



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
TUESDAY 27 JANUARY 2015**

City of Launceston

COUNCIL AGENDA

Tuesday 27 January 2015

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

Date: 27 January 2015

Time: 1.00 pm

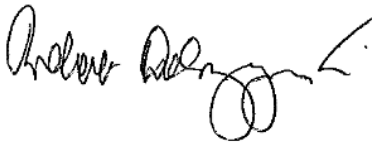
Section 65 Certificate of Qualified Advice

Background

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

Declaration

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



Robert Dobrzynski
General Manager

City of Launceston

COUNCIL AGENDA

Tuesday 27 January 2015

Present: **Alderman** **A M van Zetten (Mayor)**
 R I Soward (Deputy Mayor)
 R L McKendrick
 R J Sands
 D H McKenzie
 J G Cox
 D C Gibson
 J Finlay
 D W Alexander
 A E Dawkins
 S R F Wood
 E K Williams

In Attendance: **Mr R S Dobrzynski (General Manager)**
 Mr J Davis (Manager Corporate Strategy)
 Mrs L Hilkmann (Committee Clerk/Admin Officer)

Apologies: **Alderman** **Nil**

ORDER OF BUSINESS

Item No	Item	Page No
1	OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES	1
2	DECLARATION OF PECUNIARY INTERESTS	1
3	CONFIRMATION OF MINUTES	1
4	DEPUTATION	1
5	ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME	1
6	PUBLIC QUESTION TIME	1
7	PLANNING AUTHORITY	2
7.1	Dispensation 8 to the Launceston Interim Planning Scheme 2012 to rezone five (5) residential titles - 76 Hobart Road, 74 Hobart Road, 1 Machen Street and 3-5 Machen Street - from the Inner Residential Zone to the Commercial Zone	2
7.2	80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance	13
7.3	40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks	35
7.4	85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages	100
8	ANNOUNCEMENTS BY THE MAYOR	141
8.1	Mayor's Announcements	141

City of Launceston

COUNCIL AGENDA

Tuesday 27 January 2015

Item No	Item	Page No
9	ALDERMEN'S/DELEGATES' REPORTS	143
10	QUESTIONS BY ALDERMEN	143
11	COMMITTEE REPORTS	144
11.1	QVMAG Museum Governance Advisory Board Committee Meeting 26 November 2014	144
11.2	Municipal Emergency Management Committee Meeting - 4 December 2014	146
11.3	Launceston Heritage Advisory Committee - Appointment of Community Representatives	148
11.4	Audit Panel 15 January 2015	150
12	COUNCIL WORKSHOPS	152
13	PETITIONS	153
14	NOTICES OF MOTION - FOR CONSIDERATION	153
15	DEVELOPMENT SERVICES	154
15.1	C H Smith Building, 16-24 Charles Street Launceston - Remission of Development Application fees	154
15.2	Tasmanian Building Regulatory Framework Review - Response	159
16	FACILITIES MANAGEMENT (No Reports)	172
17	QUEEN VICTORIA MUSEUM AND ART GALLERY (No Reports)	172
18	INFRASTRUCTURE SERVICES	173
18.1	Natural Surface Water Run-Off Policy	173
18.2	Proposed Street Name - Aram Place	177

City of Launceston

COUNCIL AGENDA

Tuesday 27 January 2015

Item No	Item	Page No
19	CORPORATE SERVICES (No Reports)	180
20	GENERAL MANAGER (No Reports)	180
21	URGENT BUSINESS	180
22	INFORMATION / MATTERS REQUIRING FURTHER ACTION	180
23	CLOSED COUNCIL	181
23.1	Local Government Association of Tasmania - 2014 By-election	181
24	MEETING CLOSURE	181

1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES**Acknowledgement of Country:**

In the spirit of reconciliation, we the citizens of Launceston recognise that Launceston is situated on country of which the Tasmanian Aboriginal people have been owners for over 35,000 years and on which they have performed age-old ceremonies of celebration, initiation and renewal. We acknowledge the Aboriginal community of today, their living culture, and unique role in the life of this region, and offer our deep appreciation of their on-going contribution to the community.

2 DECLARATION OF PECUNIARY INTERESTS**3 CONFIRMATION OF MINUTES****RECOMMENDATION:**

1. That the Minutes of the Ordinary Meeting of the Launceston City Council held on 8 December 2014 be confirmed as a true and correct record.
2. That the Minutes of the Special Meeting of the Launceston City Council held on 15 December 2014 be confirmed as a true and correct record.
3. That the Minutes of the Special Meeting of the Launceston City Council held on 15 December 2014 in closed session be confirmed as a true and correct record.

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

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

7 PLANNING AUTHORITY

7.1 Dispensation 8 to the Launceston Interim Planning Scheme 2012 to rezone five (5) residential titles - 76 Hobart Road, 74 Hobart Road, 1 Machen Street and 3-5 Machen Street - from the Inner Residential Zone to the Commercial Zone

and

Development Application for Bulky Goods Sales - motor vehicle sales, change of use, demolition of the dwelling at 76 Hobart Road, construction of a building for use as offices and vehicle display; Signage - internally illuminated pole sign at 78-82 Hobart Road concerning the properties known as 78-82 Hobart Road and 76 Hobart Road, Kings Meadows

FILE NO: SF6243, DA0496/2014

AUTHOR: Claire Fawdry (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To make a recommendation to the Tasmanian Planning Commission on a dispensation application (draft amendment) to the Launceston Interim Planning Scheme 2012.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting 24 November 2014 - Item 7.2 - Decision - Resolved to exhibit the application for Dispensation 8 to the Launceston Interim Planning Scheme 2014 and approve DA0496/2014 for Bulky Goods Sales - motor vehicle sales, change of use, demolition of the dwelling at 76 Hobart Road, construction of a building for use as offices and vehicle display; Signage - internally illuminated pole sign at 78-82 Hobart Road concerning the properties known as 78-82 Hobart Road and 76 Hobart Road, Kings Meadows.

RECOMMENDATION:

1. That Council under Section 39 of the Land Use Planning and Approvals Act 1993, provide a report to the Tasmanian Planning Commission noting that no representations were received during the exhibition period and recommending that:
 - a) Dispensation 8 (draft amendment) be approved as exhibited; and
 - b) Permit DA0496/2014 be approved subject to conditions as exhibited.
-

7.1 Dispensation 8 to the Launceston Interim Planning Scheme 2012 to rezone five (5) residential titles - 76 Hobart Road, 74 Hobart Road, 1 Machen Street and 3-5 Machen Street - from the Inner Residential Zone to the Commercial Zone...(Cont'd)

REPORT:**Introduction**

Council decided to exhibit Dispensation 8 and approve DA0496/2014 at its meeting on 24 November 2014. The Planning Authority must provide the Tasmanian Planning Commission (the Commission) a report providing a statement of its view on the merits of any submissions made during the exhibition period. The application was exhibited between 29 November 2014 and 22 December 2014; no representations were received.

The Amendment

The purpose of the proposed amendment is to rezone five (5) residential titles - 76 Hobart Road, 74 Hobart Road, 1 Machen Street and 3-5 Machen Street - from the Inner Residential Zone to the Commercial Zone.

The proposal also includes a Development Application DA0496/2014 for Bulky Goods Sales - motor vehicle sales, change of use, demolition of the dwelling at 76 Hobart Road, construction of a building for use as offices and vehicle display; Signage - internally illuminated pole sign at 78-82 Hobart Road concerning the properties known as 76 and 78-82 Hobart Road, Kings Meadows.

Process

As the Council is in recess until 26 January 2015, an extension of time request letter was sent to the Commission on 23 December 2014. The Commission approved the request for an extension of time until Friday 30 January 2015.

In their letter of response, the Commission noted that amendments to the *Land Use Planning and Approvals Act 1993* (the Act) are effective from 1 January 2015. This is set out in *Schedule 5 - Transitional Provisions - Land Use Planning and Approvals Amendment (Streamlining of Process) Act 2014*.

The effect of the transitional provisions is that the dispensation is now taken to be a planning scheme amendment in accordance with Section 33(1) of the Act. Therefore, the Planning Authority is required to provide the Commission with a report pursuant to Section 39 of the Act and the application will be considered as a planning scheme amendment rather than an application for dispensation.

ECONOMIC IMPACT:

Considered in the previous report to exhibit the dispensation and approve the application.

- 7.1 Dispensation 8 to the Launceston Interim Planning Scheme 2012 to rezone five (5) residential titles - 76 Hobart Road, 74 Hobart Road, 1 Machen Street and 3-5 Machen Street - from the Inner Residential Zone to the Commercial Zone...(Cont'd)
-

ENVIRONMENTAL IMPACT:

Considered in the previous report to exhibit the dispensation and approve the application.

SOCIAL IMPACT:

Considered in the previous report to exhibit the dispensation and approve the application.

STRATEGIC DOCUMENT REFERENCE:

Considered in the previous report to exhibit the dispensation and approve the application.


BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

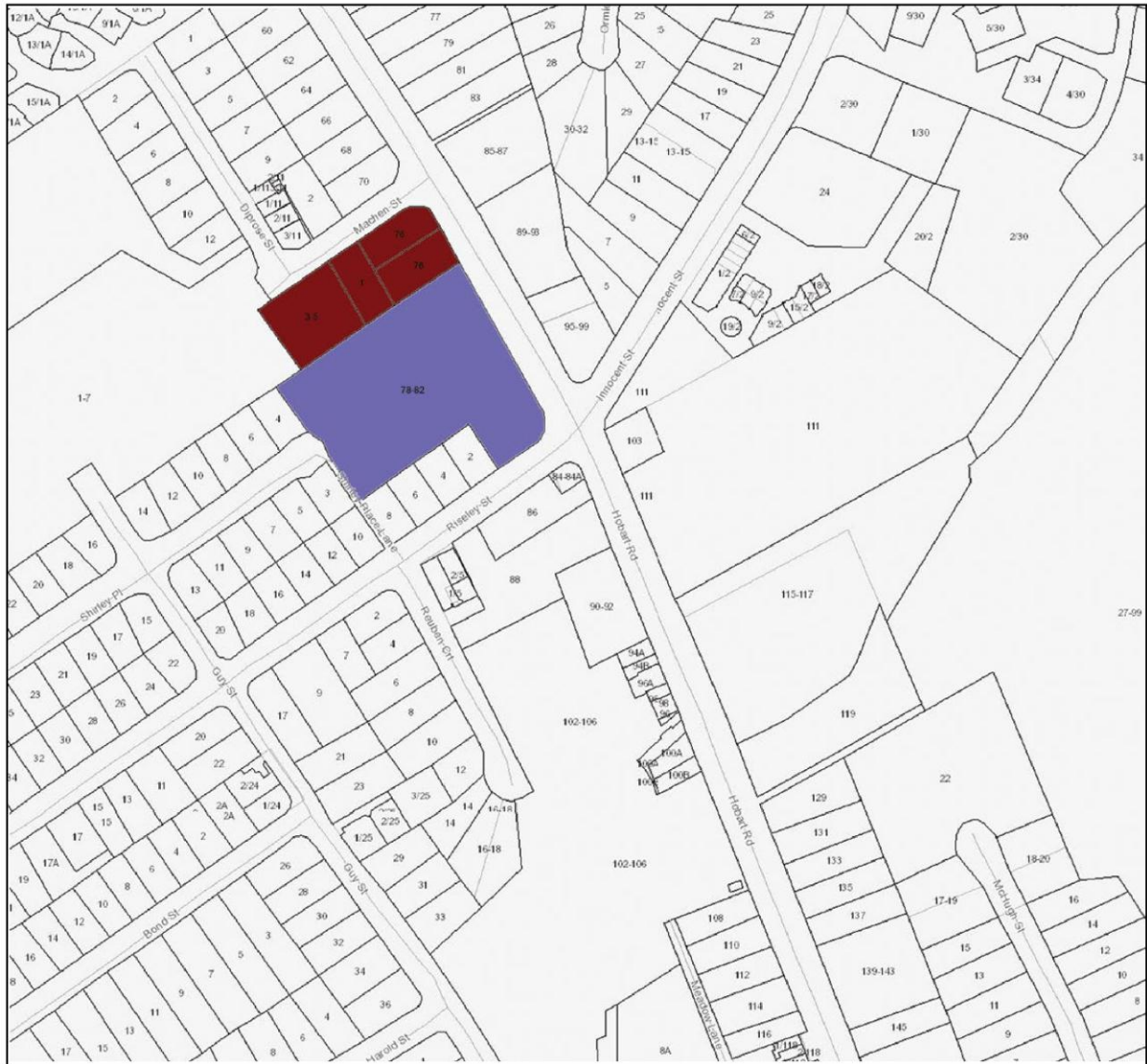
ATTACHMENTS:

1. Location Plan - Existing Zone
 2. Location Plan - Proposed Zone
 3. Planning Permit
 4. Endorsed Plans (circulated separately)
-

Attachment 1 - Existing Inner Residential Zoning and Commercial Zoning

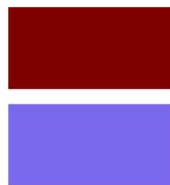
EXISTING ZONING

74, 76 & 78-82 Hobart Road and 1 & 3-5 Machen Street, Kings Meadows



not to scale

Zoning



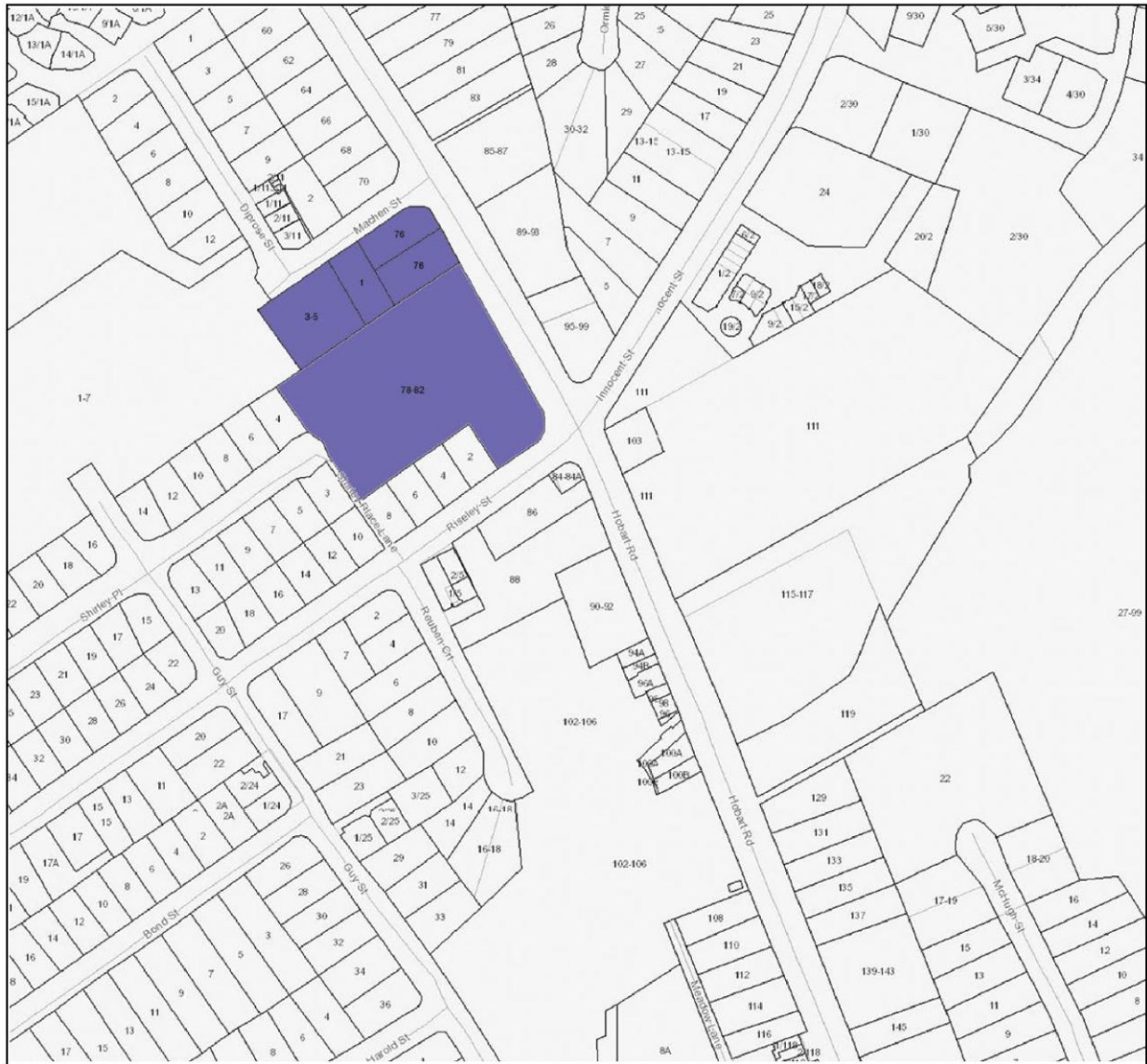
INNER RESIDENTIAL

COMMERCIAL

Attachment 2 - Proposed Commercial Zoning

PROPOSED ZONING

74, 76 & 78-82 Hobart Road and 1 & 3-5 Machen Street, Kings Meadows



not to scale

Zoning



COMMERCIAL

Attachment 3 - Planning Permit

PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

PROPERTY ADDRESS: 76 Hobart Road and 78-82 Hobart Road, Kings Meadows

DEVELOPMENT/USE: Bulky Goods Sales - motor vehicle sales, change of use, demolition of the dwelling at 76 Hobart Road, construction of a building for use as offices and vehicle display; Signage - internally illuminated pole sign at 78-82 Hobart Road (SF6243)

ZONE: Commercial, Inner Residential

USE CLASS: Bulky Goods Sales

DECISION:

That the Council, at its meeting held on 24/11/2014 (Minute No: 7.2), made a decision to approve the development application, subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Section 30Q and 30R Application - 74 Hobart Road (30Q), 76 Hobart Rd (30Q and 30R), 78-82 Hobart Rd (30R), 1 Machen St (30Q), 3-5 Machen St (30Q) - Launceston Toyota, Supporting Submission, prepared by Rebecca Green & Associates, Dated 30 October 2014.

2. VEHICLES AWAITING REPAIR

All vehicles awaiting repair or installation work, being repaired or serviced or awaiting pick up must be stored within the boundaries of the subject land.

3. LEGAL TITLE

All development and use associated with the proposal must be confined to the legal titles of the subject land except removal of the vehicular crossover and steps within the road reserve at 76 Hobart Road, Kings Meadows.

4. LAPSING OF PERMIT

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

5. HOURS OF CONSTRUCTION

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

6. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2014 01125-LCC) (attached).



Leanne Hurst

DIRECTOR DEVELOPMENT SERVICES

Date: 24 November 2014

Permit No: DA0496/2014

PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

7. SIGNAGE CONTENT

Content of the sign may be updated or changed without separate approval of Council, subject to:

- a. The structure, location and size of the signage not changing.
- b. The content of the signage relating to the site.
- c. Compliance with the requirements of the planning scheme.

8. SIGN MAINTENANCE

The signs must be constructed and maintained in good condition to the satisfaction of the Council.

9. CONCRETE STEPS IN ROAD RESERVE TO BE REMOVED

Before the commencement of the use the concrete steps within the road reserve outside 76 Hobart Road must be removed and the retaining wall and nature strip must be reinstated. No work shall be undertaken outside the property boundary without the prior approval of the works by the Council's Roads and Hydraulics Department.

The new work must be constructed to Council Standards by a contractor authorised to perform such work. The work must include all necessary alterations to other services including lowering/raising pit levels and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (e.g. TasWater, Telstra, and Aurora etc). All work will be at the applicant's expense.

10. CAR PARKING CONSTRUCTION

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

- a. Be designed to comply with the following suite of Australian Standards AS 2890.1 Off-street car parking, AS 2890.2 Off-street commercial vehicle facilities (*where applicable*), AS 2890.3 Bicycle parking facilities and AS 2890.6 Off-street parking for people with disabilities.
- b. Be properly constructed to such levels that they can be used in accordance with the plans,
- c. Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers,
- d. Be drained to Councils requirements,
- e. Be line-marked or otherwise delineated to indicate each car space and access lanes,
- f. Be provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas;



Leanne Hurst

DIRECTOR DEVELOPMENT SERVICES

Date: 24 November 2014

Permit No: DA0496/2014

PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

- g. Have exterior lights that are installed in such positions as to effectively illuminate all pathways, car parking areas and porch areas. Such lighting must be controlled by a time clock or sensor unit and shielded to prevent direct light being emitted outside the site,
- h. Have a discreetly directional sign of not more than 0.3m² must be provided at the entrance to the site indicating the availability of off-street visitor parking. Parking areas and access lanes must be kept available for these purposes at all times.

11. DAMAGE TO COUNCIL INFRASTRUCTURE

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

12. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

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

13. ACCESS TO 76 HOBART ROAD

No separate access to 76 Hobart Road is approved as part of this application. Access to 76 Hobart Road title relies upon the existing accesses to 78-82 Hobart Road.



Leanne Hurst

DIRECTOR DEVELOPMENT SERVICES

Date: 24 November 2014

Permit No: DA0496/2014

PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

Before the commencement of the use, all redundant vehicular crossovers from 76 Hobart Road onto Hobart Road and Machen Street must be removed. An application for such work must be lodged on the approved form.

No work shall be undertaken to remove the existing driveway outside the property boundary without the prior approval of the works by the Council's Roads and Hydraulics Department.

