:**

In respect of the decision to compulsorily acquire 4889m<sup>2</sup> of land from the owners of 351 Golconda Road for road widening purposes, the Council resolves to increase the offer of compensation to \$8555.75 plus legal survey and transfer expenses for an acquisition by agreement in accordance with Section 9 of the *Land Acquisition Act 1993*.

---

**REPORT:**

Following on from the meeting of 23 March 2015 negotiations with the affected property owners have been continuing. The current situation is that the owners do not agree that the Council's valuation advice and offer to acquire by agreement, represents fair compensation.

Prior to Agenda Item 18.1 of 23 March 2015 preliminary discussions were held between the property owners and other officers of Council. In good faith an indicative rate was provided based on a pro-rata apportionment of the government valuation held by the Council. The pro-rata rate created an expectation by the owners that total compensation should amount to \$12,222.50 whereas the Council's valuation advice was that compensation should be the sum of \$4,889.00 (plus expenses).

In the event that voluntary agreement cannot be reached the Council can take the land in accordance with Part 2 Division 3 of the *Land Acquisition Act 1993* and with compensation determined in accordance with Parts 3 and 4 of the *Land Acquisition Act 1993*.

---



**18.5 351 Golconda Road - Part Acquisition...(Cont'd)**

---

Rather than have the Council take the land by compulsory process the owners would be prepared to reach agreement at a compromise figure of \$8555.75 plus legal survey and transfer expenses and is the recommended option.

**ECONOMIC IMPACT:**

N/A

**ENVIRONMENTAL IMPACT:**

N/A

**SOCIAL IMPACT:**

N/A

**STRATEGIC DOCUMENT REFERENCE:**

N/A

**BUDGET & FINANCIAL ASPECTS:**

Adequate funds are available within the Golconda Road Project No CP.21727.1000. The capital construction and project management costs for the project to date are \$473,602.00. Hence the land compensation amount of \$8555.75 represents less than 2% of the project cost.

**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**

---

**19 CORPORATE SERVICES DIRECTORATE ITEMS**

**No Items have been identified as part of this Agenda.**

**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**

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 Leave of Absence Application - Alderman****RECOMMENDATION:**

That Agenda Item 22.2 be considered within Closed Council pursuant to the authority contained within Regulation 15(2)9h) 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**

---