The replacement kerb and channel and footpath must be constructed to Council standards by a contractor authorised to perform such work. The work must include all necessary alterations to other services including lowering/raising pit levels and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra, and Aurora etc). All work will be at the applicant's expense.

14. ON-SITE DETENTION BASIN NOT REQUIRED

Notwithstanding the endorsed plans, the on-site detention basin shown in Appendix D: Stormwater Drainage Concept Plan is not required to be constructed given the location of the site within the catchment.

15. HOURS OF DEMOLITION AND CONSTRUCTION

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

16. STORMWATER

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

17. EXTERIOR AND SECURITY LIGHTING PLANNING

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

18. NOISE NUISANCE

No sound is to be emitted from any device or from any source or activity on the land so as to become a proven environmental nuisance to the occupiers of properties nearby.

19. 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; and
- d. dispose of any asbestos found during demolition in accordance with the Workplace Tasmania's 'Code of Practice for the Safe Removal of Asbestos'.



Leanne Hurst

DIRECTOR DEVELOPMENT SERVICES

Date: 24 November 2014

Permit No: DA0496/2014

PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

Notes

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

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

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

- D. General
This permit was issued based on the proposal documents submitted for DA0496/2014. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).

This permit takes effect after:

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

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

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



Leanne Hurst

DIRECTOR DEVELOPMENT SERVICES

Date: 24 November 2014

Permit No: DA0496/2014

PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

whether the proposed development is effected, restricted or prohibited by any such covenant.

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

F. 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>>

G. Permit Commencement

This permit is not valid until Dispensation 8 is approved by the Tasmanian Planning Commission.



Leanne Hurst

DIRECTOR DEVELOPMENT SERVICES

Date:

Permit No:

COUNCIL AGENDA

Tuesday 27 January 2015

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance

FILE NO: DA0538/2014

AUTHOR: Ashley Brook (Consultant Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider and determine a development application in accordance with the Section 57 of the *Land Use Planning and Approvals Act 1993*.

PLANNING APPLICATION INFORMATION:

Applicant:	Launceston City Council
Property:	Part 80 Lindsay Street, Invermay (CT 167770/2)
Zoning:	Commercial
Application Validity Date:	18/11/2014
Further Information Request:	N/A
Further Information Received:	N/A
Deemed approval:	30/12/2014
Extension of Time:	27/01/2015
Representations:	Four (4)

PREVIOUS COUNCIL CONSIDERATION:

DA0490/2014

A subdivision permit issued under delegation on 14/11/2014 which approved the consolidation of 80 Lindsay Street (CT 167770/2) with an adjoining Crown-land parcel to the north, and the subdivision of the consolidated land into two (2) lots including Lot 1 (2.43 ha) and a Balance (6.913 ha). The current application DA0538/2014 effectively seeks approval to further subdivide the approved Lot 1 into two (2) lots.

DA0452/2014

A permit issued to Boral Construction Materials Group Limited on 8/12/2014 allowing it to re-establish its operations on the land within Lot 1 proposed by the current application DA0538/2014.

RECOMMENDATION:

That Council approve the application DA0538/2014 for Manufacturing and processing – subdivision; subdivide land into two lots and balance involving land at 80 Lindsay Street (CT 167770/2) and an adjoining Crown-land parcel to the north subject to the following conditions:

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

PERMIT CONDITIONS**1. ENDORSED PLANS & DOCUMENTS**

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

- a. Site Layout, Prepared by Prepared by Johnstone McGee & Gandy, Project No. J142350CL, Drawing No. C01, Dated 10/11/2014.
- b. Drainage & Water Layout, Prepared by Prepared by Johnstone McGee & Gandy, Project No. J142350CL, Drawing No. C02, Dated 10/11/2014.
- c. B-Double Turning Paths, Prepared by Prepared by Johnstone McGee & Gandy, Project No. J142350CL, Drawing No. C03, Dated 10/11/2014.

2. LEGAL TITLE

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

3. LAPSING OF PERMIT

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

4. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (2014/01269-LCC, Dated 27/11/2014).

INFRASTRUCTURE CONDITIONS**5. CONSTRUCTION DOCUMENTATION**

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

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

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

6. SUBMISSION AND APPROVAL OF PLANS

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

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

7. 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.

8. RETICULATED SERVICES

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

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

9. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

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

10. 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".

11. DAMAGE TO COUNCIL INFRASTRUCTURE

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

12. CONSTRUCTION OF WORKS

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

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

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

- a. Stormwater
 - i. All necessary alterations required to the existing grassed swale drain to maintain its functionality including the provision of culverts where driveway location cross the swale.
 - ii. Provision of an overland flow path for flows up to a 100 year ARI storm event.
- b. Roads
 - i. Provision kerb and channel and a 1500mm wide footpath along the frontage of Lot 1 and 2 at the edge of the existing pavement constructed on a suitable base, (Note: the design for the entire frontage is required however only the frontage for Lots 1 and 2 is required to be constructed as part of this subdivision)
 - ii. Provision of all necessary pedestrian kerb ramps to connect with existing footpaths,
 - iii. Provision of a single vehicular crossing for each designed for industrial use, unless an approved plan exists for development of the lot at the time of the submission of the engineering design plans, in which case the design shall accommodate the layout approved.
- c. Electricity, Communications & Other Utilities
 - i. An underground reticulated electricity system must be provided to service both lots and installed to the approval of the Responsible Authority,
 - ii. An underground telecommunications system must be provided to service both lots and installed to the approval of the Responsible Authority,
 - iii. Provision of a suitably sized conduit/corridor for the future provision of broadband internet infrastructure.
 - iv. Provision of reticulated gas network to service both lots and installed to the approval of the Responsible Authority.

All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:

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

13. SEALING PLANS OF SUBDIVISION

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

- a. The satisfactory completion of all public infrastructure works including the provision of engineering certification and as constructed documentation in accordance the Council requirements.
-

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

- b. The subsequent issue of a Certificate of Practical Completion by the Director Infrastructure Services.
- c. The lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.

Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

Notes**A. General**

This permit was issued based on the proposal documents submitted for (DA0538/2014). You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

C. Other Approvals

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

- *Council Building permit*
- *Council Plumbing permit*
- *Occupancy Permit*

D. 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>>

E. 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:

In accordance with the Council's policy the assessment of this development application was outsourced to an independent consultant Town Planner as it relates to development on Council owned land.

1. PROPOSAL

Council has lodged an application to consolidate the land at 80 Lindsay Street, Invermay (CT 167770/2) with an adjoining Crown-land parcel to the north, and to subdivide the land into two (2) lots plus a balance. The proposed Lot 1 will be 1.30 ha in area and is planned to contain the re-established Boral Construction Materials Group Limited operations approved by DA0452/2014. The proposed Lot 2 will be 1.13 ha and will be an internal lot having access and frontage to Gleadow Street over a 10 m wide access-strip and a secondary frontage to Kings Wharf Road. The proposed balance is 6.7 ha and will contain the remainder of the land currently associated with the property at 80 Lindsay Street surrounding the Bunnings development to the south-east at 78 Lindsay Street.

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Property description

The property at 80 Lindsay Street (CT 167770/2) is 9.13 ha in area and has frontage to Lindsay Street, Gleadow Street, East Tamar Highway (Goderich Street) and Kings Wharf Road. It is part of the former Gunns Launceston Timber Mills and has been cleared of most buildings and structures. The land is owned by Bunnings Properties Pty Ltd, and is located to the north and west of the recent Bunnings development in Lindsay Street.

Council is purchasing the proposed Lots 1 and 2. It has declared that it has notified Bunnings Properties Pty Ltd of its intention to lodge the application as required by Section (1) of the *Land Use Planning and Approvals Act 1993* (LUPAA). An untitled Crown-land parcel (disused rail reserve) is located to the north of the property along Gleadow Street and is proposed to be consolidated into the proposed new lots (as was the case with DA0490/2014). The application includes landowner permission from the Crown as it relates to that aspect of the application, as required by Section 52 (1B) of LUPAA.

Locality description

The surrounding area to the north is characterised by commercial and industrial uses and developments.

The street block bounded by Lindsay Street, Gleadow Street, East Tamar Highway (Goderich Street) and Kings Wharf Road is occupied mostly by the subject site and the adjoining property containing the recent Bunnings development (78 Lindsay Street). Both properties are zoned Commercial. The properties in the north-west and north-east corners of the street block are zoned General Industrial and contain a fuel depot, concrete batching plant operated by Hanson and a builders depot operated by Fairbrother Pty Ltd. The proposed Lot 2 will surround the adjoining property which contains the concrete batching plant.

The land opposite the subject site in Gleadow Street is zoned General Industrial to the western side of Montagu Street and Light Industrial to the east and contains a range of uses.

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

3. PLANNING SCHEME REQUIREMENTS

3.1 Commercial Zone

23.1	Zone Purpose
23.1.1	<i>To provide for large floor area retailing and service industries.</i>
23.1.2	<i>To provide appropriate location(s) for larger format land uses such as car yards, bulky goods sales, warehouse and showrooms in the areas of high traffic volume and high passing visibility which do not necessarily suit a business zone location.</i>
23.1.3	<i>To ensure general retail uses support and do not threaten the established retail and business hierarchy.</i>
<p>Consistent The subdivision will divide the land into two (2) lots which will be capable of being developed for allowable uses within the Zone, including the re-established of Boral Construction Materials Group Limited operations approved by DA0452/2014. The balance will be retained by Bunnings Properties Pty Ltd. It will be capable of further subdivision in the future.</p>	

3.2 Use

3.2.1 Categorisation

The subdivision of land is identified as being generally discretionary in Clause 81(2) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

23.3.1	<p>Emissions <i>To ensure that emissions to air, land and water are reduced to the greatest extent practicable in consideration of proximity to residential uses.</i></p>
A1	<p><i>Discretionary use or development not listed in Clauses E12.6.2 or E12.6.3 must be setback from residential uses a minimum of 100m.</i></p> <p>Complies The proposed Lots 1 and 2 will be located more than 100 m from residential uses.</p>

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

A2	<p><i>All solid waste produced through processing or manufacturing operations on the site must be removed and disposed of:</i></p> <ul style="list-style-type: none"> <i>a) by a licensed waste removal operator; or</i> <i>b) in an approved land fill; or</i> <i>c) in accordance with a management plan approved by the Environment Protection Authority.</i>
	<p>Not Applicable This subdivision application will not affect the management of solid waste produced by a manufacturing and processing operation.</p>
23.3.2	<p><i>Storage of Goods</i> <i>To ensure that adequate provision is made for storage of goods, materials and waste.</i></p>
	<p>Non Applicable This application is for a subdivision only.</p>

3.3 Development Standards

23.4.1	<p><i>Building Design and Siting</i> <i>To ensure that the site and layout, building design and form is visually compatible with surrounding development.</i></p>
	<p>Not applicable The application does not include or otherwise affect building development.</p>
23.4.2	<p><i>Streetscape</i> <i>To ensure that buildings have an acceptable impact on the streetscape.</i></p>
	<p>Non applicable The application does not include or otherwise affect building development.</p>
23.4.3	<p><i>Turning and Access</i> <i>To ensure that service vehicles can safely and effectively deliver to the site.</i></p>
	<p>Complies A full range of vehicles including B-doubles will be capable of accessing and effectively manoeuvring throughout both lots.</p>

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

A1	<i>It must be demonstrated that a standard rigid truck of 8.8m can enter, turn, unload and exit the site in a forward direction without impact or conflicting with areas set aside for parking or landscaping.</i>
	<p>Complies</p> <p>The application includes a turning path diagram (Project No. J142350CL, Drawing No. C03, Dated 10/11/2014) demonstrating that vehicles as large as B-double will be able to enter, turn and exit Lot 2 in a forward direction. Similar size vehicles will be able to manoeuvre within Lot 1, clear of car parking and landscaping, as demonstrated by the development approved by DA0452/2014.</p>
23.4.4	<p><i>Site Landscaping</i></p> <p><i>To ensure that new development provides acceptable levels of site landscaping.</i></p>
	<p>Non applicable</p> <p>The proposal is for a subdivision only.</p>
23.4.5	<p><i>Subdivision</i></p> <p><i>To ensure that subdivision:</i></p> <ul style="list-style-type: none"> <i>a) provides appropriate lot area and dimensions for the physical demands of allowable uses and will facilitate the appropriate design and built form of development; and</i> <i>b) provides each lot with appropriate access and services; and</i> <i>c) appropriately considers the natural or cultural values on or near the land, streetscape character, landscape treatment; and</i> <i>d) considers the interface with adjoining zones, especially the relationship with residential areas.</i>
	<p>Consistent</p> <p>The proposed subdivision will involve the creation of lots having an appropriate size and suitable access and servicing arrangements.</p>
A1.1	<p><i>Each lot must:</i></p> <ul style="list-style-type: none"> <i>a) have a minimum area of at least 350m²; and</i> <i>b) be able to contain a 10m diameter circle with the centre of the circle not more than 5m from the frontage; or</i> <i>c) be required for public use by the Crown, a an agency, or a corporation all the shares of which are held by Councils or a municipality; or</i> <i>d) be for the consolidation of a lot with another lot with no additional titles created; or</i> <i>e) be to align existing titles with zone boundaries and no new titles are created; or</i> <i>f) be for the provision of public utilities, or</i>
	<p>Complies</p> <p>Each lot will have a minimum area of 350m² and will be able to contain a 10m diameter circle with the centre of the circle not more than 5m from the frontage. It therefore complies with A1.1 (a) and (b).</p>

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

A1.2	<p><i>Lots must have new boundaries aligned from buildings that satisfy the setback standards.</i></p> <p>Complies There are no existing buildings located in close proximity of the proposed lot boundaries. Buildings can be built up to side and rear lot boundaries in any event (Clause 23.4.1 A3).</p>
A2	<p><i>Each lot must have a frontage of at least 10m.</i></p> <p>Complies Each lot will have a minimum frontage of 10m.</p>
A3	<p><i>Subdivision must not adjoin the General Residential, Inner Residential, Village, Low Density Residential, Urban Mixed Use, Environmental Living and Rural Living zones.</i></p> <p>Complies The proposal does not adjoin any of the abovementioned zones.</p>
A4	<p><i>Each lot must be connected to a:</i></p> <ul style="list-style-type: none"> <i>a) reticulated water supply; and</i> <i>b) reticulated sewerage system; and</i> <i>c) reticulated stormwater system.</i> <p>Complies Each lot will be capable of being serviced by reticulated water, sewerage and stormwater.</p>

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

3.4 Overlays and Codes

3.4.1 Recreation and Open Space Code

<i>E10.1</i>	<i>Purpose of Code</i>
<i>E10.1.1</i>	<p><i>The purpose of this provision is to:</i></p> <ul style="list-style-type: none"> <i>a) consider the requirements of open space and recreation in the assessment of use or development with emphasis upon:</i> <ul style="list-style-type: none"> <i>i) the acquisition of land and facilities through the subdivision process; and</i> <i>ii) implementation of local open space strategies and plans to create quality open spaces; and</i> <i>iii) the creation of a diverse range of recreational opportunities via an integrated network of public open space commensurate with the needs of urban communities and rural areas; and</i> <i>iv) achieving an integrated open space network which provides for a diversity of experiences; and</i> <i>v) providing for appropriate conservation and natural values within recreation and open space.</i>
	<p>Consistent The application satisfies the relevant acceptable solution below.</p>

Development Standards

<i>E10.6.1</i>	<p><i>Provision of Public Open Space</i></p> <ul style="list-style-type: none"> <i>a) To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity and health of the community; and</i> <i>b) To ensure that the design of public open space delivers environments of a high quality and safety for a range of users, together with appropriate maintenance obligations for the short, medium and long term.</i>
	<p>Consistent The application satisfies the relevant acceptable solution below.</p>
<i>A1</i>	<p><i>The application must include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu.</i></p>

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

	<p>Complies Council's General Manager has provided consent in writing that no land is required for public open space or cash in lieu in this instance. The subdivision will allow for the relocation of the existing Boral operation and allows the existing site to be used for public open space as part of North Bank. Therefore a contribution of land is unnecessary. Council is purchasing the land involved (Lots 1 and 2) so an internal cash-in-lieu payment is also unnecessary.</p>
--	--

3.4.2 Invermay/ Inveresk Flood Inundation Code

E16.1	<i>Purpose of Code</i>
E16.1.1	<p><i>The purpose of this provision is to reduce risks and hazards from flooding in the Invermay/Inveresk flood inundation area and in particular:</i></p> <ul style="list-style-type: none"> <i>a) to limit development that increases the potential flood damage to residential property subject to inundation;</i> <i>b) to limit land uses that create unacceptable levels of risk for residents in the event of inundation; and</i> <i>c) to ensure that consideration is given to community, infrastructure and environmental impacts of development on land subject to flood inundation.</i>
	<p>Consistent The proposed development is for a subdivision and therefore complies with the relatively limited number of acceptable solutions which apply.</p>

Use standards

E16.6.1	<p><i>To prevent inappropriate use</i> <i>Objective: To prevent inappropriate uses from establishing in areas subject to, or seriously affected by, flood inundation.</i></p>
	<p>Consistent The relevant acceptable solutions are satisfied.</p>
A1	<p><i>Must not be:</i></p> <ul style="list-style-type: none"> <i>a) Educational and occasional care; or</i> <i>b) Emergency services; or</i> <i>c) Hospital services.</i>
	<p>Complies The application does not involve any of the above use classes.</p>

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

A2	<p><i>Must not be Residential unless:</i></p> <p>a) <i>Single dwelling in the Invermay Residential or Inveresk Residential Precincts; or</i></p> <p>b) <i>Multiple dwelling in the Invermay Residential Precinct; or</i></p> <p>c) <i>Residential associated with and supporting the educational activities within the Inveresk Cultural Precincts.</i></p>
	<p>Complies The application does not involve the 'residential' use class.</p>
A3	<p><i>Must not be community meeting and entertainment in the Riverside Industrial or Inveresk Residential Precincts.</i></p>
	<p>Complies The application does not involve the 'community meeting and entertainment' use class and the subject site is outside the two precincts identified.</p>

Development standards

E16.7.1	<p><i>Intensification of Residential Development</i> <i>Objective: To limit the intensification of residential development in areas subject to, or seriously affected by, flood inundation.</i></p>
	<p>Not applicable The application does not involve residential development.</p>
E16.7.2	<p><i>Flood Impact</i> <i>Objective: To ensure that new buildings and infrastructure are sited and designed to avoid or mitigate the risk and minimise the impact of flooding.</i></p>
	<p>Not applicable The application is not involve new buildings.</p>

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

4.0 REFERRALS

REFERRAL	COMMENTS
Infrastructure Assets	Conditions recommended in relation to: <ul style="list-style-type: none"> • Construction documentation • Submission and approval of plans • Reticulated services • Soil and water management plan • Trench reinstatement for new/alterd connections • Works within/occupation of the road reserve • Damage to Council infrastructure • Construction of works
EXTERNAL	
TasWater	Conditional consent granted (TWDA 2014/01269-LCC).

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 29 November 2014 and 12 December 2014. Four (4) representations were received. The issues they raised are summarised and responded to below.

ISSUE	COMMENTS
Proposal misquoted suburb	Such a matter is of an administrative nature and will be dealt with accordingly.
Potential structural damage to nearby homes arising from the construction of buildings on the site, and absence of a dilapidation or structural damage report.	The current application is for subdivision. It does not involve building development, which will be subject to future applications. In any event, the issue raised is addressed by legislation, codes and regulations outside the planning system (e.g. the Building Act).

6.0 CONCLUSION

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

7.2 80 Lindsay Street, Invermay - Manufacturing and processing - subdivision; subdivide land into two lots and balance...(Cont'd)

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2012

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

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

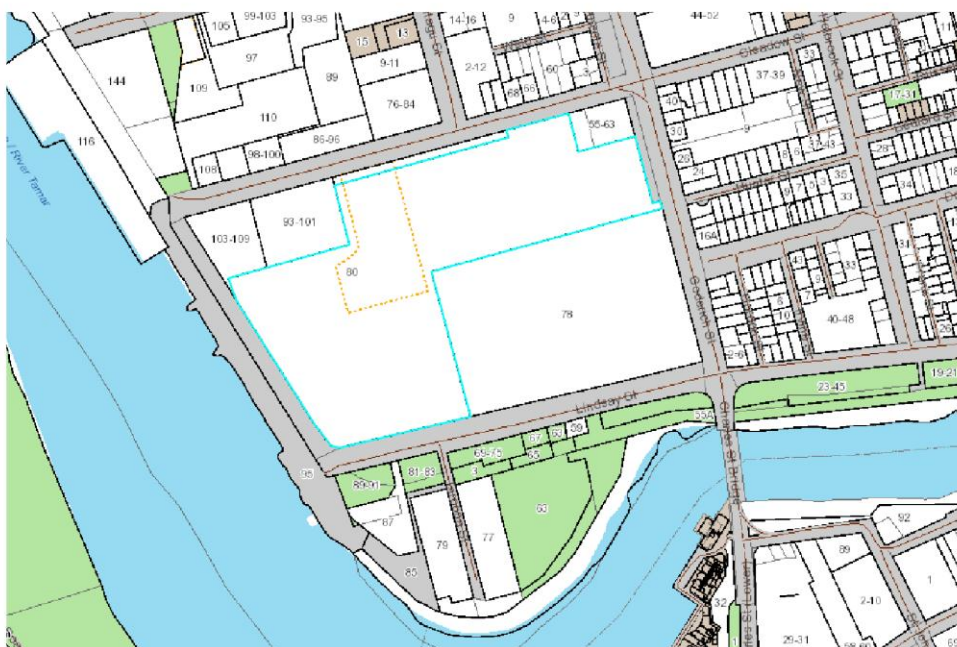
Attachment 1 - 80 Lindsay Street, Invermay (Pages = 1)



Launceston City Council
A Leader in Community & Government



LOCALITY MAP - DA0538/2014 80 Lindsay Street, Invermay



Locality Map

Scale: This Map Is Not to Scale

Attachment 3 80 Lindsay Street, Invermay - Representations (Pages = 4)

Lyn Norris

From: Lorraine Scales
Sent: Wednesday, 3 December 2014 1:37 PM
To: contactus@launceston.tas.com.au
Cc: Alderman Danny Gibson
Subject: Inveresk

For Robert Dobrzynski General Manager
Launceston City Council

This email is in respect to the Development Application Received advertised the Examiner News Paper last Saturday 29th November-- It was noticed in one of the applications -- Lindsay Street **Invermay** this should listed as **Inveresk**-- I lived in : 24 years and this was the suburb of **Inveresk** -- Why are businesses using the name -- I would thought that at least the council would know the correct name --so the application should be corrected. There are some good examples of the name **Inveresk** attached to -- UTAS **Inveresk** Campus -- York Park Precedent--Also the boundary when I was living in **Inveresk** was from Foster Street to the North Esk River -- please keep our heritage alive.

Regards
Peter Scales
Former Swampy

Lyn Norris

From: Ruffels, Perry <
Sent: Wednesday, 10 December 2014 5:41 PM
To: records
Cc:
Subject: DA0538/2014

I am writing in relation to the above development application.

I would request that a planning permit not be approved for this application on this occasion. Since the development of the land directly opposite my dwelling. Myself and other residents in the area have suffered a great deal of ground movement, causing a significant amount of damage to our homes. We are currently in talks with Bunnings in an effort to arrive at a settlement over the damage. This has been made extremely difficult, due to the fact that Launceston City Council do not place a dilapidation report on any planning, development or building permits any more. That said, once our house has been repaired, I would not want any further ground disruption in this area.

In relation to other works to be undertaken at the moment, (Officeworks Lindsay Street) I paid a visit to The L.C.C customer service a month or two ago, to view the plans for this development. Although her name escapes me, I spoke with a planner at the front counter who told me " The groundwork for this had already been carried out during the Bunnings groundwork" I have since discovered, I have been blatantly lied to by a Council representative. Pylons **are** in fact to be driven into the ground for this construction. This is what has caused the damage to dwellings in the area in the first place.

I look forward to you response,

Perry Ruffels

The email message and any attachments are confidential. If you are not the intended recipient, any use, interference with, disclosure or copying of this material is unauthorised and prohibited. This email and any attachments are also subject to copyright. No part of them may be reproduced, adapted or transmitted without the written permission of the owner. If you have received this email in error, please immediately advise the sender by return email and delete the message from your system. It is your responsibility to check this email and any attachments for viruses.

Lyn Norris

From: christine greenfield
Sent: Wednesday, 10 December 2014 9:03 PM
To: records
Subject: Application DA0538/2014 - Jacqui Tyson

Importance: High

Dear Ms Tyson

RE: Application No. DA0538/2014

We write with respect to the above application for a Planning Permit.

We wish it to be known that we do not approve of this application.

Our reason being is that no application should ever be approved by Launceston City Council without a Dilapidation and Structural Damage report being undertaken of homes within 150m of any structure that is seeking planning permission in the area of Bunnings on the corner of Lindsay and Goderich Streets and the surrounding development of land which is still to be built on.

We live Bunnings who were not required to do a Dilapidation and Structural Damage report on the homes within 100m of them and hence following the hammering of excessive amount of pylons into the ground has caused considerable damage not only to our home but also neighbour's homes.

What is puzzling is why Bunnings were never required under Council requirements to do a Dilapidation and Structural Damage report on homes within 100m distance from their building and yet from information provided to us people living within a 100m of the levy had had this done so enabling any damage to their homes by the building of the levy to be repaired without any problems. In our case as well as our neighbours who are in the same situation we have not been so lucky having to live with homes damaged considerably by the driving in of the pylons but no one accepting responsibility of this damage done to our homes.

Therefore I wish to reiterate that we do not approve of this application for a planning permit without a Dilapidation and Structural Damage report being undertaken of our home prior to approval of this building/planning application.

Yours sincerely

Terrence & Christine Greenfield

Phone:

Lyn Norris

From: Matt
Sent: Wednesday, 10 December 2014 10:28 PM
To: records
Subject: DA0538/2014

DA0538/2014

I am writing in relation to the above development application.

I would request that a planning permit not be approved for this application on this occasion. Since the development of the land directly opposite my dwelling (Myself and other residents in the area have suffered a great deal of ground movement, causing a significant amount of damage to our homes.

We are currently in talks with Bunnings in an effort to arrive at a settlement over the damage. This has been made extremely difficult, due to the fact that Launceston City Council do not place a dilapidation report on any planning, development or building permits any more. I have been informed this has been the case for all recent development, but if we go back to the time when the Seaport was being constructed, we can see extensive reporting took place then. Why have these precautions changed in recent times?

That said, once our house has been repaired, I would not want any further ground disruption in this area.

Prior to this permit , we also queried one we recieved regarding Officeworks development, to which we were lead to believe the foundations were already done for this building and no further piling would be necessary. Infact not until we sat down with Bunnings for a meeting did we find out that information to be incorrect and that the location of the Officeworks building had actually changed. To which I did not receive further information of that via a letterbox drop.

I look forward to you response,

Regards.
Danielle Brown

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks

FILE NO: DA0540/2014

AUTHOR: George Walker (Development Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	S Group
Property:	40 Hill Street, West Launceston
Zoning:	General Residential
Receipt Date:	17/11/2014
Validity Date:	18/11/2014
Further Information Request:	02/12/2014
Further Information Received:	03/12/2014
Deemed Approval:	9/02/2015
Representations:	7

PREVIOUS COUNCIL CONSIDERATION:

There are no records of previous Council decisions available.

RECOMMENDATION:

It is recommended that in accordance with Section 51 and Section 57 of the Land Use Planning and Approvals Act 1993 and the Launceston Interim Planning Scheme 2012, a permit be granted for DA0540/2014 Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks on land located at 40 Hill Street, West Launceston in accordance with the endorsed plans and subject to the following conditions.

- 7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)**
-

1. ENDORSED PLANS & DOCUMENTS

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

- a) Cover Page Project No. 000386 Drawing No. A0-001 dated 13 November 2014 prepared by S. Group;
- b) Site Plan Project No. 000386 Drawing No. A1-001 (Revision B) dated 13 November 2014 prepared by S. Group;
- c) Existing Dwelling Plan Project No. 000386 Drawing No. A2-001 (Revision B) dated 24 November 2014 prepared by S. Group;
- d) TH1 Floor Plan Project No. 000386 Drawing No. A2-002 (Revision B) dated 24 November 2014 prepared by S. Group;
- e) TH2 Floor Plan Project No. 000386 Drawing No. A2-003 (Revision B) dated 24 November 2014 prepared by S. Group;
- f) Existing Dwelling Elevations No. 000386 Drawing No. A3-001 (Revisions B) dated 24 November 2014 prepared by S. Group;
- g) Existing Dwelling Elevations Project No. 000386 Drawing No. A3-002 (Revision B) dated 24 November 2014 prepared by S. Group;
- h) Elevations Project No. 000386 Drawing No. A3-003 (Revision B) dated 24 November 2014 prepared by S. Group;
- i) Elevations Project No. 000386 Drawing No. A3-005 dated 24 November 2014 prepared by S. Group;

2 LEGAL TITLE

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

3. LAPSING OF PERMIT

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

4. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater TWDA 2014/01283-LCC (attached).

5. SITE LANDSCAPING PLAN

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

- a) Major identifying site features such as building footprints, topography, contours existing vegetation and street boundaries;
- b) Show all proposed garden areas and plantings which can include a mixture of local native species that occur within the area as well as exotic species;
- c) Show all proposed garden beds, fences, retaining walls, lawn, sealed surfaces and pathways;
- d) The 'green buffer' identified in Drawing No. A1-001 is to be planted with an evergreen species that has the capacity to grow to a minimum height of 2m in height and be planted at a density that provides sufficient screening above the fence line.

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

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

6. FENCING

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

- a. 1.2m within 4.5m of the frontage if solid; or
 - b. 1.8m within 4.5m of the frontage provided that the fence has openings above 1.2m which provide a uniform transparency not less than 30% (excluding uprights or posts); and
 - c. 1.8m elsewhere when measured from the highest finished level on either side of the common boundaries.
-

- 7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)**
-

7. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

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

8. CAR PARKING CONSTRUCTION

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

- a. Be designed to comply with the Australian Standards AS 2890.1.
- b. Be properly constructed to such levels that they can be used in accordance with the plans,
- c. Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers,
- d. Be drained to Council's requirements including the provision of a grated drain inside the property boundary to collect the surface water prior to discharge from the property,
- e. Be provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas;
- f. Have exterior lights that are installed in such positions as to effectively illuminate all pathways, car parking areas and porch areas. Such lighting must be controlled by a time clock or sensor unit and shielded to prevent direct light being emitted outside the site,

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

9. 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 as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed by the Council and will then form part of the Permit. The amended plans must show:

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

- a. Drawing No. A4-001 is to be amended to detailing swept paths for vehicles parked under carport at front of existing dwelling and for tandem parking spaces at the front of the proposed dwellings;
- b. Drawing No. A4-001 is to be amended to detail the provision of a single car parking space in front of the garage for TH1;
- c. Drawing No. A4-001 is to be amended to detail the provision of a single car parking space in front of the garage for TH2;
- d. Drawing No. A4-001 is to be amended to detail localised widening of the driveway apron to be 5.1 metres wide where the bluestone retaining wall is greater than 150mm above the trafficable surface of the driveway; and
- e. Drawing No. A3-004 is to be amended to reducing the easve located on the south-eastern elevation of TH2 to 0.6m in width

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

10. DAMAGE TO COUNCIL INFRASTRUCTURE

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

11 WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

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

12. APPLICATION TO ALTER A STORMWATER SERVICE

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

13. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

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

14. 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 shall be undertaken to construct the new vehicular crossing or to remove or alter the existing bluestone retaining wall outside the property boundary without the prior approval of the works by the Council's Roads and Hydraulics Department.

The new crossing must be a minimum of 5.1 metres wide (excluding the transition wings) where the retaining wall supporting the nature strip is greater than 150mm above the finished trafficable surface of the driveway. All work must be carried out to Council standards by a contractor approved to perform such work. The work must include all necessary alterations to other services including lowering/raising pit levels and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra, and Aurora etc). The construction of the new crossover and driveway will be at the applicant's expense.

Council may approve a temporary crossing for the duration of the construction period with the final crossing to be completed prior to the occupation of the dwellings.

- 7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)**
-

15. 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.

16. AMENITY

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

Notes

Building Permit Required

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

Occupancy Permit Required

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

Plumbing Permit Required

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

General

This permit was issued based on the proposal documents submitted for DA0540/2014. 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 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.*

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

Restrictive Covenants

The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquiries as to whether the proposed development is affected, 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.

Street addresses for Multiple Dwellings

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

<i>Dwelling No</i>	<i>Street Address</i>
<i>Existing</i>	<i>1/40 Hill Street WEST LAUNCESTON</i>
<i>TH1</i>	<i>2/40 Hill Street WEST LAUNCESTON</i>
<i>TH2</i>	<i>3/40 Hill Street WEST LAUNCESTON</i>

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

REPORT:

The applicant is seeking approval for the construction of two, and use of three multiple dwellings, construction of a deck and carport to an existing dwelling, replacement of an existing parking deck and associated earthworks on land located at 40 Hill Street, West Launceston (the subject property).

The development application comprises the following components:

Existing Dwelling:

- Demolition of a section of the dwelling in order to make way for a shared internal driveway;
- Internal alterations in order to reconfigure the bedroom, living, dining and amenity areas;
- Construction of a deck approximately 25m² in area and 4.1m in height (to the top of the balustrade);
- Construction of a double carport underneath the proposed deck including a 'green wall' to be located on the side facing the frontage of Hill Street which will act as a screening device; and
- A new opaque sliding door to be located at the rear of the dwelling off a bedroom which will include timber louvre panels of the sliding door for privacy measures.

Townhouse 1:

- Located immediately behind the existing dwelling;
 - Constructed over two levels with a building footprint of approximately 174m² and a height of approximately 6.6m;
 - The ground floor will comprise a two space garage, main entrance, laundry, storage area and a staircase leading up to the first floor;
 - The first floor will comprise three bedrooms (one including an ensuite and walk-in-robe), bathroom, kitchen, living and outdoor deck area;
 - Landscaping will be provided to the south-east, north and north-west of the townhouse.
-

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Townhouse 2:

- Located immediately behind the existing dwelling;
- Constructed over two levels with a building footprint of approximately 174m² and a height of approximately 6.6m;
- The ground floor will comprise a two space garage, main entrance, laundry, storage area and a staircase leading up to the first floor;
- The first floor will comprise three bedrooms (one including an ensuite and walk-in-robe), bathroom, kitchen, living and outdoor deck area;
- Landscaping will be provided to the south-east and north of the townhouse.

In addition to the above components, the application also includes the construction of a new crossover to feed into a shared internal driveway, visitor parking areas and a replacement of an existing parking deck. A green buffer approximately 400mm in width and 13.8m in length will be located parallel to the north-west property boundary which will serve as a visual screen between the adjoining residential dwelling and shared driveway. It is recommended that a condition be applied to the permit requiring the the green buffer to be planted with an evergreen species that can grow to a minimum height of 2m in order to achieve the desired outcome.

The use and development of the proposal has been categorised as 'Residential - Multiple Dwellings' pursuant to clause 8.2.1 of the *Launceston Interim Planning Scheme 2012* (the Scheme), which is identified as 'Permitted' within the General Residential zone. However, due to the siting and design of the proposed development, the application relies on the assessment against a number of performance criteria and is therefore 'Discretionary' pursuant to clause 8.8.1 (b) of the Scheme.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject property is located on the south-western side of Hill Street opposite Arbour Park, which is approximately the halfway point of Hill Street. The subject property is a long, rectangular lot approximately 1,117m² in area and has an undulating slope of between 7 and 14° downhill to the east. An existing dwelling is located in the front half of the lot which is setback approximately 11m from the frontage. The rear of the lot is primarily vacant comprising largely mature deciduous trees with a grass and shrub understory. A dilapidated parking deck is located at the south-west corner of the lot.

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Whilst the subject property has frontage onto Hill Street to the north, the lot does not have vehicular access. However, vehicular access is provided from the rear of the lot via a right-of-way over an informal laneway. The laneway does not constitute a road in accordance with the definitions provided in section 4 of the Scheme on the basis that it is not a road under the jurisdiction of the Council. Accordingly, the lot has one frontage, which is the primary frontage facing Hill Street.

The subject property adjoins a similar sized and shaped lot to the north-west that comprises a large dwelling that shares a similar building line as the existing dwelling. A large lot approximately 3,000m² in area adjoins the south-eastern boundary and a large portion of the rear boundary of the subject property. The adjoining property spans between Hill Street to the north-east and Wyett Street to the south-west. A large dwelling is located at the south-western end of the adjoining property with access obtained off Wyett Street and the informal laneway.

An outbuilding, which is located on the adjoining property that has an opening into the laneway, abuts the rear boundary of the subject property resulting in a wall approximately 4.5m in height and 6m in length being located on the rear boundary. The area of adjoining property immediately to the south-west of the subject property is currently vacant comprising of domestic landscaping.

The subject property and surrounding land is located within the General Residential zone. There are no applicable overlays or codes that affect the subject property other than the car parking and sustainable transport code. The established streetscape of the section of Hill Street in which the subject property is located is predominately characterised by single dwellings located on large lots. Overall, the surrounding area is primarily characterised by established residential use and development.

- 7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)**
-

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 - General Residential Zone

10.1.1 Zone Purpose Statements

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

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

10.1.1.3 Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off site impacts.

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

Consistent

The proposed development is considered to be consistent with the purpose of the zone insofar that:

- it will provide for residential use and development that is identified as 'Permitted' within the zone at a higher density where full infrastructure services are available;

10.4 Development Standards

10.4.1 Residential Density for Multiple Dwellings

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

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

<p>Consistent The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.</p>
<p>A1 Multiple dwellings must have a site area per dwelling of not less than:</p> <ul style="list-style-type: none"> (a) 325 m²; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.
<p>Complies The proposed multiple dwelling development will have a site area of approximately 390m² per dwelling.</p>

10.4.2 Setbacks and Building Envelope for all Dwellings

<p>Objective: To control the siting and scale of dwellings to:</p> <ul style="list-style-type: none"> (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.
<p>Consistent The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.</p>

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

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

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

Complies

Whilst a combined deck and carport has been proposed to be located to the front of the existing dwelling which will decrease the frontage setback to from approximately 11m to 5.5m, the reduction is still within the minimum frontage setback requirement of 4.5m. Therefore acceptable solution 10.4.2 (a) is met.

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

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

Complies

In this situation the proposed garage will be setback a minimum of 5.5m. Therefore the acceptable solution is met.

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

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

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

**Does Not Comply
Existing Dwelling:**

Deck and Carport

Elevation	Required Setback	Proposed Setback
North-west	1.5m	4.5m
South-east	1.5m	10m

It is evident that the acceptable solution has been met for the proposed deck and carport.

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Townhouse 1:

The elevation of the Townhouse that is parallel with the south-eastern boundary has three distinct sections that, each requiring a different minimum setback due to the topography of the subject property, the height of each section and the staggered design of each section. The required and proposed setbacks for each of the sections are outlined in the table below.

Elevation	Section	Required Setback (minimum)	Proposed Setback (maximum)
South-east	Living Area	3.7m	3.639m
South-east	Master Bedroom	1.1m	2m
South-east	Ensuite	0.8m	1m (length of the wall within 1.5m of the boundary is 2.1m)
North-west	All	3.6m	4.23m

In this situation, it is evident that the proposed Townhouse 1 does not comply with the building envelope requirements for a section of the south-eastern elevation (living area). As such assessment against the performance criteria is required.

Townhouse 2:

Elevation	Section	Required Setback (minimum)	Proposed Setback (maximum)
South-east	Living Area	3.2m	2.95m
South-east	Master Bedroom	1m	1.8m
South-east	Ensuite	0.5m	1m (length of the wall within 1.5m of the boundary is 2.1m which results in cumulative wall length of 4.2m within 1.5m of the south-eastern boundary)
North-west	All	3.7m	5.8m
South-west	Rear Boundary	4m	1.1m

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

In this situation, it is evident that the proposed Townhouse 2 does not comply with the building envelope requirements for a section of the south-eastern elevation (living area) and rear boundary. As such assessment against the performance criteria is required.

It should be noted that the eave attached to the living area extends horizontally from the building envelope for a span of 1.2m. The acceptable solution excludes minor protrusions such as eaves where they do not extend more than 0.6m from the building envelope. As such, the eave is unable to be excluded from the assessment on the basis that it extends further than 0.6m from the building envelope. After contacting the applicant, they agreed to reduce the span of the eave to 0.6m in order to comply with the acceptable solution. It is therefore recommended that a condition be applied to the planning permit requiring amended plans to be provided detailing the change to the eave.

P3 The siting and scale of a dwelling must:

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Complies

In relation to the discretion associated with the living Irea section of townhouse 1 the following is observed:

- the section of the building that will extend beyond the building envelope will be approximately 0.0431m or 4.3cm in length. Whilst this measurement is marginal, it is not considered to be a minor protrusion on the basis that the section forms part of the wall and roof structure of the dwelling;
 - in this instance, the bulk of the dwelling will be located within the building envelope. The marginal section of building that will extend beyond the building envelope is not expected to cause an unreasonable loss of amenity by the overshadowing of the private open space of the adjoining lot greater than that caused by the dwelling that will be located within the building envelope;
 - furthermore, it is considered that an eave with a width of 0.6m extending beyond the building envelope would have a greater impact in terms of overshadowing of the private open space of the adjoining lot than the section of building that is subject to discretion albeit the eave would be excluded from the assessment;
 - overall, the section of the building that will extend beyond the building envelope is considered marginal when compared to the scale and visual bulk of the dwelling that will be located within the building envelope. As such, the proposed extension is not expected to result in an unreasonable loss of amenity in terms of visual impacts when viewed from the adjoining property to the south-east;
 - the surrounding area is primarily characterised by large dwellings over two levels that are located within close proximity to the side boundaries of their respective lots. The proposed Townhouse will share a similar building line as the existing dwelling which is located towards the front of the lot. Given that the bulk of the dwelling will be within the building envelope, the proposed townhouse is expected to be compatible with the prevailing character of the surrounding area.
-

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

In relation to the discretion associated with the living area section of townhouse 2 the following is observed:

- the section of the building that will extend beyond the building envelope will be approximately 1.2m in length inclusive of a 0.6m eave (that will be subject to a condition). The actual section of the building that will extend beyond the building envelope is triangular in shape with the larger section being located to the north of the dwelling and reducing in scale as the topography changes to the south. The extent of the discretion is considered to be minimal. However, it is not considered to be a minor protrusion on the basis that the section forms part of the wall and roof structure of the dwelling and the eave extends greater than 0.6m from the building envelope;
 - similarly to Townhouse 1, the bulk of Townhouse 2 will be located within the building envelope. The minimal section of building that will extend beyond the building envelope is not expected to cause an unreasonable loss of amenity by the overshadowing of the private open space of the adjoining lot greater than that caused by the dwelling that will be located within the building envelope;
 - overall, the section of the building that will extend beyond the building envelope is considered marginal when compared to the scale and visual bulk of the dwelling that will be located within the building envelope. As such, the proposed extension is not expected to result in an unreasonable loss of amenity in terms of visual impacts when viewed from the adjoining property to the south-east;
 - the surrounding area is primarily characterised by large dwellings over two levels that are located within close proximity to the side boundaries of their respective lots. The Townhouse 2 will share a similar building line as the existing dwelling and proposed Townhouse 1. Given that the bulk of the dwelling will be within the building envelope, the proposed townhouse is expected to be compatible with the prevailing character of the surrounding area.
-

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

In relation to the discretion associated with the rear setback of townhouse 2 the following is observed:

- the adjoining land to the rear of the subject property is characterised by two distinct sections. The north-west section abuts the informal laneway in which a number of titles have a benefiting right of way over for access purposes. The specific section of laneway that abuts the subject property provides access to the outbuilding that is located on the adjoining property and to the existing parking platform of the subject property. This section is can be considered quasi-public land that has no individual private entitlements. The south-east section abuts the adjoining property that straddles a portion of the rear boundary and the south-eastern boundary. A garage is located in the corner of the adjoining property where the boundary of the laneway and subject property meets. The garage abuts the boundary between the adjoining property and subject property creating a solid brick wall approximately 4.5m in height and 6m in length which consumes just over half of the shared boundary. Due to the topography of the area, the natural ground level of the subject property is lower than the adjoining property to the rear. Approximately 80% of the section of dwelling that will extend beyond the building envelope pertaining to the rear boundary will be located behind the building line of the existing garage with approximately 20% of the building protruding beyond the garage building line;
 - the land of the adjoining property immediately abutting the exposed section of the rear boundary is currently vacant and is used to access the garage from inside the adjoining property. This section of land is not considered to be functional private open space and is currently subject to overshadowing from the existing garage;
 - the distance and significant difference in elevation between the proposed townhouse and the private open space and habitable rooms of the adjoining dwelling to the south is significant enough to ensure no overshadowing or reduction in sunlight occurs;
 - whilst the section of the townhouse that will extend beyond the building envelope will be visible from the adjoining property, it is considered that the visual impacts in terms of apparent scale, bulk and proportions of the townhouse will be minimised by the difference in topography and offset by the existing garage. Furthermore, the visual impact of the section of the townhouse that will extend beyond the building envelope will be marginal when compared to the bulk of the townhouse that will be within the required building envelope;
 - in addition, the view path and outlook of dwelling and primary area of private open space is largely perpendicular to Hill Street which offset on the horizontal plane from the proposed townhouse by approximately 8m and diagonally by approximately 15m. As such the development will not be located within the primary view shed of the adjoining dwelling which is expected to lessen the immediate visual impact of the townhouse in terms of apparent scale and bulk;
-

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

- given that the existing garage abuts the rear boundary of the subject property creating a wall approximately 4.5m in height and 6m in length and that there are a number of garages on the properties to the north-west that abut the rear boundary, it is considered that the setback of the townhouse within 1.0m from the rear boundary is compatible with prevailing character of the area.

Overall, the identified discretions are considered to be compliant with the performance criteria.

It is considered that the impact of the replacement of the parking deck will be neutral given that the structure will essentially be like-for-like.

10.4.3 Site coverage and private open space for all dwellings

Objective: To provide:

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

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

A1 Dwellings must have:

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

Complies

The site coverage of the proposed development will be as follows:

Floor area of existing dwelling: 174m²

Floor area of Townhouse 1: 174m²

Floor area of Townhouse 2: 170m²

Total dwelling area: 518m²

Site Coverage: 46%

Driveway area: 210m²

Total site coverage of impervious surfaces: 34%.

Each dwelling will have the following (minimum) combined area of private open space;

Existing dwelling: 82m²

Townhouse 1: 64m²

Townhouse 2: 64m²

Therefore the acceptable solution is met.

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

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

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Complies

Each dwelling will have private open space areas of the following dimensions:

Existing dwelling:

- a) The private open space area will comprise a deck space and will have a minimum area of 24m² which will be contained within one location;
- b) The private open space area will have a minimum horizontal dimension of 5m;
- c) The private open space area will be directly accessible from the kitchen;
- d) The private open space area will be located to the north of the dwelling;
- e) The private open space will be located between the dwelling and the frontage. However the frontage is oriented between 30 degrees west of north and 30 degrees east or north;
- f) The private open space area will be level;
- g) The private open space area will not be utilised for vehicular access or parking.

Townhouse 1:

- a) The private open space area will comprise a deck space and will have a minimum area of 24m² which will be contained within one location;
 - b) The private open space area will have a minimum horizontal dimension of 4m;
 - c) The private open space area will be directly accessible from the living area;
 - d) The private open space area will be located to the north-east of the dwelling;
 - e) The private open space will not be located between the dwelling and the frontage;
 - f) The private open space area will be level;
 - g) The private open space area will not be utilised for vehicular access or parking.
-

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Townhouse 2:

- a) The private open space area will comprise a deck space and will have a minimum area of 24m² which will be contained within one location;
- b) The private open space area will have a minimum horizontal dimension of 4m;
- c) The private open space area will be directly accessible from the kitchen;
- d) The private open space area will be located to the north-west of the dwelling;
- e) The private open space will not be located between the dwelling and the frontage;
- f) The private open area will be level;
- g) The private open space area will not be utilised for vehicular access or parking.

Therefore the acceptable solution is met.

10.4.4 Sunlight and overshadowing for all dwelling

Objective: To provide:

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

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Complies

Each dwelling one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north:

Existing dwelling: kitchen area (north-east);

Townhouse 2: living area (north-east);

Townhouse 1: dining area (north-east).

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

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Complies

In this situation the existing dwelling will be located to the north of three habitable room windows of townhouse 1, and townhouse 1 will be to the north of two habitable room windows of townhouse 2. The habitable room windows of both townhouse 1 and townhouse 2 are located on the upper floor above their respective garages. In addition, due to the topography of the site, both townhouse 1 and townhouse 2 are elevated above the dwellings that are located to the north of their habitable rooms. Subsequently, sunlight to the habitable room windows of both townhouses will not be impeded by the position of the dwellings to the north due to the difference in elevation between each dwelling. The proposed development has therefore been assessed as being compliant with acceptable solution 10.4.4 (A2) (b).

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

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Complies

In this situation the private open space of the existing dwelling will be located to the north of the dwelling in the front setback and will not be impeded by either of the townhouses to the rear. The existing dwelling is located to the north of the private open space of townhouse 1 and townhouse 1 is located to the north of the private open space of townhouse 2. The minimum area of private open space required by clause 10.4.3 (A2) is provided in the form of the decks for each of the townhouses which are both located on the upper floor area above their respective garages. In addition, due to the topography of the subject property, both the townhouses are elevated above the dwellings that are located to the north of the private open space. Subsequently, sunlight to the private open space of both townhouses will not be diminished as a result of the difference in elevation between each dwelling. The proposed development has therefore been assessed as being compliant with acceptable solution 10.4.4 (A3) (b).

10.1.5 Width of openings for garages and carports for all dwellings

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

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

10.1.6 Privacy for all dwellings

Objective: To provide reasonable opportunity for privacy for dwellings.

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

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

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

Does Not Comply

In this situation, the proposed decks for each of the three dwellings will comply with subclauses (a) and (b) above, that is they will be located greater than 3m from both side boundaries and greater than 4m from the rear boundary.

However, the proposed deck for townhouse 1 will be within 6m from a habitable room window of the existing dwelling to the north. Subsequently, the proposed development does not comply with subclause (c) and an assessment against the performance criteria is required.

P1 A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Complies

In this situation, the deck of townhouse 1 will be located approximately 2.6m horizontally from the sliding doors of the master bedroom of the existing dwelling to the north. The sliding door has been designed to be opaque and will also have timber louvre panels located over the top to reduce transparency. Notwithstanding, the deck has been designed to be approximately 5m vertically above the floor level of the master bedroom of the existing dwelling which is expected to significantly reduce the sight line from the deck to the master bedroom sliding door when taking into account the narrow width between the deck and sliding door. Furthermore, when occupants of the deck are seated the view to the sliding door will be minimised by the solid balustrading that has been proposed. The private open space of the existing dwelling will be separated from the deck of townhouse 1 by the existing dwelling. Overall, it is considered that the design of the deck minimises overlooking to the existing dwelling and its private open space.

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

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Does Not Comply

In this situation, all habitable room windows with a floor level of greater than 1m above natural ground level will be setback a minimum of 3m from both side boundaries and a minimum of 4m from the rear boundary. Therefore acceptable solution 10.4.6 (a) (i) and (ii) are met.

In relation to acceptable solution 10.4.6 (A2) (iii) and (iv) the following is observed:

Townhouse 1:

- the window to the dining room will be located approximately 5m from the master bedroom sliding door of the existing dwelling;
- the window to the living room will be offset from the master bedroom sliding door a distance of approximately 2.5m (this complies with acceptable solution 10.4.6 (A2) (b) (i) of the standard);
- both the living and dining room windows are within 6m of the windows of two bathrooms of the existing dwelling. However, these are not considered to be habitable rooms under clause 4 of the scheme;
- both of the windows will not look into the designated private open space of the existing dwelling which is located on the northern side of the existing dwelling.

Townhouse 2:

- both the windows to the dining and living room will be located within 6m of the bedroom window of townhouse 1 to the north;
- both of the windows will not look into the designated private open space of townhouse 1 which is located on the northern side of the townhouse.

It is evident that the proposed development does not comply with the acceptable solution. Therefore assessment against the performance criteria is required.

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

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

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

Complies

In relation to the discretion associated with the rear setback of Townhouse 1 the following is observed:

- the sill of the habitable room window will be elevated approximately 4.8m above the finished floor level of the master bedroom. As such, direct views from the townhouse to the master bedroom will therefore be minimised by the angle created by the differing vertical plane of the windows, in addition to the 5m horizontal separation;
- in addition, the opaque glass and louvre panelling of the master bedroom sliding door will reduce direct views into the bedroom;
- both of the windows will not look into the designated private open space of the existing dwelling which is located on the northern side of the existing dwelling.

In relation to the discretion associated with the rear setback of Townhouse 2 the following is observed:

- the sill of the habitable room windows will be elevated approximately 4.5m above the finished floor level of the habitable room window of townhouse 1 to the north. As such, direct views from townhouse 2 to the habitable room (bedroom) of townhouse 1 will be minimised by the angle created by the differing vertical plane of the windows. Furthermore, the horizontal separation between the two townhouses will be approximately 2.4m which will result in a more acute angle between the habitable room windows, further minimising direct views;
-

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

- both of the windows will not look into the designated private open space of townhouse 1 which is located on the northern side of the townhouse.

Overall, it is considered that the design of the habitable room windows with a floor level of greater than 1m above natural ground level have been designed to minimise direct views into habitable room windows of dwellings on the same lot.

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

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

Complies

Existing Dwelling:

- The window of bedroom 2 will be located 1m from the shared driveway; however a 1.8m solid paling fence has been proposed between the shared driveway and window which will provide separation in accordance with clause 10.4.6 (A3) (b) (i);
- The window to the kitchen will be located 1m from the shared driveway; however the sill height of the kitchen window will be greater than 1.7m above the shared driveway which achieves clause 10.4.6 (A3) (b) (ii);

Townhouse 1:

- The living room window will be located 1m from the shared driveway; however the sill height of the living room window will be greater than 1.7m above the shared driveway which achieves clause 10.4.6 (A3) (b) (ii);

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

- The bedroom window will be 1m from the shared driveway; however the sill height of the bedroom window will be a minimum of 1.7m above the shared driveway which achieves clause 10.4.6 (A3) (b) (ii).

Townhouse 2:

- The shared driveway ceases at the start of townhouse 2. The habitable room windows of townhouse 2 will be located in excess of 2.5m from the shared driveway which achieves clause 10.4.6 (A3) (a).

10.4.7 Frontage fences for all dwellings

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

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

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

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

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Complies

A front fence has been indicated on the plan and a commitment has been made by the applicant that the fence will be constructed in accordance with the acceptable solution. It is recommended that a condition be applied to the permit requiring the front fence to be in accordance with clause 10.4.7 (A1).

10.4.8 Waste storage for multiple dwellings

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

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

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

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

Complies

The floor plan for each dwelling details a minimum area of 1.5m² that will be dedicated for the storage of a waste and recycling bin.

10.4.9 Storage for Multiple Dwellings

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

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

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

Complies

The floor plan for each dwelling details a minimum area of 6m³ that will be dedicated for secure storage.

10.4.10 Common Property for Multiple Dwellings

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

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

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

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

Complies

The site plan delineates shared and private driveways and parking spaces. Services will be provided during the construction of the unit and will be separately provided for each dwelling unit. The waste collection point will be provided through standard kerbside waste and recycling disposal.

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

Objective: To ensure:

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

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

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

Does Not Comply

Various earthworks are required to be undertaken to accommodate the proposed development which include:

- Cut and fill;
- Retaining walls;
- Battering;
- Modification of the driveway area.

The extent of earthworks required will be greater than that required by the acceptable solution. Therefore assessment against the performance criteria is required.

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

P3 Earthworks and retaining walls associated with residential buildings and multiple dwellings must be designed and located to ensure that:

- a) no structural issues are caused for adjoining structures; and
- b) groundwater and stormwater are dealt with appropriately to eliminate any nuisance for adjoining properties; and
- c) the potential for loss of topsoil or soil erosion are adequately dealt with; and
- d) the potential visual impact on neighbouring properties including any increased potential for overlooking or overshadowing are adequately addressed.

Complies

Due to the topography of the subject property, various earthworks are required to be undertaken. The plans indicate a number of retaining walls that will be required to be constructed in particular at the driveway entrance and around the existing dwelling within close proximity of the shared driveway. Further cut is required under the townhouses in order to accommodate the ground floor garage area. In relation to the performance criteria, the following is observed:

- All retaining walls that will be located within 1.5m will require a building permit. In obtaining a building permit, it must be demonstrated that no structural issues will be caused to adjoining structures. Furthermore, any earthworks within 3m of a building will require a building protection notice to be served on the adjoining land owner in which details must be provided demonstrating measures to mitigate any potential structural issues to adjoining buildings. It is considered that the location and siting of the dwellings are located adequate distances from boundaries to ensure the requirements of the National Construction Code can be met, which regulates the structural aspects of developments;
 - A soil and water management plan condition has been applied to the permit which will require the developer to install all the necessary measures to prevent soil and water from escaping the site. The condition also requires exposed areas to be revegetated to prevent future runoff from occurring;
-

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

- The extent of retaining walls are considered to be reasonable considering the topographical constraints of the site and have been designed to be approximately 1m in height. The driveway has been designed to reduce the gradient as much as possible in particular where the garage door and car parking spaces are located. In terms of the visual impact of the retaining wall, the most significant retaining wall will be located at the commencement of the driveway. The applicant has proposed to reuse the bluestone from the existing retaining wall along the frontage in order to blend the new retaining wall and driveway entrance with the existing streetscape.

Overall it is considered that the development complies with the performance criteria.

10.4.12 Site services for dwellings

Objective: To ensure that:

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

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

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

Complies

The site plan denotes that 3 'SS' slot letterboxes will be mounted above the retaining wall.

10.4.13 Location of Car Parking

Objective:

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

<p>Consistent The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.</p>
<p>A2.1 The layout of car parking for residential development must provide the ability for cars to enter and leave the site in a forward direction, except that a car may reverse onto a road if it has a dedicated direct access or driveway no greater than 10m from the parking space to the road; and</p>
<p>Complies It has been demonstrated that the layout of the driveway and car parking spaces will allow for vehicles to enter and exit the site in a forward direction.</p>
<p>A2.2 A tandem car space may be provided in a driveway within the setback from the frontage; and</p>
<p>Complies No tandem car parking spaces have been proposed.</p>
<p>A2.3 Provision for turning must not be located within the front setback.</p>
<p>Complies</p>
<p>P3 Car parking facilities (other than for dwellings) must be:</p> <ul style="list-style-type: none"> a) reasonably close and convenient to the use it serves; and b) located to minimise visual impact to the streetscape; and c) be sited to allow safe movement onto and off the road or internal driveway.

- 7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)**

Complies

10.4.16 Subdivision

E6 - Car Parking and Sustainable Transport Code

E6.1.1 The purpose of this provision is to:

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

Consistent

The proposal has been assessed as being consistent with the purpose of the code. Refer to the assessment against the relevant standards of the code in the following section of the report.

E6.6 Use Standards

E6.6.1 Car Parking Numbers

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

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

<p>A1 The number of car parking spaces:</p> <ul style="list-style-type: none"> a) will not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or b) will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater (except for dwellings in the General Residential Zone); or c) will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone); or d) If for dwellings in the General Residential Zone, not less than 100% of the requirements of Table E6.1.
<p>Complies Table 6.1 of the code requires 2 car parking spaces per dwelling plus 1 visitor car parking space per 4 dwellings. In this case three dwellings have been proposed therefore a total of 6 car parking spaces plus 1 visitor parking space is required to be provided. In this instance, both of the townhouses have been provided with a double garage and the dwelling will have a double carport. 1 visitor parking space is also provided on the parking deck which is to be replaced. Therefore the acceptable solution has been met.</p>

E6.6.2 Bicycle Parking Numbers

<p>Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.</p>
<p>Consistent The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.</p>
<p>A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</p> <p>A1.2 The number of spaces must be in accordance with a parking precinct plan that has been incorporated into the planning scheme for a particular area.</p>

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Complies

Table 6.1 requires 1 bicycle parking space per unit. In this case three bicycle parking spaces are required to be provided. An individual bicycle parking space is available within the garage and storage areas of each of the dwellings. Therefore the acceptable solution has been met.

E6.6.3 Taxi Drop-off and Pickup

Objective: To ensure that taxis can adequately access developments.

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

E6.6.4 Motorbike Parking Provisions

Objective: To ensure that motorbikes are adequately provided for in parking considerations.

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

E6.7 Development Standards**E6.7.1 Construction of Car Parking Spaces and Access Strips**

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

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

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

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

Complies

A condition has been applied to the permit requiring the following to be undertaken:

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

- a. Be designed to comply with the following suite of Australian Standards AS 2890.1.
- b. Be properly constructed to such levels that they can be used in accordance with the plans,
- c. Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers,
- d. Be drained to Councils requirements including the provision of a grated drain inside the property boundary to collect the surface water prior to discharge from the property,
- e. Be provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas;
- f. Have exterior lights that are installed in such positions as to effectively illuminate all pathways, car parking areas and porch areas. Such lighting must be controlled by a time clock or sensor unit and shielded to prevent direct light being emitted outside the site,

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

It is considered that compliance with the condition will satisfy the acceptable solution.

E6.7.2 Design and Layout of Car Parking

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

<p>Consistent The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.</p>
<p>A1.1 Where providing for 4 or more spaces, parking areas (other than for dwellings in the General Residential Zone) must be located behind the building line; and</p>
<p>Complies All car parking spaces will be located behind the building line of the existing dwelling.</p>
<p>A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>
<p>Complies The provision for turning is not located within the front setback.</p>
<p>A2.1 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2, and not more than 10% greater than prescribed in Table E6.2; and d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply: <ul style="list-style-type: none"> i) there are three or more car parking spaces; and ii) where parking is more than 30m driving distance from the road; or iii) where the sole vehicle access is to a category I, II, III or IV road; and <p>A2.2 The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.</p>

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Does Not Comply

The car parking and manoeuvring spaces will be as follows:

- The drive details drawing indicates that the car parking spaces and manoeuvring areas will have a gradient of 1:10;
- The layout of the driveway and manoeuvring area will enable cars to enter and exit the subject property in a forward direction;
- The vehicular access will be a minimum of 4.5m for the initial 7m of the driveway and 3m thereafter, however a passing bay at the 30m mark 2m in width and 5m in length is unable to be provided. **Assessment against the performance criteria is required for this provision;**
- A combined width of access and manoeuvring space adjacent to the car parking spaces in accordance with Table E6.3 is unable to be provided. **Assessment against the performance criteria is required for this provision;**
- A condition has been applied requiring the car parking spaces and access ways to be constructed in accordance with Australian Standards AS 2890.1.

P2 Car parking and manoeuvring space must:

- a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and
- b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.

Complies

A plan has been provided demonstrating that a standard B85 vehicle can manoeuvre in a safe, convenient and efficient manner without the necessity to reverse from the subject property onto the carriageway.

E6.7.3 Car Parking Access, Safety and Security

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

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

E6.7.4 Parking for Persons with a Disability

Objective: To ensure adequate parking for persons with a disability.

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

E6.7.6 Loading and Unloading of Vehicles, Drop-off and Pickup

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

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

E6.8 Provisions for Sustainable Transport

E6.8.1 Bicycle End of Trip Facilities

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

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

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

Complies

Less than 5 bicycle parking spaces are required for the proposed development. Notwithstanding, the dwellings will be used for residential purposes and are equipped with shower and change room facilities for personal use.

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

E6.8.2 Bicycle Parking Access, Safety and Security

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

Consistent

The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.

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

- a) be accessible from a road, footpath or cycle track; and
- b) include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and
- c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and
- d) be available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and

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

Complies

Each bicycle parking space will be accessible from the internal driveway which connects onto the footpath and carriageway of Hill Street. The bicycle spaces will be utilised for personal use and are not provided for any commercial or retail purpose. As such, it is not considered necessary to provide a rail or loop in accordance with AS 1890.3. The bicycle parking spaces will be located within 50m of the entrance to each dwelling and will be located in a secure and covered area.

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

<p>A2 Bicycle parking spaces must have:</p> <p>a) minimum dimensions of:</p> <ul style="list-style-type: none"> i) 1.7m in length; and ii) 1.2m in height; and iii) 0.7m in width at the handlebars; and <p>b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</p>
<p>Complies There is sufficient space within the secured area to meet the required dimensions. The storage area will be level.</p>

E6.8.5 Pedestrian Walkways

<p>Objective: To ensure pedestrian safety is considered in development.</p>
<p>Consistent The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.</p>
<p>A1 Pedestrian access must be provided for in accordance with Table E6.5.</p>
<p>Complies Less than 10 car parking spaces are required, therefore no separate pedestrian access provisions are required for the proposed development.</p>

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	Conditions apply to the planning permit.
Environmental Health	Conditions apply to the planning permit.
Parks and Recreation	No referral required.
Heritage/Urban Design	No referral required.
Building and Plumbing	Notes apply.
EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2014/01283-LCC.
DIER	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 26 November 2014 until 9 December 2014. A total of seven (7) representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

An onsite meeting was held on 18 December between 5:15pm and 7:00pm between a number of representors and Council's assessing officer. The meeting enabled open discussion of the issues and concerns raised by the representors. It was evident that the representors had a number of issues and concerns with the proposal given the extent and detail of the letters that were written. Rather than attempting to address each issue individually, it was decided to outline the basic planning process involved and how the development application would be assessed. This included:

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

- Outlining the basic planning process;
- The status of the development;
- The development standards;
- Items of discretion; and
- Procedures following the assessment.

A number of questions were raised about the heritage status of the property and the Hill Street precinct. The representors were advised that the area was not located in a heritage precinct, although a heritage study had been conducted, and that the property was not subject to a heritage listing.

At the conclusion of the meeting, the representors still held concerns for the proposed development. The representors were advised that the development application would be presented at the next available Council meeting (27 January 2015) for a decision and that they were also welcome to view the planning report and attend the meeting to voice their concerns. In addition, the representors were advised that once a decision was made that they would be notified of the decision and their appeal rights.

ISSUE	RESPONSE
Concern that the street is to be set aside as a heritage precinct.	It is understood that Hill Street was earmarked to be incorporated into a heritage precinct as a result of the Launceston Heritage Study 2007. However, the recommendations of the study were never adopted under Council's Interim Planning Scheme; therefore the study has no statutory weight. The property is not listed on the Tasmanian or City of Launceston Heritage register. Subsequently there are no heritage considerations that apply to the development application.
Concern that the alteration of the bluestone retaining wall will alter the visual impact of the streetscape and the character of the proposed heritage listing	There are no powers under the planning scheme to prevent the removal of a section of the bluestone retaining wall in order to accommodate the new crossover and driveway access.

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

<p>Concern that the addition of the deck and carport will compromise the character of the existing dwelling and streetscape of the area;</p>	<p>The proposed deck and carport met the requirements for frontage setbacks under the planning scheme, which is deemed to comply with the matters relating to streetscape within the zone.</p>
<p>Dwellings within the area have been purchased with the knowledge that the heritage listing would protect the streetscape.</p>	<p>This is not a matter that can be dealt with under the planning scheme.</p>
<p>Elements of the adjoining heritage listed dwelling will be significantly compromised by the proposed driveway along the shared boundary.</p>	<p>Although the adjoining dwelling, and dwellings within close proximity of the subject property, are heritage listed, the listing does not have any weight over the assessment of the development application.</p>
<p>The rare Norfolk Island Pine tree should be protected given that other trees are protected within the Launceston area.</p>	<p>The Norfolk Pine (<i>Araucaria heterophylla</i>) is a tree species that is endemic to Norfolk Island which is located in the Pacific Ocean, and is not a native or endemic specie within Tasmania. The tree is not listed as being threatened or rare on the state's threatened species list. The tree does not have a heritage listing. Therefore there a no powers under the planning scheme to prevent the removal of the tree.</p>
<p>Allowing the construction of two additional dwellings on the lot will remove the privacy currently experience by adjoining dwellings and will create a cramped atmosphere and will set a precedent for future developments of a similar nature;</p>	<p>The proposed development has been assessed as being compliant with the standards relating to privacy of adjoining dwellings. Future development applications will be subject to assessment against the relevant provisions of the planning scheme that apply to the land in which the development is located. Each application will be judged on their own merits and not according to previous applications.</p>
<p>The inclusion of two additional units and a new access off Hill Street will create traffic and pedestrian safety issues.</p>	<p>The proposed development has been assessed as having an acceptable impact on traffic and pedestrian safety.</p>

7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)

The development of three multiple dwellings will have a detrimental impact on the heritage aspect of the streetscape.	There are no heritage considerations that apply to the development application.
Concern that the Norfolk Pine may be habitat for a masked owl.	After viewing the Natural Values Atlas and the LIST, it has been concluded that there is no evidence to suggest that the Norfolk Pine is a nesting area or habitat for the masked owl.
Concern about the health and safety of a tree that is located on the adjoining property within close proximity to where excavation of rear townhouse is to be located.	This is a matter that is unable to be addressed under the planning scheme and will need to be dealt with between the both landowners.
Concern regarding the setback of the units from the south-west boundary, in particular the western most point.	The proposed development has been assessed as being compliant with the setback requirement of the zone.
The established housing stock is of a certain quality and appeal and will be adversely affected by the proposed development.	This is not a matter that can be dealt with the under the planning scheme.
Dividing the lot into three dwellings will lower the house prices of nearby residences.	This is not a matter that can be dealt with the under the planning scheme.
The proposed development will increase traffic volume within the area and will affect the privacy and comfort of neighbouring dwellings which will exacerbate the reduction in value of nearby residences.	The proposed development has been assessed as having an acceptable impact on traffic and pedestrian safety.
The higher density of dwellings will increase noise levels within the area;	This is not a matter that can be dealt with under the planning scheme.

6. CONCLUSION

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

- 7.3 40 Hill Street, West Launceston - Residential - multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks...(Cont'd)**
-

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2012

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

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

Attachment 1 40 Hill Street, West Launceston (Pages = 1)



Launceston City Council
A Leader in Community & Government



LOCALITY MAP - DA0540/2014 Residential - multiple dwellings; construction of two and use three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks



Locality Map

Scale: This Map Is Not to Scale

Attachment 3 - 40 Hill Street, Launceston - Representations Pages = 10

Lyn Norris

From: Ian Boersma
Sent: Monday, 8 December 2014 2:16 PM
To: Council
Subject: Representation in relation to DA0540/2014 (40 Hill Street, West Launceston)

General Manager,
Launceston City Council,
PO Box 396,
LAUNCESTON TAS 7250.

Dear Sir,

I wish to indicate my concern regarding the application for "multiple dwellings; construction of two and use of three multiple dwellings; construction of a deck and carport to an existing dwelling; construction of a new parking deck; associated earthworks" at 40 Hill Street, West Launceston.

I declare that I am member of LCC's Heritage Advisory Committee. Should this application be tabled at that committee, I will declare my interest and not participate in the committee's deliberations.

As I understand it, the proposed development is in an area that has been identified as a potential heritage precinct and one that Council's planning staff had identified as a priority to progress. Regrettably, there have been delays in progressing the inclusion of heritage precincts within the planning scheme so developments in areas such as this must be assessed without precinct overlay provisions.

Nonetheless, I urge Council to use what discretion it has available to exclude from any approval those elements of the proposal that will undermine or erode the cohesive heritage character of Hill Street.

I have particular concern about works to the front of the house and property. The architectural integrity of this house should not be compromised.

Thank you for having regard to my views.

Yours sincerely,

Ian Boersma

Lyn Norris

From: lynette foster
Sent: Monday, 8 December 2014 8:08 PM
To: records
Cc: Council
Subject: DA0540/2014 40 Hill St West Launceston

The General Manager
Launceston City Council

Dear Sir,

re DA0540/2014 pertaining to 40 Hill St West Launceston

I do not believe that the plans as proposed are suitable for this area of Hill Street. The area of Hill Street opposite Arbour Park has houses of a certain quality and appeal that will be adversely affected by such a development at 40 Hill St. I think the residences in this section should remain as single dwelling residences and I believe that dividing it into 3 dwellings on one small area will lower the house prices of nearby residences. Some of the nearby houses are heritage listed (such as my own). Increasing the density of dwellings in this unique pocket of West Launceston would be a real shame. Why ruin such a beautiful stretch of housing when a development of this nature could be done in other parts of the town that already have similar developments.

The proposed development will increase traffic flow past all nearby dwellings and this will adversely impact on the privacy and comfort of neighbours (particularly the 2 closest neighbours who will have car headlights shining into their living spaces) including myself. This will exacerbate the reduction in value of nearby residences.

Squashing in 3 homes onto that one block will increase noise levels unacceptably in a quiet area of town.

Creating a garage as shown in the plans would detract from the street scape and does not fit in with the nearby dwellings.

I think we should be trying to preserve the ambience and beauty of this area.

I oppose this application due to the above reasons. I believe that the site should contain a single residence only and should aim to retain the heritage feel of its neighbours to preserve this delightful spot.

Kind Regards,

Lynette Foster

9/12/2014

Lucy and Guy Wagner

Attention: Planning Development Officer

We object to the proposed development because we are concerned about the Heritage aspect of the street and the development of three dwellings and how they will impact aesthetically to the area. Further In particular we object to the blue stone wall which is a heritage feature of the area being altered to put in a driveway which is to accommodate up to 10 cars potentially on the block. We understand that this is a heritage listed house and so are confused as the proposed developments and how these will alter the original character of the house.

Lucy Wagner

Lyn Norris

From: Lisa Williams
Sent: Tuesday, 9 December 2014 2:20 PM
To: records
Cc: chris williams
Subject: Attn: Planning department (40 Hill St)

9th December 2014
Lisa and Chris Williams

Attn: Planning department
Objection- planning application 40 Hill Street

Good Afternoon

We object to the proposed development of 40 Hill St (DA0540/2014) for the following reasons:

As the owners/ residents of

we are a heritage listed property. Elements of our house which enabled it to be listed would be significantly compromised by the proposed driveway along the shared boundary.

The rare Norfolk

Island Pine tree located at 40 Hill St would need to be removed for this proposal to go ahead. As protection is given to other trees in Launceston (such as palm trees)- allowing for this tree to be destroyed is not in keeping with that standard of protection.

The historic blue stone retaining wall that helps to define Hill Street would need to be partially destroyed to allow for the driveway to be put in place- this would greatly impact the street scape and allow for the destruction of such a historical piece construction.

Also the proposal of the new deck/ carport area on the existing dwelling will compromise the historic value/ facade of the property. I don't believe this is in keeping with the streetscape of Hill Street.

Hill Street is one of the rare areas close to the city with large, undivided blocks which adds to the historic value, charm and character of the area. It also allows for a large variety of wildlife to inhabit the area. By allowing the erection of an additional 2 dwellings at 40 Hill St- it will remove the privacy for neighboring properties and create a cramped atmosphere in this street, and may open the floodgates to further developments- thus destroying all the positive aspects of Hill Street listed above.

There is currently no driveway on 40 Hill Street- the proposed development has allowances for up to 12 vehicles on what has, to date, been a property which has a single rear access carport. The use of up to 12 vehicles would have a significant impact on the noise pollution for the neighboring properties, with the living quarters and bedrooms located on that side of the property. Such an increase in traffic also has the potential to be unsafe with up to 12 vehicles entering and exiting 40 Hill Street as many locals park their cars on the street front of 36-42 Hill Street to make use of the beautiful adjacent park and dog walking area.

As the residents of : we feel that the development 3 properties is excessive and unnecessary for the above listed points.

The developer has been in contact with us and while we appreciate his enthusiasm and openness to our concerns, we do not feel that the development is in the best interest of the Hill Street residents, nor in the best interests of preserving such a rare historic street which so prominent to the tourist precinct of Launceston.

Kind regards
Lisa and Chris Williams

9th December 2014

Paul and Jennifer Kerkenezov

ATTENTION: Planning Department

OBJECTION: Planning Application 40 Hill ST West Launceston

According to the Heritage Council this section of Hill St is remarkable for its preserved streetscape and heritage listed houses. The street is to be set aside as a designated heritage precinct.

We object to the proposed development on the grounds that:

1. The proposed driveway and alteration of the bluestone retaining wall will considerably alter the visual impact of the street as well as alter the character of the proposed heritage listing. We understand that bluestone kerbing has been protected in other areas of Launceston.
2. Construction of the charming house is consistent with the houses built around this period with quality lead glass and weatherboard being the predominant construction choices. The proposed addition of a modern deck and carport to the front of the house would seriously compromise the streetscape.
3. Houses have been recently purchased with the knowledge that the streetscape would be protected and houses further considered for heritage listing.

We ask that consideration be given to our concerns over this application and for planning decisions be consistent with preserving the history of the city of Launceston.

Paul Kerkenezov

Jennifer Kerkenezov

8 December 2014

Elizabeth Maclaine-Cross & Eamonn Tiernan

ATTENTION: PLANNING DEPARTMENT

OBJECTION - PLANNING APPLICATION 40 HILL STREET

We object to this proposed development because:

1. This section of Hill Street has streetscape values that are unique to Launceston and highly relevant to the history of the City. This is evidenced by the large number of heritage listed houses on the street. Furthermore, we understand that this area was to be designated a heritage precinct, in recognition of its cohesive heritage character, and in order to protect this character. This process appears to have been delayed, however, in the meantime, it is important that planning decisions do not result in an erosion of the area's special heritage character.
2. The picturesque quality of the old weatherboard house will be seriously compromised by a large modern deck and carport that will detrimentally affect the streetscape in the sense of being a 'visual scar' by introducing an element that is out of keeping and visually jarring.
3. The historic bluestone retaining wall that fronts 40 Hill Street is an outstanding element, characteristic of Launceston's best streetscapes. It is akin to the bluestone kerbing in other parts of the city which have been afforded special heritage protection. The appearance of this historic wall will be destroyed as a part of the wall will be demolished to build a large driveway if approval is given to the proposed development. This would be an inconsistent decision that contradicts other Council decisions (like that of the bluestone kerbing).
4. We understand [redacted] is a heritage listed house. Elements of this house, that caused it to be listed, will be significantly compromised by the driveway that is proposed to run along the shared boundary – this is inconsistent with the listing of [redacted].
5. A further unique quality of Hill Street is the number of particularly large blocks that create a 'green belt' for wildlife, and act as an informal extension of the Cataract Gorge reserve. This will be destroyed by continued division and development, particularly to 'choking point' as proposed for 40 Hill Street, where three dwellings are proposed.
6. There is a rare tree for Launceston in the garden of 40 Hill Street, being a huge, ancient Norfolk Island Pine tree that has been there longer than any of the current residents (including some who have been there pre-1979). There are very few Norfolk Island Pines that we have seen in Launceston. This tree will be destroyed if the development is allowed as planned. When

emphasis is given to protecting palm trees and other scenic trees that are more plentiful in Launceston, it is inconsistent to allow this tree to be destroyed.

7. There is an owl (masked owl?) that resides in the vicinity of the property. We believe the Norfolk Island Pine tree may be home to the owl. We believe that it is the protected species for Tasmania, known as the 'masked owl'. Local government has publically expressed it as being crucial to protect the habitat of these rare owls.
8. The proposed development significantly compromises the privacy of neighbours and private use and enjoyment of our land.
9. The development also puts at jeopardy the safe use of the land of neighbours. At are old trees that pre-exist family ownership of the house since 1979. The viability of a massive Blackwood, close to the fence-line, will be jeopardized by the development as a result of how close the proposed new houses are to the trees (excavation and the required pruning of overhanging tree limbs will destroy the root system and unbalance the tree so that it will be likely to fall in time. If it does, it will damage our home and could cause injury to the inhabitants.
10. We are also particularly concerned regarding setbacks from the boundary of 40 Hill Street to our property at particularly re the westernmost townhouse.

It may be appropriate for the development application to be refused, given that the extent of changes needed to satisfy our concerns would not make it possible to conditionally approve it. The extent of changes needed to satisfy our concerns might well be tantamount to refusal.

We appreciate contact that we have had to date from the developer, and also offers of compromise from the Developer during the limited response period. We note advice from the Developer regarding his willingness to increase setbacks and make other changes to the proposed development. We appreciate his intent. However, we find it difficult to respond to both this planning application as well as the Developer's proposed amendments to it. The developer, in discussing these matters, has suggested that we note that the matter should be referred to mediation to allow time for these negotiations to be dealt with appropriately.

Elizabeth Maclaine-Cross

Eamonn Tiernan

Lyn Norris

From: Elizabeth
Sent: Tuesday, 9 December 2014 11:30 AM
To: records;
Subject: FW: Attention Planning Department re Proposed Development 40 Hill Street, Launceston
Attachments: 40 Hill Street development - submission 2.docx

Please find attached a copy of our amended objection in relation to the proposed development at 40 Hill Street, Launceston.

An original objection was hand delivered to the Council, and sent by email yesterday. We have not received confirmation of receipt.

Could you please confirm, by return email, that the Council has received and this amended objection and replaced the original document with the amended one.

Regards

Elizabeth Maclaine-Cross

9 December 2014

Elizabeth Maclaine-Cross & Eamonn Tiernan

ATTENTION: PLANNING DEPARTMENT

OBJECTION - PLANNING APPLICATION 40 HILL STREET

We object to this proposed development because:

1. This section of Hill Street has streetscape values that are unique to Launceston and highly relevant to the history of the City. This is evidenced by the large number of heritage listed houses on the street. Furthermore, we understand that this area was to be designated a heritage precinct, in recognition of its cohesive heritage character, and in order to protect this character. This process appears to have been delayed, however, in the meantime, it is important that planning decisions do not result in an erosion of the area's special heritage character. **(10.1.1.4 of the Launceston Interim Planning Scheme.)**
2. The picturesque quality of the old weatherboard house will be seriously compromised by a large modern deck and carport that will detrimentally affect the streetscape in the sense of being a 'visual scar' by introducing an element that is out of keeping and visually jarring. **(10.4.2 of the Launceston Interim Planning Scheme.)**
3. The historic bluestone retaining wall that fronts 40 Hill Street is an outstanding element, characteristic of Launceston's best streetscapes. It is akin to the bluestone kerbing in other parts of the city which have been afforded special heritage protection. The appearance of this historic wall will be destroyed as a part of the wall will be demolished to build a large driveway if approval is given to the proposed development. This would be an inconsistent decision that contradicts other Council decisions (like that of the bluestone kerbing). **(10.1.1.4 of the Launceston Interim Planning Scheme.)**
4. We understand : is a heritage listed house. Elements of this house, that caused it to be listed, will be significantly compromised by the driveway that is proposed to run along the shared boundary – this is inconsistent with the listing of **(10.1.1.4 of the Launceston Interim Planning Scheme.)**
5. A further unique quality of Hill Street is the number of particularly large blocks that create a 'green belt' for wildlife, and act as an informal extension of the Cataract Gorge reserve. This will be destroyed by continued division and development, particularly to 'choking point' as proposed

for 40 Hill Street, where three dwellings are proposed. **(10.4.6, 10.4.7 of the Launceston Interim Planning Scheme.)**

6. There is a rare tree for Launceston in the garden of 40 Hill Street, being a huge, ancient Norfolk Island Pine tree that has been there longer than any of the current residents (including some who have been there pre-1979). There are very few Norfolk Island Pines that we have seen in Launceston. This tree will be destroyed if the development is allowed as planned. When emphasis is given to protecting palm trees and other scenic trees that are more plentiful in Launceston, it is inconsistent to allow this tree to be destroyed. **(10.1.1.4 of the Launceston Interim Planning Scheme.)**
7. There is an owl (masked owl?) that resides in the vicinity of the property. We believe the Norfolk Island Pine tree may be home to the owl. We believe that it is the protected species for Tasmania, known as the 'masked owl'. Local government has publically expressed it as being crucial to protect the habitat of these rare owls.
8. The proposed development significantly compromises the privacy of neighbours and private use and enjoyment of our land. **(Particularly 10.4.6 and 10.4.13 of the Launceston Interim Planning Scheme.)**
9. The development also puts at jeopardy the safe use of the land of neighbours. At are old trees that pre-exist family ownership of the house since 1979. The viability of a massive Blackwood, close to the fence-line, will be jeopardized by the development as a result of how close the proposed new houses are to the trees (excavation and the required pruning of overhanging tree limbs will destroy the root system and unbalance the tree so that it will be likely to fall in time. If it does, it will damage our home and could cause injury to the inhabitants.
10. We are also particularly concerned regarding setbacks from the boundary of 40 Hill Street particularly re the westernmost townhouse. **(10.4.2 of the Launceston Interim Planning Scheme.)**

It may be appropriate for the development application to be refused, given that the extent of changes needed to satisfy our concerns would not make it possible to conditionally approve it. The extent of changes needed to satisfy our concerns might well be tantamount to refusal.

We appreciate contact that we have had to date from the developer, and also offers of compromise from the developer during the limited response period. We note advice from the developer regarding his willingness to increase setbacks and make other changes to the proposed development. We appreciate his intent. However, we find it difficult to respond to both this planning application as well as the developer's proposed amendments to it. The developer, in discussing these matters, has suggested that we note that the matter should be referred to mediation to allow time for these negotiations to be dealt with appropriately.

Elizabeth Maclaine-Cross

Eamonn Tiernan

COUNCIL AGENDA

Tuesday 27 January 2015

- 7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages**

FILE NO: DA0554/2014

AUTHOR: Catherine Mainsbridge (Senior 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:	Birrelli Architects
Property:	85-107 Penquite Road, Newstead
Zoning:	Community Purpose, General Residential
Receipt Date:	21/11/2014
Validity Date:	21/11/2014
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	27/01/2015
Representations:	4

PREVIOUS COUNCIL CONSIDERATION:

DA0361/2014	Educational and Occasional Care - school; construction of a storeroom
DA0277/2014	Educational and Occasional Care: Senior School - Extensions to a building and installation of an elevated walkway
DA0281/2013	Construction of a storage shed
DA0029/2013	Construction of an extension to the existing classroom
DA0486/2007	Construct new Middle School
DA0716/2006	Demolition of part of administration and library building
DA0363/2006	Construction of a building - Health & Physical Education Centre, Construction of a Structure - underpass Playing Fields and associated works
DA0244/2006	Construction of a building (extension to school building)
DA0394/2005	Relay sewer, construct retaining wall, remove vegetation, reform access (Scenic Protection Area)
DA0450/2004	Construct a shed

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

DA0454/2002 Construct additions to school

DA0281/2002 Extensions to existing building (Performing Arts Centre)(vary height provisions)

RECOMMENDATION:

It is recommended that in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2012, a permit be granted for DA0554/2014 Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages at 85-107 Penquite Road, Kings Meadows in accordance with the endorsed plans and subject to the following conditions.

1. ENDORSED PLANS & DOCUMENTS

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

- a. Scotch Oakburn College, Polymaths Centre, Northern Precinct, Existing Site and Car Parking Planning, Project no., 13012, Prepared by Birrelli Architects, Drawing No. SD-01, Scale 1:500 @ A1 Print.
 - b. Scotch Oakburn College, Polymaths Centre, Northern Precinct, Proposed Site and Car Parking Planning, Project no., 13012, Prepared by Birrelli Architects, Drawing No. SD-02, Scale 1:500 @ A1 Print.
 - c. Scotch Oakburn College, Polymaths Centre, Northern Precinct, New Lower Ground Floor Plan, Project no., 13012, Prepared by Birrelli Architects, Drawing No. SD-03, Scale 1:200 @ A1 Print.
 - d. Scotch Oakburn College, Polymaths Centre, Northern Precinct, New Ground Floor Plan, Project no., 13012, Prepared by Birrelli Architects, Drawing No. SD-04, Scale 1:200 @ A1 Print.
 - e. Scotch Oakburn College, Polymaths Centre, Northern Precinct, New Level 1 Floor Plan, Project no., 13012, Prepared by Birrelli Architects, Drawing No. SD-05, Scale 1:200 @ A1 Print.
 - f. Scotch Oakburn College, Polymaths Centre, Northern Precinct, Existing Survey, Project no., 13012, Prepared by Birrelli Architects, Drawing No. SD-06, Scale 1:200 @ A1 Print.
 - g. Scotch Oakburn College, Polymaths Centre, Northern Precinct, Elevations, Project no., 13012, Prepared by Birrelli Architects, Drawing No. SD-07, Scale 1:200 @ A1 Print
 - h. Geotechnical Investigation, Scotch Oakburn College, Penquite Road, Newstead, Prepared for Pitt and Sherry, Date: 5 September 2014, Document Reference: TG14066/4 - 01 Report, Prepared by Tasman Geotechnics Pty Ltd.
-

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

- i. Bushfire Attack Level (BAL) Assessment & Bushfire Hazard Management Plan (BHMP), for 85 Penquite Road, Newstead, Prepared for Scotch Oakburn College, Date 24 August, 2014, Document Reference MBR/2014/032, Prepared by Maraway Tasmania Pty Ltd.

2. LANDSLIP

The development must be carried out in accordance with the recommendations in the document entitled Geotechnical Investigation for Scotch Oakburn College, Penquite Road, Newstead, Prepared for Pitt and Sherry, Date: 5 September 2014, Document Reference: TG14066/4 - 01 Report, Prepared by Tasman Geotechnics Pty Ltd.

3. NO CONSTRUCTION VEHICLE USE OF RIVERDALE GROVE ACCESS

The access off Riverdale Grove must not be used by any vehicles associated with the works proposed within this permit.

4. USE OF AND ACCESS TO PARKING AREAS

Areas set aside for the parking and movement of vehicles as shown on the endorsed plans must be made available for the use of staff and must accord with the covenant on title regarding the access to this portion of the site off Riverdale Grove where the access strip, marked ABCD on title SP 117665 must not be used for any purpose other than as an entrance and exit for staff vehicles during school term days between the hours of 8am and 5.30pm.

5. AMENITY

The use and 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.

6. 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.

7. LAPSING OF PERMIT

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

- 7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)**
-

8. EXTERIOR AND SECURITY LIGHTING

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

9. HOURS OF CONSTRUCTION

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

10. NON REFLECTIVE EXTERIOR FINISH

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

11. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater TWDA No2914/01300-LCC.

12. 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.

Dispose of any asbestos found during demolition in accordance with the Workplace Tasmania's 'Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (2005)]'.

13. PROTECTION OF EXISTING TREES

Existing trees on adjoining properties must not be damaged during the works. Such trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees.*

14. FENCING

Prior to the commencement of the development the fence shared with 33 Riverdale Grove must be upgraded to be a maximum height of 2.1m when measured from the highest finished level on either side of the common boundaries and be a solid (i.e. no gaps) fence to provide full privacy between adjoining neighbours. The fence must be constructed at the developer's cost.

- 7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)**
-

15. BUSHFIRE SAFETY

Prior to commencement of the use, a certificate of compliance by an accredited person, must be submitted confirming all measures required under the approved bushfire management plan (*Bushfire Attack Level (BAL) Assessment & Bushfire Hazard Management Plan (BHMP), for 85 Penquite Road, Newstead, Prepared for Scotch Oakburn College, Date 24 August, 2014, Document Reference MBR/2014/032, Prepared by Maraway Tasmania Pty Ltd.*) are completed.

The management plan must be adhered to with this and a copy of the evacuation management plan suitably displayed for the life of the use.

16. PARKING CONSTRUCTION

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

- a. Be designed to comply with the following suite of Australian Standards AS 2890.1 Off-street car parking, AS 2890.3 Bicycle parking facilities and AS 2890.6 Off-street parking for people with disabilities.
- b. Be properly constructed to such levels that they can be used in accordance with the plans,
- c. Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers,
- d. Be drained to Councils requirements,
- e. Be line-marked or otherwise delineated to indicate each car space and access lanes,
- f. Be provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas. This includes a concrete kerb along the northern side boundary of the carpark;
- g. Have exterior lights that are installed in such positions as to effectively illuminate all pathways, car parking areas and porch areas. Such lighting must be controlled by a time clock or sensor unit and shielded to prevent direct light being emitted outside the site,
- h. One of the 29 spaces being redeveloped as part of this application must be for people with disabilities and must be designed and constructed in accordance with AS 2890.6 Off-street parking for people with disabilities.

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

- 7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)**
-

17. 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.

18. 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.

19. VESSELS CONTAINING CONTROLLED WASTES, DANGEROUS GOODS ETC.

Vessels containing hydrocarbons, controlled wastes and dangerous goods must, as far as practicable, be located in areas that comply with the following requirements:

- a) An impervious floor and spill collection bund must be provided;
- b) The floor and spill collection bund must be constructed of materials that are chemically resistant to any goods stored within the bunds;
- c) The spill collection bund must be designed to contain at least 110 percent of the volume of the largest storage vessel, and at least 25% of the total volume of the vessels stored within the bund, whichever is the greater volume; and
- d) If a valve is provided within the bund wall for the recovery of spillages or discharge of uncontaminated stormwater, this valve must be capable of being isolated so that it can only be operated by authorised personnel.

20. AIR VENTING SYSTEMS

The design and construction of the air venting systems for the laboratories must comply with the relevant regulatory requirements and standards to ensure that any emissions do not cause an environmental nuisance to nearby residents.

21. USE OF THE SITE INCLUDING THE AUDITORIUM

The use of the proposed buildings, including the auditorium, is limited to between 6am and 10pm.

- 7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(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 DA0554/2014. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.

This permit takes effect after:

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

This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

Access for People with a Disability

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

Appeal Provisions

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

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

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

REPORT:

1. THE PROPOSAL

The application proposes partial demolition of buildings sited along the northern side boundary, backing onto residential properties in Riverdale Grove, to be followed by the recycling/redevelopment of buildings to provide new maths and science rooms along with an auditorium and outdoor areas.

Demolition includes part of the original school building 'Ravenscraig' in the front north western corner of the site, the western and middle sections of 'St Andrews', and the demolition of what was traditionally the principal's residence to the rear north eastern corner of the site known as 'Raeburn'.

Redevelopment will occur over a number of levels resulting from the changing terrain of the site. Adjoining Penquite Road the building is only single storey but at the eastern and highest section of building is to the rear north eastern portion of the site. The front building of 'Ravenscraig' will be linked to the new works. The other buildings will remain linked predominantly to the south of the existing buildings.

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

The most elevated portion is the area between the 'Raeburn' building and 'St Andrews' building with an additional 16m of building to the east of the 'St Andrews' building. On the lower ground floor, being the area to the east, and the eastern and lower section of the existing 'St Andrews' building, will be 10 undercover car parking spaces, a science lab, studio/classroom, break out lounge, staff office, preparation areas and storeroom.

At ground level, from east to west, are two science labs, three classrooms, a two storey auditorium along the southern side of the existing 'St Andrews' building, with a new enclosed courtyard, to be named Pythagoras Agora. To its north, a cafe, two classrooms, a common room within the existing building are also proposed. The 'Ravenscraig' building will be limited to a renewal of the amenities block at this level, other than for the provision of a canopy surrounding an existing courtyard, 'Madelbrot'. Existing rooms remain as classrooms.

On the upper level, from east to west, with the extended building, a science lab, breakout areas, a classroom and staff areas are proposed. 'Ravenscraig' is to be refurbished and includes a minor addition to an existing mezzanine space. An existing building to the north of 'Ravenscraig' is to be fitted out as a studio space.

The building is proposed to be clad in a mix of materials and will include the provision of smaller windows to provide greater thermal efficiency and reduce the extent of any overlooking between the school and adjoining residential properties. Cladding is proposed to reflect the design of the project as a Polymaths Centre.

As the site falls away to the east the building has the appearance of a single storey fronting Penquite Road (despite having 2+ levels) and three storey at the rear (maximum height of 13.42m)

Stage 1 of the proposal will be the eastern section of the works, being demolition of the 'Raeburn' building, and redevelopment of the eastern section of the 'St Andrews' building.

Currently the school, is spread over three sites, including the middle school portion of the school on the western side of Penquite Road, has 135 staff and 147 car spaces. The section of the campus subject of this application has 29 car spaces that are accessed off Riverdale Grove, the street to the north of the site. This access has been formalised by previous agreement with Council's Infrastructure Services Director. These spaces are to be reconfigured to provide spaces that are compliant with current standards. They are for use by staff during school term days between the hours of 8am and 5.30pm.

- 7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)**
-

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Site Description

The site is located in Newstead on the eastern side of Penquite Road, opposite the intersection with Amy Road. It occupies a relatively square area of 3.911ha, extending to the east and falling away to the flood plain of the North Esk River. Neighbouring properties are primarily used for residential purposes predominately in the form of single dwellings.

Location of existing access to the site

The main access to the site is directly off Penquite Road but the area subject to this application can be accessed off Riverdale Grove via an internal drive.

Slope

The portion of the site containing the school buildings has a slight fall to the east before a large drop to the flood plain below. Part of the eastern section of the site is identified as a potential landslip area

Vegetation

The portion of the site subject of this application is relatively clear of vegetation but is within 100m of bushfire prone vegetation within the flood plain.

Location of any existing buildings on the site and surrounding

The site is developed around the perimeter of the higher level of the site with a large green space in the centre.

Properties bordering the northern boundary front onto Riverdale Grove, a half circle type street, accessed via Penquite Road or Thyne Avenue, and are developed and used as single dwellings. Similar to the subject site the elevation of the site reduces heading east and dwellings alter from being single storey to partially two storey at their rear.

Site Services

Penquite Road is suitably sealed and drained by council standard. Existing reticulated services of water, sewer and stormwater are adequate for the proposed work.

- 7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

17 - Community Purpose Zone

17.1.1 To provide for key community facilities and services where those facilities and services are not appropriate for inclusion as an associated activity within another zone.

17.1.2 To provide for a range of health, educational, government, cultural and social facilities to serve the function of settlements and local communities.

Consistent

The proposed development for the school as an educational facility meets the zone intent.

17.3 Use Standards

17.3.1 Zone Character

Objective

To ensure that all uses accord with the objectives for the zone or a community facility.

Consistent

The use as a secondary/tertiary school, under the use class of Educational and occasional care, is a Permitted use in the zone.

A1 Storage of materials or equipment external to a building must not be visible from the road to which the lot has frontage.

Complies

There are no elements of the proposal that require external storage.

17.3.2 Amenity

Objective

To ensure that the use of land is not detrimental to the amenity of surrounding residential areas in terms of noise, emissions, operating hours or transport/traffic.

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

Consistent

The use of the school, while more intensive than residential use is considered as acceptable as the use operates within daylight hours and during times when adjoining properties are also undertaking daily activities. With the exception of children playing, there are no significant sources of noise or other emissions.

A1 For development within 20.0m of a residential zone, the operating hours of the use must be between 6.00am and 10.00pm.

Complies

The use of the school is generally within standard school hours equalling around 9 months per year between the hours of 8am - 3.30pm Monday to Friday. The proposed development does contain an auditorium that may seek use outside of these times but use can be controlled by a condition limiting the hours to those of the acceptable solution. In addition use of the access off Riverdale Grove is also limited, by a covenant on the title, dated 27/5/2010, to the effect the owner of Lot 2 (Scotch College through the Uniting Church in Australia Property Trust (Tas):

That it shall not use or allow to be used the strip of land marked ABCD for any purpose other than as an entrance and exit for staff vehicles during school term days between the hours of 8.am and 5.30pm.

The covenant therefore also prevents the temporary use of this exit for construction vehicles.

17.4 Development Standards

17.4.1 Building Design and Siting

Objective

To ensure that the siting and design of development;

- a) protects the amenity of surrounding uses; and
- b) furthers the local area objectives and desired future character statements, if any.

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

<p>Consistent The proposed siting and design of the development are able to meet the development requirements to minimise impacts on surrounding properties and the surrounding area.</p>
<p>A1 Building height must not exceed 8.0m.</p>
<p>Relies on Performance Criteria The maximum total height of the development is 13.420m being the most elevated portion of what will be a single building form, at its eastern most end. The maximum height will be no greater than the ridge line of the existing buildings, the land being at a lower elevation as it falls away to the east.</p>
<p>P1.1 Buildings must:</p> <ul style="list-style-type: none"> a) be unobtrusive and must not dominate the character of the surrounding landscape and streetscape; or b) respond to the site context and the local area objectives, if any, for the provision of community uses; and <p>P1.2 Building height must protect the amenity of adjoining sensitive uses from the impacts of unreasonable overshadowing and overlooking by providing separation that is appropriate for the use, having regard to:</p> <ul style="list-style-type: none"> a) the form of the building; and b) the contours or slope of the land; and c) existing screening or the ability to implement/establish screening.
<p>Complies The proposed development will be no higher than the maximum height of the ridge line of the existing buildings. The ridge line of the 'Ravenscraig' building, adjoining the Penquite Road frontage has the same relative level as that the eastern most end of the building, the land being at a lower elevation as it falls away to the east. There should therefore be minimal detriment to the streetscape character and surrounding area.</p>

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

The main impact is to the eastern end of the development, resulting from the existing terrain characteristics, where the adjoining residences have a standard height fence and there may be some change to the character of their private open space. It is currently possible to view the rear yard of the property at 33 Riverdale Grove. As the proposed development is to the south of the adjoining residential properties, and setback approximately 6.3m from the boundary, there should not be any overshadowing concerns to impact on the neighbours' amenity.

The amenity of the residential property could be improved by the construction of a fence, allowable up to 2.1m, for the full length of the boundary. Such a requirement would address P1.2 to protecting the amenity of adjoining sensitive uses from the impact of overlooking, c) by *'the ability to implement/establish screening'*. Additional planting may also address any overlooking concerns.

A3 Buildings must be set back from the side and rear boundaries a minimum distance of 3.0m.

Complies
 The development is a minimum of 6.3m from the northern side boundary and approximately 90m from the rear boundary.

E1 - Bushfire Prone Area Codes

E1.1.1 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.

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

Consistent

The proposal is not considered to increase the risk to life or property in a fire event.

E1.5 Use Standards

E1.5.1.1 Standards for vulnerable use

Objective

Vulnerable uses, other than visitor accommodation, should only be in exceptional circumstances located on land which is in bushfire-prone areas. If a vulnerable use is proposed to be located on land which is in a bushfire-prone area, bushfire protection measures must reflect the risk arising from the bushfire-prone vegetation and the characteristics, nature and scale of the use taking into consideration the specific circumstances of the occupants including their ability to:

- a) protect themselves and defend property from bushfire attack;
- b) evacuate in an emergency; and
- c) understand and respond to instructions in the event of a bushfire.

Bushfire protection measures must also reduce the risk to fire fighters.

Consistent

The proposed use, under the class of Educational and occasional care, is a vulnerable use, but will be no closer to bushfire prone land than the existing development.

A1 No acceptable solution

Relies on Performance Criteria

P1 Vulnerable uses, other than visitor accommodation, must demonstrate that they are of an overriding benefit to the community and that there is no suitable alternative site.

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

Complies

The proposal primarily upgrades a portion of an existing and well established school. The development will be constructed to current building standards and should be at less of a risk than the current facility.

A2 Vulnerable uses must demonstrate bushfire protection measures, addressing the characteristic, nature and scale of the vulnerable use, the characteristics of its occupants and the bushfire-prone vegetation, which are incorporated into a bushfire hazard management plan, certified by an accredited person or the TFS, that any risks associated with the use are tolerable, and that the plan provides for:

- a) emergency evacuation plans including designated emergency meeting points, which provide protection to fire fighters and evacuees; and
- b) information to staff, occupants and visitors on bushfire safety and evacuation procedures.

Complies

A bushfire assessment along with a hazard management plan have been prepared by an accredited person and meets the requirements of BAL 12.5. An emergency management and evacuation plan have been prepared and incorporated into the documentation to meet this requirement.

E1.6.4 Development Standards for extensions to pre-existing habitable buildings

E1.6.4.1 Bushfire protection measures for extensions to pre-existing habitable buildings.

Objective

Extensions to pre-existing habitable buildings do not increase the risk of harm to life and property caused by bushfire.

Consistent

The proposed redevelopment of the school will not increase the fire risk to life or property.

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

- A1
- a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of any specific bushfire protection measures; or
 - b) Applications for extensions to habitable buildings are accompanied by a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or
 - c) Extensions to habitable buildings have hazard management areas that -
and
 - ii) will be managed in accordance with a bushfire hazard management plan, that is certified by the TFS or an accredited person, that demonstrates how hazard management areas will be managed consistent with the objective; and
 - iii) where hazard management areas in relation to a habitable building are to be on land external to the lot where the building is located, the application must be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan: or
 - d) Extensions to habitable buildings:
 - i) are no closer to the bushfire-prone vegetation than the existing building footprint; and
 - ii) do not exceed a 15% increase in the vertical surface area of the building facing and closest to the bushfire-prone vegetation; and
 - iii) do not restrict any existing vehicular access to any part of the habitable building.
-

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

Complies

The proposal has been assessed by an accredited person and the development and use is subject to a bushfire hazard management plan and emergency evacuation plan.

E1.6.5 Development Standards for vulnerable uses

E1.6.5.1 Vulnerable uses: Provision of hazard management areas for habitable buildings

Objective

Habitable buildings associated with vulnerable uses have, as appropriate, hazard management areas that:

- a) provide sufficient separation from bushfire-prone vegetation, taking into consideration the nature and scale of both the hazard and the vulnerable use; and
- b) provide adequate space to reduce the impact of radiant heat exposure to occupants being evacuated, and those assisting them, in the event of a bushfire; and
- c) reduce the radiant heat levels, direct flame attack and ember attack likely to be experienced at the site of the building.

Consistent

The proposal has been assessed by an accredited person and the development and use is subject to a bushfire hazard management plan and emergency evacuation plan. In addition, the redevelopment will be constructed to meet current building standards.

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

- | | |
|----|---|
| A1 | <p>a) The TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to the habitable building to warrant the provision of hazard management areas; or</p> <p>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</p> <p>c) Habitable buildings have hazard management areas that:</p> <ul style="list-style-type: none">i) have dimensions equal to, or greater than, the separation distances required for BAL 12.5 in Table 2.4.4 of AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas; andii) will be managed in accordance with a bushfire hazard management plan, that is certified by the TFS or an accredited person, that demonstrates how hazard management areas will be managed consistent with the objective. |
|----|---|

Complies

The bushfire protection measures, emergency evacuation plan and information to staff, occupants and visitors satisfies the acceptable solutions of E1.6.5.1 - A1 (b).

E3 - Landslip Code

E3.1.1 The purpose of this provision is to:

- | | |
|----|---|
| a) | ensure that use and development subject to risk from land instability is appropriately located and that adequate measures are taken to protect human life and property; and |
| b) | ensure that use and development does not cause, or have the cumulative potential to cause an increased risk of land instability. |
-

- 7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)**
-

Consistent

Part of the site is identified as having a risk of due to land instability. A Geotechnical Report has been submitted as part of the application to identify the level of risk, if any.

E3.6 Development Standards**E3.6.1 Development on Land Subject to Risk of Landslip****Objective**

To ensure that development is appropriately located through avoidance of areas of landslip risk, or where avoidance is not practicable, suitable measures are available to protect life and property.

P1 Development must demonstrate that the risk to life and property is mitigated to a low or very low risk level in accordance with the risk assessment in E3.6.2 through submission of a landslip risk management assessment.

Complies

A Geotechnical Report has been submitted and concludes that the risk of landslide due to the alterations and extensions is low. The report is to be attached to the documentation.

E6 - Car Parking and Sustainable Transport Code**E6.1.1 The purpose of this provision is to:**

- a) ensure that an appropriate level of car parking facilities are provided to service new land use and development having regard to the operations on the land and the nature of the locality; and
 - i) ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas; and
 - ii) ensure access for cars and cyclists and delivery of people and goods is safe and adequate; and
-

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

<ul style="list-style-type: none"> iii) ensure that parking does not adversely impact on the amenity of a locality and achieves high standards of urban design; and iv) ensure that the design of car and bicycle parking space and access meet appropriate design standards; and v) provide for the implementation of parking precinct plans.
<p>Consistent The proposed redevelopment does not alter the number of car parks required for the use but does alter the layout of 29 spaces. 29 spaces are currently provided off Riverdale Grove to service the use.</p>

E6.6 Use Standards

E6.6.1 Car Parking Numbers

<p>Objective: To ensure that an appropriate level of car parking is provided to service use.</p>
<p>Consistent The provision of carparking on the site is considered appropriate taking into account the improved practicality of the modified layout.</p>
<p>A1 The number of car parking spaces:</p> <ul style="list-style-type: none"> a) will not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or b) will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater (except for dwellings in the General Residential Zone); or c) will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone); or d) If for dwellings in the General Residential Zone, not less than 100% of the requirements of Table E6.1.

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

Relies on Performance Criteria

The current Planning Scheme requires 1 space per 1employee and 1 space per tertiary student. Therefore for the 135 staff and 100 students over 17 years old 153 spaces are required. The overall site currently provides 147, a short fall of 6 spaces.

This proposal does alter the requirements for car parking spaces as additional staff and students are not proposed.

The 29 car parking spaces associated with the redevelopment, accessed via Riverdale Grove, are being retained but in an improved manner including the provision of signage and a waiting bay adjacent to the southern end of the driveway, within the body of the site.

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

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

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

- h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and
- i) the recommendations of a traffic impact assessment prepared for the proposal; and
- j) any heritage values of the site; and
- k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:
 - i) the size of the dwelling and the number of bedrooms; and
 - ii) the pattern of parking in the locality; and
 - iii) any existing structure on the land; and
- l) The performance criteria contained within a relevant parking precinct plan.

Complies

A shortfall of only six spaces exists to comply with the current planning scheme, the Interim Launceston Planning Scheme 2012. As the number of users of the site and number of car spaces to be provided is not altering, especially in the vicinity of the subject development the proposal is considered acceptable. The 29 spaces within the proposal will result in a more safe and efficient parking area.

E6.6.2 Bicycle Parking Numbers

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

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

Consistent

The site is readily accessible for bicycle users.

E6.6.3 Taxi Drop-off and Pickup

Objective: To ensure that taxis can adequately access developments.

Consistent

Taxis are able to access the site.

E6.6.4 Motorbike Parking Provisions

Objective: To ensure that motorbikes are adequately provided for in parking considerations.

Consistent

Motorbikes are able to access the site.

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

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

Consistent

The revised layout of the 29 car parking spaces will comply with the necessary standards.

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

- | |
|--|
| <ul style="list-style-type: none">a) formed to an adequate level and drained; andb) except for a single dwelling, provided with an impervious all weather seal; andc) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces. |
|--|
-

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

Complies

The redeveloped car parking spaces will be required to comply with current standards.

E6.7.2 Design and Layout of Car Parking

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

Consistent

The redeveloped car parking spaces will be required to comply with current standards.

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

Complies

The 29 car parking spaces associated with this development will be located in the rear north eastern portion of the site, including eight under cover spaces.

A2.1 Car parking and manoeuvring space must:

- a) have a gradient of 10% or less; and
- b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and
- c) have a width of vehicular access no less than prescribed in Table E6.2, and not more than 10% greater than prescribed in Table E6.2; and
- d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply:
 - i) there are three or more car parking spaces; and
 - ii) where parking is more than 30m driving distance from the road; or
 - iii) where the sole vehicle access is to a category I, II, III or IV road; and

A2.2 The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

Complies

The car parking is provided upon a relatively flat section at the lower portion of the site.

E6.7.3 Car Parking Access, Safety and Security

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

Consistent

The car parking area is altering in form only and is considered to meet the objective.

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

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

Complies

The car parking area will generally not be used other than during normal school hours. Access to the spaces outside of these hours is only legally possible via access off Penquite Road, not Riverdale Grove.

E6.7.4 Parking for Persons with a Disability

Objective: To ensure adequate parking for persons with a disability.

Consistent

Parking for persons with disability is able to be provided.

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

Complies

Five accessible spaces are currently provided on site though not within the redeveloped section. One space could be provided in this area.

A2 One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with Australian Standards AS/NZ 2890.6 2009.

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

Complies

A condition is to be imposed for one of the 29 spaces to be for persons with a disability.

E6.8 Provisions for Sustainable Transport

E6.8.1 Bicycle End of Trip Facilities

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

Consistent

The requirement for bicycle parking is not altered by this redevelopment

E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development.

Consistent

Pedestrian requirements are not altered by this redevelopment; pedestrian access is primarily via Penquite Road.

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

Relies on Performance Criteria

Table E6.5 requires a 1m wide separated footpath where greater than 11 spaces are required. There is no such provision off Riverdale Grove.

P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.

Complies

Signage is proposed at each end of the driveway advising of the shared use of the access by pedestrians. Signage and bollards are also proposed within the body of car park, at the eastern section of the site. There are access spaces within the strip of parking below the building where the car spaces are spaced between the columns supporting the building. In addition, the access is for the provision for staff only who are aware of the use of the access.

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	Conditional consent provided. Conditions recommended in relation to matters under the following headings: <ul style="list-style-type: none"> • Car Parking Construction • Damage to Council Infrastructure • Basic - Soil and Water Management Plan
Environmental Health	Conditional consent provided. Conditions recommended relating to matters under the following headings:
Parks and Recreation	N/A
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes apply to the works.
EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2014/01300-LCC.
DIER	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 26 November 2014 to 9 December 2014. 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 it should be read in conjunction with the representations received which are attached to this report.

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

A meeting was held at one of the representor's homes to discuss the proposal and to provide an understanding of the concerns that were raised. Three of the four parties were initially present. The use of the access off Riverdale Grove was clarified, the use being limited to 29 spaces for staff between 8am and 5pm of school term days. The most affected neighbour identified the potential overlooking and possible property damage issues resulting from the extensions. Some options to alleviate concerns were discussed. Conditions in respect of the boundary fence height and kerb car stops are able to be applied to address some matters.

Clarificaton was also sought of the vertical elements on the northern facade of the building. The architect has advised that these elements are ventilation pipes for the extraction system of the science laboratories. Filtered cleaned air passes through them with at least one serving as an air intake to balance the air system. A condition is to be imposed to ensure that nuisance will not be caused by any emissions.

ISSUE	COMMENTS
<p>Total and absolute invasion of privacy (from St Andrews west) - during construction and more importantly after completion.</p>	<p>The building works are relatively short term. Some of the neighbouring residential properties have standard 1.5m high rear fences and there may be some inconvenience. Higher boundary fences may address such problems, fencing to 2.1m for rear boundary fences complies with the Planning Scheme. Depending on the relative positions of adjoining properties the works may alter any potential overlooking. In some instances buildings will be further away following the demolition works where more open spaces are to be provided. At the east end of the proposed works there will be an additional building (car parking at ground level and 2 levels of class rooms above). This although is to the south of the adjoining properties and has only high level windows. Part of the St Andrews building is being demolished and not rebuilt.</p>

7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)

<p>Devaluation of our property by tens of thousands of dollars.</p>	<p>The proposal is generally compliant with the Planning Scheme requirements in respect of amenity, access to daylight and sunlight. Property values are not a planning matter.</p>
<p>Heritage tree on neighbouring property will be damaged during construction.</p>	<p>There are no listed trees in the vicinity. A condition will be imposed to protect vegetation on adjoining properties.</p>
<p>Massive implication on skyline of Riverdale Grove.</p>	<p>The final development will be no higher than the existing building fronting Penquite Road and will have minimal impact on Riverdale Grove.</p>
<p>Scotch driveway (Riverdale Grove) will have traffic flow problems during and after construction.</p>	<p>Resulting from a covenant on the title construction vehicles are not able to use the access off Riverdale Grove. This will be reiterated in the Permit. The number of car spaces accessing the site through Riverdale Grove are to remain as 29, and are only for staff on school term days between 8am and 5.30pm.</p>
<p>Time of construction - hours, weekends duration? Noise impact of building works.</p>	<p>Any permit will be subject to a condition limiting works Monday to Friday - between 7am and 6pm and Saturday - between 9am and 6pm, with no works on Sunday or public holidays. It is noted that concrete pours for large developments do often occur earlier in the day but these are limited. Adjoining owners should be advised if this is to occur.</p>
<p>Drainage concerns - our property already floods due to run off.</p>	<p>Concentrated surface drainage ought to be contained within the site, under the plumbing regulations.</p>
<p>What are the chimneys or similar on the eastern end of the northern elevation for.</p>	<p>The architect has clarified that these elements are ventilation pipes for the extraction system of the science laboratories. Filtered cleaned air passes through them with at least one serving as an air intake to balance the air system.</p>

- 7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)**
-

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2012.

BUDGET & FINANCIAL ASPECTS:

N/A

- 7.4 85-107 Penquite Road, Newstead - Education and Occasional Care - secondary school; demolition and redevelopment of parts of the existing building along the northern side boundary and reorganisation of car parking in two stages...(Cont'd)
-

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

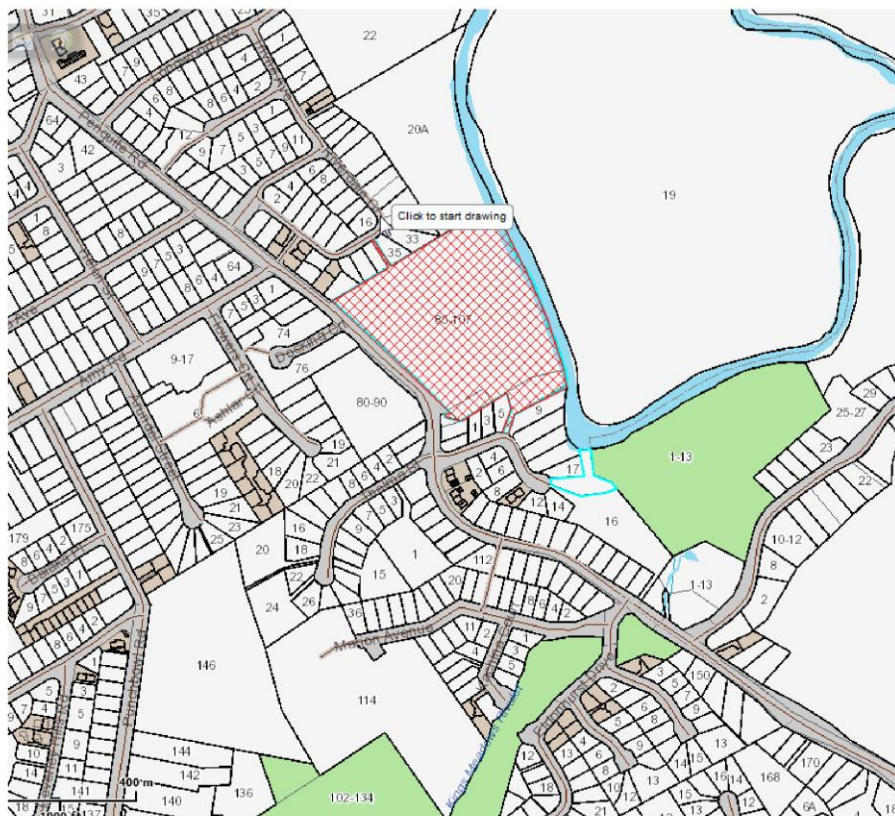
1. Locality Plan
 2. Proposal (circulated separately)
 3. Representations
-



Launceston City Council
A Leader in Community & Government



LOCALITY MAP - DA0554/2014 85-107 PENQUITE ROAD, NEWSTEAD



Locality Map

Scale: This Map Is Not to Scale

Development Application Representation Letter

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

Development Application Number DA 0584/2014

Address of Development 85-107 PENQUITE ROAD NEWSTEAD 7250

Details of Representor Title MR & MRS Given Name/s EWAN CHARLES & ROBYN Surname CRAWFORD

Reason for Representing

THE ASPECT TO THE SOUTH FROM RIVERDALE GROVE WILL BE UNREASONABLY SPOILED AND DOMINATED BY THE PROPOSED BUILDINGS BECAUSE OF THEIR COMBINED LENGTH AND THEIR HEIGHT AND PROXIMITY TO THE BOUNDARIES OF THE HOUSES THE RESIDENTIAL AMENITY OF THE SOUTHERN END OF RIVERDALE GROVE WILL BE SEVERELY AFFECTED AS A RESULT

Representor's Signature [Signature] Date 7/12/14



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

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

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

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

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

File No. DA0554/2014					
EO		OD	<input checked="" type="checkbox"/>	Box	<input checked="" type="checkbox"/>
Doc. No.					
Action Officer			Date Received		
C MAINSBRIDGE			9/12/14		

E COPY TO: C MAINSBRIDGE
R JAMIESON

Development Application Representation Letter

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

Development Application Number DA0554/2014

Address of Development

85-107 Penguinite Road, Newstead Tas, 7250

Details of Representor

Title Mr/Mrs Given Name/s MAURICE / MARGARET

Surname TODD

Email

Reason for Representing

FURTHER CLARIFICATION OF NOTICE OF WORKS REGARDING:
1) IMPLICATION OF THE FOLLOWING: THE EFFECT ON EXISTING PROPERTIES AND THE OWNERS DURING AND BEYOND THE PERIOD OF CONSTRUCTION.
2) GUARANTEES REGARDING ACCESS AND EGRESS OF CONTRACTORS' VEHICLES AND, AT THE COMPLETION OF WORKS, INCREASED TRAFFIC FLOW OF COLLEGE VEHICLES (STUDENTS, STAFF - TEACHING AND OTHERS) ONGOING TRADES PEOPLE.
3) INTRUSION OF EXCESSIVE NOISE OUTSIDE PERMITTED TIME FRAMES (EVIDENT IN RECENT COLLEGE WORKS).
4) CONSIDERATION GIVEN TO THE EFFECT ON PROPERTY VALUES.
5) STEP TO PREVENT LOSS OF PRIVACY FOR OWNERS / RESIDENTS
6) INTRUSION OF NON-AESTHETIC VALUES ON THOSE PERSONS.

IT SHOULD BE NOTED THAT SUCH DEVELOPMENTS ARE NORMALLY BEYOND THE UNDERSTANDING OF THE NORMAL RESIDENT SO CLARIFICATION IS NECESSARY
Representor's Signature [Signature] Date 8/12/14



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

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

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

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

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

File No.				
EO		OD		Box
Doc. No.				
Action Officer			Date Received	

Development Application Representation Letter

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

Development Application Number DA0554/2014

Address of Development

85-107 Penquite Road, Newstead Tas, 7250

Details of Representor

Title Mr Given Name/s Joseph Bernard

Surname Hallam

Email

Reason for Representing

- We are sure the construction will devalue our property and the others sharing the adjoining fence line and facing south towards buildings.
- The St Andrews West - maths Lab directly behind us will reduce our privacy substantially.
- This structure will dominate the skyline behind our houses in an unfavourable way.
- We do not feel the increased traffic during and after construction can be handled/sustained by Riverdale Grove.
- On previous occasions over the past few years construction and machinery have operated outside the correct hours.
- The plans don't clearly show what all things are on the building, what are the chimneys on the western end.
Representor's Signature Date 8/12/14



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

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

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

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

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

File No.			
EO		OD	Box
Doc. No.			
Action Officer		Date Received	

Development Application Representation Letter

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

Development Application Number [DAO554/2014]

Address of Development

[85-107 Penguinite Road
Newstead]

Details of Representor

Title [Mr] Given Name/s [David Malcolm]

Surname [Preece]

Et

Reason for Representing

- 1) Total and absolute invasion of privacy-during construction and more importantly after completion.
- 2) Devaluation of our property by tens of thousands of dollars.
- 3) Heritage listed tree 50⁸ on our property. No way that it won't be damaged during construction.
- 4) Massive implication on skyline in Riverdale Grove.
- 5) Scotch driveway (Riverdale Grove)-traffic flow during and after construction.
- 6) Time of construction - hours/Weekends/duration ??
- 7) Drainage concerns - our property already floods due to the run-off from Scotch.

Representor's Signature

D. Preece

Date

3/12/2014



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

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

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

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

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

File No.	DA0554/2014			
EO		OD	<input checked="" type="checkbox"/>	Box
Doc. No.				
Action Officer		Date Received		
C. Wronkmore		04/12/2014		

E-COPY C. MAIN-BRIDGE
R. JAMESON

The Council will no longer be acting as a Planning Authority in respect of items 8 - 24.

8 ANNOUNCEMENTS BY THE MAYOR

8.1 Mayor's Announcements

FILE NO: SF2375

Tuesday 16 December 2014

- Attended Mowbray Heights Primary School End of Year Leavers' Assembly
- Attended Brooks High School Grade 7-9 End of Year Assembly
- Attended Business Events Tas Christmas Function

Wednesday 17 December 2014

- Attended Official Opening of Launceston Conference Centre
- Attended 2014 Work Placement Program Certificate Presentation
- Attended Tourism Northern Tasmania Awards

Tuesday 23 December 2014

- Attended Venarchie Contracting Christmas Function

Saturday 27 December 2014

- Officially started Launceston to Hobart Yacht Race

Wednesday 31 December 2014

- Attended New Year on Royal

Thursday 1 January 2015

- Attended Basin Concert

Friday 2 January 2015

- Officially welcomed athletes at opening ceremony of the Orienteering IOF World Cup Oceania Championships

Saturday 3 January 2015

- Presented trophies for the Orienteering IOF World Cup Oceania Championships
-

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

Monday 5 January 2015

- Attended Belfair Tasmanian Summer Racing Carnival Launch

Saturday 10 January 2015

- Attended 125th Anniversary of the University of Tasmania Launch

Thursday 15 January 2015

- Officiated at Department of Stategrowth function

Friday 16 January 2015

- Attended Good Neighbour Council Annual BBQ

Monday 26 January 2015

- Officiated at Australia Day Awards and Citizenship Ceremony.
-

9 ALDERMEN'S/DELEGATES' REPORTS

10 QUESTIONS BY ALDERMEN

11 COMMITTEE REPORTS**11.1 QVMAG Museum Governance Advisory Board Committee Meeting 26 November 2014****FILE NO:** SF2244**AUTHOR:** Leila Wagner (Personal Assistant)**DIRECTOR:** Richard Mulvaney (Director Queen Victoria Museum and Art Gallery)

DECISION STATEMENT:

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

RECOMMENDATION:

That Council receive the report from the QVMAG Museum Governance Advisory Board meeting held on 26 November 2014.

REPORT:

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

- **Branding:** The Board recognised the new logo is now City of Launceston, Queen Victoria Museum & Art Gallery with specific site reference, City of Launceston, Queen Victoria Art Gallery or City of Launceston, Queen Victoria Museum.
 - **Governance Working Group:** The Chairman expressed appreciation to those involved in the Governance Working Group.
 - **Policies:** The Collection Policy and Sponsorship Policy were reviewed and are now to be tabled for Council.
 - **QVMAG Friends:** Jill Dearing noted the Friends Christmas Party is being held next week, 4 December 2014.
 - **QVMAG Arts Foundation:** Keith Adkins reported that the Herbert Scott Society now has 43 members.
 - **General Business:** It was noted that all Board members have now received a copy of the QVMAG Annual Report that includes a report from the Museum Governance Advisory Board Chairman.
-

**11.1 QVMAG Museum Governance Advisory Board Committee Meeting 26
November 2014...(Cont'd)**

ECONOMIC IMPACT:

Consideration contained in Report

ENVIRONMENTAL IMPACT:

Consideration contained in Report

SOCIAL IMPACT:

Consideration contained in Report

STRATEGIC DOCUMENT REFERENCE:

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

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Richard Mulvaney: Director Queen Victoria Museum & Art Gallery

11.2 Municipal Emergency Management Committee Meeting - 4 December 2014**FILE NO:** SF3177**AUTHOR:** Rod Sweetnam (Director Facilities Management)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To receive and consider a report from the Municipal Emergency Management Committee.

RECOMMENDATION:

That the report from the Municipal Emergency Management Committee meeting held on Thursday 4 December 2014 be received.

REPORT:

- Members provided an update on current activities and general discussion took place.
- Members adopted the 2014/15 Education Plan.
- Members discussed the joint field and desk top exercise held on 14-16 October 2014.
- Minutes of the meeting have been circulated to Aldermen.

ECONOMIC IMPACT:

Not relevant for this report.

ENVIRONMENTAL IMPACT:

Not relevant for this report.

SOCIAL IMPACT:

Not relevant for this report.

STRATEGIC DOCUMENT REFERENCE:

Not relevant for this report.

11.2 Municipal Emergency Management Committee Meeting - 4 December 2014...(Cont'd)

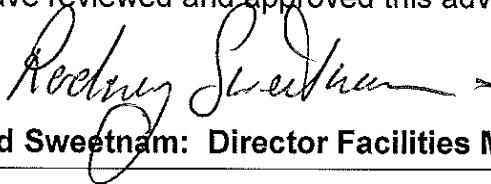
BUDGET & FINANCIAL ASPECTS:

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.



Rod Sweetnam: Director Facilities Management

11.3 Launceston Heritage Advisory Committee - Appointment of Community Representatives**FILE NO:** SF2965**AUTHOR:** Fiona Ranson (Urban Design & Heritage Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To appoint community representatives to the Launceston Heritage Advisory Committee.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council appoint Dr Anne Neale and Mrs Margot Smart as community representative members of the Launceston Heritage Advisory Committee.

REPORT:

The City of Launceston Heritage Advisory Committee recently called for Expressions of Interest to fill two community member positions through advertising in the Examiner Newspaper. Two Expressions of Interest were received - one from Dr Anne Neale and the second from Mrs Margot Smart. At the City of Launceston Heritage Advisory Committee meeting held on 18 December 2014 both applications were assessed as per the Council Policy. It is the recommendation of the City of Launceston Heritage Advisory Committee that both Dr Anne Neale and Mrs Margot Smart be appointed to the Committee.

The Launceston Heritage Advisory Committee Terms of Reference state:

Membership

The Heritage Advisory Committee will consist of the following positions:

- Up to two Aldermen (one to be the liaison officer to the Council)
 - A representative from Heritage Tasmania
 - A representative from the National Trust of Australia (Tasmania)
-

11.3 Launceston Heritage Advisory Committee - Appointment of Community Representatives...(Cont'd)

- A representative from the UTAS School of Architecture and Design
- A representative from the Real Estate Institute of Tasmania
- A representative from the Launceston Historical Society
- Community Representation with relevant experience to promote the ideals of the Committee to be nominated by the Committee and approved by Council

The Chairperson and Deputy Chairperson are to be elected by the Committee at the beginning of each new Council cycle.

ECONOMIC IMPACT:

Not relevant to this report.

ENVIRONMENTAL IMPACT:

Not relevant to this report.

SOCIAL IMPACT:

Not relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

The primary purpose of the City of Launceston Heritage Advisory Committee is to provide advice to the Council on heritage matters and to promote the value of heritage places within the Municipality.

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

11.4 Audit Panel 15 January 2015**FILE NO:** SF3611**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To receive a report from the Audit Panel.

PLANNING APPLICATION INFORMATION:

N/A

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council receive the report from the Audit Panel from the meeting held on 15 January 2015.

REPORT:

A special meeting was held to discuss the tenders that have been received for the provision of internal audit services. Alderman McKenzie advised of conflict of interest and excluded himself from the meeting.

The direction from the meeting was to conclude the evaluation process by confirming a few matters prior to finalising a recommendation on the preferred firm.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

11.4 Audit Panel 15 January 2015...(Cont'd)

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

N/A

BUDGET & FINANCIAL ASPECTS:

Provision is made in the Council's budget for internal audit services.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey: Director Corporate Services

12 COUNCIL WORKSHOPS

The following Council Workshops were held on 15 December 2014:

- City Heart Engagement Report
 - City Heart Project - Traffic Management.
-

13 PETITIONS

Nil

14 NOTICES OF MOTION - FOR CONSIDERATION

Nil

DIRECTORATE AGENDA ITEMS**15 DEVELOPMENT SERVICES****15.1 C H Smith Building, 16-24 Charles Street Launceston - Remission of Development Application fees****FILE NO:** DA0573/2014**DIRECTOR:** Leanne Hurst, Director Development Services

DECISION STATEMENT:

To consider a request for remission of Development Application fees.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting 28 April 2014 - Item 18.1 - Council Fees 2014/15 Financial Year.

RECOMMENDATION:

That in consideration that this further Development Application from Brile Pty Ltd is in many respects the same as the previous Application, limiting the work required by Council officers, Council agree to refund 66% of the Planning Application fee for DA0573/2014, for subdivision and staging of development at 16-24 Charles Street and 9 Canal Street (C H Smith site).

REPORT:

Developer Brile Pty Ltd has requested that the Council waive fees associated with a new development application for subdivision and staging of development at 16-24 Charles Street and 9 Canal Street, Launceston. The site is known as the old CH Smith site.

In 2011 Brile Pty Ltd sought and was issued (by a decision of the Resource Management and Planning Appeal Tribunal) a permit for development for a range of uses across the site (DA0343/2011). Whilst some progress was made in implementing the permit, due to changing circumstances a new development application was submitted in 2014 (DA0383/2014) seeking demolition of the "Cordial Factory". The Heritage Council refused the application and the Launceston City Council was consequently bound by that decision. Whilst an appeal has been lodged with the Tribunal regarding that decision, a new development application has been lodged (DA0573/2014), for staged development on the site and to allow for subdivision of that part of the site known as the Cordial Factory.

15.1 C H Smith Building, 16-24 Charles Street Launceston - Remission of Development Application fees...(Cont'd)

In order to progress the most recent development application a decision is sought from Council regarding the waiver of fees. The developer has argued that the latest application is being made in an effort to reach an acceptable solution for the community interest in preserving the Cordial Factory. It is suggested that the development itself has already been approved and that the full fee applicable to the development would be unfair given the similarity of the development proposal to that previously approved.

Whilst the application is substantially the same as the originally approved development, there will be some officer time and advertising costs associated with its assessment. A full waiver is therefore not considered to be appropriate. Officers have estimated that a fee of one third of the scheduled fee (a balance of approximately \$10,000) would represent the likely cost to the City of Launceston for determining the application. The scheduled fee for a development of this size is \$30,000. It is therefore recommended that the Council agree to the partial waiver of the scheduled fee.

It should be noted that previous fees paid by Brile for development proposals have been \$27,000 and should the full amount be charged that over \$57,000 would be paid in total.

ECONOMIC IMPACT:

The CH Smith development represents a significant investment in the Launceston economy. The development has been stalled a number of times and it is considered in the interests of the community that appropriate support is provided where reasonable and given the resources available.

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

Any development proposals for the CH Smith site and the Cordial Factory have generated significant community interest along with much public debate. The most recently submitted development application seeks to resolve some of the concern regarding a building that has been identified by the Heritage Council as significant enough to retain as a part of the built heritage of the city.

15.1 C H Smith Building, 16-24 Charles Street Launceston - Remission of Development Application fees...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan Key Direction 7.6 - to facilitate direct investment in the local economy to support its growth.

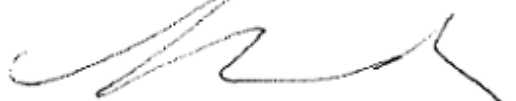
BUDGET & FINANCIAL ASPECTS:

The scheduled fee for the proposed development application is \$30,000. As indicated in the report, officers have estimated that a subsidised fee of \$10,000 would prove cost neutral in terms of assessment of the application.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Request from Brile Pty Ltd to waive fees.
-

Attachment 1 - C H Smith - Request to waiver fees
Pages = 2)

ireneinc &
smithstreetstudio
PLANNING & URBAN DESIGN



14th January 2015

Richard Jamieson
Planning Manager
City of Launceston
PO Box 396
LAUNCESTON TAS 7250

Dear Richard

CH Smith redevelopment

Following earlier discussions, and my emailed request of the 4th December 2014, I write to you to seek Council's consideration of waiving the planning assessment fee for the above proposal. As you are aware, the proponent has submitted a number of previous applications, including the most recent for the demolition of the cordial factory in Canal Street, which is subject to an appeal against the refusal by Tasmanian Heritage Council (THC) and Launceston City Council (LCC), which may yet be resolved pending the outcome of this application.

The appeal is in relation to the THC's refusal of an application for demolition of the cordial factory (which by virtue of the provisions of S 39 (10)c) HCHA is a refusal by Council). The THC (with LCC as a party) negotiated with the proponent an alternative resolution to subdivide the cordial factory from the redevelopment parcel, allowing it to be sold to a third party for restoration. However, given the conditions of approval within DA 0343/2011, which would remain binding on the proponent even if the site was sold, and in particular condition 31 requiring all works to heritage buildings to be completed prior to the occupation and opening of the first retail components of the site, there was no other means of achieving such subdivision or change of ownership without resubmitting the whole application to council as a new application.

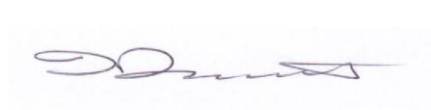
As a consequence my client now faces fees of \$30,000 for planning assessment (and an additional \$24,000 in consultancy fees), on top of the \$27,000 already paid for assessment of past applications, in addition to approximately \$65,000 in consultancy fees. From a financial perspective alone my client would be better off in not lodging the application but proceeding with the appeal already lodged with the Tribunal, whereby Council will be required to resource a defence of the refusal of the application, independent of the THC. Alternatively, the board may simply abandon the redevelopment of the site given this additional financial burden they now face for facilitating a mediated outcome.

49 Tasma St, North Hobart, TAS 7000
GPO Box 659, Hobart, TAS 7001
Tel (03) 6234 9281
Fax (03) 6231 4727
Mob 0418 346 283
Email planning@ireneinc.com.au

Given the circumstances, we seek Council's consideration in waiving or reducing the planning fees for this proposal.

Please do not hesitate to call me should you require any further clarification of this request.

Yours faithfully



Irene Duckett
Director
Planning Tas Pty Ltd

15.2 Tasmanian Building Regulatory Framework Review - Response**FILE NO:** SF0789, SF2611, SF5768**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider a response to the Tasmanian Building Regulatory Framework Review Discussion Paper.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting 8 September 2014 - item 14.4 - review of the Tasmanian Building Regulatory Framework.

RECOMMENDATION:

That Council -

1. Endorse the completed Response Paper (ECM doc 386651); and
 2. Authorise the General Manager to prepare and submit a detailed response to the Tasmanian Building Regulatory Framework Review Position Paper.
-

REPORT:

The Minister for Planning and Local Government is seeking indication from local government as to support or otherwise for recommendations made by the Director of Building Control on reform of the Building Regulatory Framework. Following industry consultation in 2014 a Position Paper was released by the Minister in December, with responses requested by the end January 2015. Legislation is to be drafted and distributed for public comment by March 2015 with the intention of publication by September 2015 with the intention of publication by September 2015, and proposed enactment in 2016.

Officers have reviewed the Discussion Paper and prepared a preliminary response on the provided 'Response Paper' template (attached). However, approval is sought to prepare an additional detailed response to address the following areas of concern once further discussions have been held with professional officers in other local government areas:

15.2 Tasmanian Building Regulatory Framework Review - Response...(Cont'd)

- There is statewide confusion due to the lack of information and clarification about the meaning of plumbing risk categories (page 40 of Position Paper, option 14) and opposition to this recommendation from a number of Council officers statewide.
- Additional concern is expressed about lowering the standards as experienced in other states, and the lack of Government infrastructure in this state to audit notified plumbing work.
- Removing the requirement for plumbing permits and most inspections coupled with self-certification of buildings (recommendation 10, options 11a and 11b) will lead to the lack of viability of the role of Permit Authorities in both building and plumbing control, and a rapid increase in non-compliance.

There are other serious concerns caused by insufficient information, including the appointment of a municipal building surveyor. This precludes the writing of a more detailed response without further consultation and clarification from the Director of Building Control. That information has been sought by several Councils and a more detailed response can be prepared by Council officers once further clarification is received.

ECONOMIC IMPACT:

Consideration contained in report.

ENVIRONMENTAL IMPACT:

Consideration contained in report.

SOCIAL IMPACT:

Consideration contained in report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan - Strategic Area 8 - A secure, accountable and responsive Organisation.

BUDGET & FINANCIAL ASPECTS:

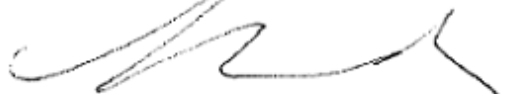
N/A

15.2 Tasmanian Building Regulatory Framework Review - Response...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Tasmanian Building Regulatory Framework Review - Council Decision, September 2014
 2. Tasmanian Building Regulatory Framework Review Position Paper (circulated separately)
 3. Tasmanian Building Regulatory Framework Review Response Paper
-

Attachment 1 - Tasmanian Regulatory Building Framework Review (Pages = 3)

LAUNCESTON CITY COUNCIL

40

COUNCIL MINUTES

Monday 8 September 2014

14.4 Review of the Tasmanian Building Regulatory Framework

FILE NO: SF5768**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To workshop the Tasmanian Government's review of the State's building regulatory framework.

PREVIOUS COUNCIL CONSIDERATION:

18/8/2014 - Strategic Planning and Policy Committee workshop - Workshopped the Tasmanian Government's review of the State's building regulatory framework.

RECOMMENDATION:

That the Council provide the following comments in respect to the Tasmanian Government's review of the State's building regulatory framework.

1. It is the Council's view that the current system, where permits are issued at various stages of the building process, is not working well as there is a wide variance in the standard and quality of certification work.
 2. The problems relate to the high liability load upon Building Surveyors. Standards of certification will be improved by:
 - Creating a level playing field where all Building Surveyors, (Council and Private) enjoy the protection from liability pursuant to Section 251 of the Building Act,
 - Legislating a fee structure for the State, and
 - Requiring that Councils which do not separate the Certifying function from the Permit Authority function not be permitted to certify.
 3. The Private Building Surveying certification system would be enhanced and standards of building increased by the introduction of legislative requirements for self-auditing and/or auditing by the State Government.
 4. The current Permit Authority arrangement should continue to exist, particularly to remain as part of the Development Application process and to issue final certificates. Consideration should be given to encouraging resource sharing of the permit authority role between Councils where appropriately qualified employees are difficult to attract and retain.
-

LAUNCESTON CITY COUNCIL

41

COUNCIL MINUTES

Monday 8 September 2014

14.4 Review of the Tasmanian Building Regulatory Framework...(Cont'd)

5. Within Launceston City Council, close to 100% of plumbing work requiring a permit is inspected by our Plumbing Surveyors. A high standard of work is the result and greater protection for consumers is provided. It is the Council's view that Plumbing Control needs to be retained under the Permit Authority. The Council strongly opposes any proposal to shift plumbing control from Council to TasWater.
 6. The Council believes that Councils should retain full responsibility for administering the Building Act as they are best placed to undertake the Act's compliance and enforcement role. The General Manager remains the most appropriate person for these legislative powers to be placed.
 7. The Current regulatory framework does not meet the objectives predominantly because it is beyond the resources of Government (Local and State) to regulate. The introduction of the essential safety measures in buildings has been less than successful, as, in a large majority of cases, the provisions have not been widely enforced as they were never able to be adequately resourced. This system should be reviewed to determine a more appropriate regulatory framework.
 8. The missing element in the building control system is the non-existence of domestic warranty Insurance in Tasmania, together with a building dispute resolution system that is more user friendly and least costly than appeal or court action. Both must be suitably addressed.
 9. The building surveying profession is in danger of denying a pathway for builders to enter the profession. Similarly to the highly successful system in Victoria, the role of Building Inspector (limited) to Building Inspector (unlimited) for all classes of building should be introduced. This assumes a qualification of Diploma of Building Surveying at Australian Qualification entry level 5 with experience, where candidates are mentored by Senior Building Surveyors. This course is already being offered through TAS Tafe. The qualifications for Building Surveyor (Restricted) is about to be lifted from Australian Qualification Framework (AQF) level 6 to 8, and Building Surveyor (unrestricted) currently at AQF level 8 to 9. It is anticipated that many smaller Councils will employ at the best a Building Surveyor Limited (which is current practice).
 10. Additionally Plumbing Surveyors should be provided with a prescribed qualification such as a minimum registration as licensed plumber with a determined span of experience, together with the completion of say a Cert 1V in Government (Statutory Compliance). They should be accredited by the State Regulator and similarly to building Surveyors, required to complete compulsory Continuing Professional Development.
-

LAUNCESTON CITY COUNCIL

42

COUNCIL MINUTES

Monday 8 September 2014

14.4 Review of the Tasmanian Building Regulatory Framework...(Cont'd)

11. These changes to building and plumbing surveyor training and development should be funded by building permit levy and assisted by the current training levy.
-

Mr M Stretton (Director Development Services) was in attendance to answer questions of Council in respect of this Agenda Item.

The Mayor reconvened the Meeting at 3.15pm.

DECISION: 08/09/2014

RESOLUTION: (1):

Moved Alderman R L McKendrick, seconded Alderman J G Cox.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 10:0



Tasmanian Building Regulatory Framework Review

Response paper

Version 1.1 8 December 2014

The Director of Building Control makes the following recommendations for the improvement and strengthening of the Tasmanian Building Regulatory Framework.

Please indicate whether you support the recommendations, and select your preferred option where choices are provided.

You may also wish to comment on any of the options or recommendations and you should do so at the end of the document.

Please complete your details:

Name	Roger Gillett.....
Organisation	City of Launceston.....
Position	Manger Building Services.....
Phone number	03 6323 3364.....
Email address	Roger.Gillett@Launceston.tas.gov.au
Street address	Town Hall, St John St, PO Box 396

Suburb or city	Launceston
State	Tasmania
Postcode	7250

Recommendation	Description	Response	
		Support	Don't Support
Recommendation 1	Update objectives and include in legislation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 2	Legislation provides for Director Building Control to make determinations in areas of innovation and emerging technologies	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 3	Legislation be separated into its components, namely undertaking building work, licensing, warranties and disputes including contracts and security of payment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 4	Introduce reporting requirements for Building Surveyors	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 5	Introduce reporting requirements for Permit Authorities	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 6	The Director Building Control to report annually to Parliament on regulatory cost and regulatory timeliness by municipal area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 7	Increase penalties for illegal building works including additional fees for certificates of substantial compliance and certificate to proceed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 8	Allow for Builder certification of certain low risk building work	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Recommendation 9	Define Building Work in such a way as to exclude low risk work and exclude work which is subject to other regulatory or certification processes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Recommendation 10	Allow for builder certification for a range of non-inhabited farm buildings	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Option 11a	Increase the threshold for minor alterations or minor repairs not subject to the building permit process to \$20,000 and index the threshold	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Option 11b	Remove the threshold for minor alterations or minor repairs and introduce clear determination for scope of the exemption	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Recommendation 12	Increase awareness of Planning Directive 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Option 13	Introduce a Building Directive which allows for a standard pre-approved residential design	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Option 14	Reduce need for plumbing permits, increase risk-based auditing, replace with notification process	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Recommendation	Description	Response	
		Support	Don't Support
Recommendation 15	Promote awareness of the scope of the certifiable works provision.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 16	Remove requirement for most on-site waste water treatment systems to be approved for sale by the Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Select one option:	
Option 17a	Retain the current system of certification and separate permits with improvements, OR	<input checked="" type="checkbox"/>	
Option 17b	Reduce the number of permit authorities, improve auditing, documentation requirements, clarification of roles, OR	<input type="checkbox"/>	
Option 17c	Introduce fully contestable building certification (including permits)	<input type="checkbox"/>	
Option 18	The Director set minimum schedule of fees for building surveying services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 19	Clarify the essential maintenance requirements for Class 2–9 Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 20	Clarify role and responsibilities of Building Surveyors and protections for Building Surveyors through the Building Act	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 21	Strengthen provisions allowing for the property owners to appoint Building Surveyors and excluding the Building Surveyor from having contractual relationship with builders	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Option 22	Performance-based solutions are outside the scope of work of Building Surveyors unless the Building Surveyor undertakes additional specific qualifications in performance-based solutions	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 23	Make current mandatory building notifications mandatory inspection points	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Option 24	Every council must appoint a Municipal Building Surveyor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Option 25	Introduce a new “inspector” level of building certifier	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 26	Use regular reporting and targeted audits to drive compliance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 27	Mandatory component of Continuing Professional Development for Building Surveyors	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Recommendation	Description	Response	
		Support	Don't Support
Recommendation 28	Include strengthened code of conduct for Building Surveyors in legislation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 28 ⁹	Allow for corporations/partnerships to obtain contracting licence	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 30	Licensing scheme (formerly Accreditation scheme) be modified to ensure that every practitioner licensed meet the requirements of the industry	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Select one option:	
Option 3 la	Set time limit for "grandfathered" practitioners to bring their skills up to scratch, OR	<input checked="" type="checkbox"/>	
Option 3 lb	Set once-off mandatory CPD for grandfathered practitioners to bring their skills up to scratch	<input type="checkbox"/>	
Option 32	Explore licensing process for Engineers which is similar to current process for Architects in the Building Act.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Recommendation 33	Clarify role of roof plumber	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 34	No owner builder status for class 2 to 9 buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 35	An owner builder can register but not self-certify	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Option 36	Replace the number of projects rule by specifying the length of time before an owner builder can sell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 37	Statutory warranties given to future owners and a compulsory inspection prior to sale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 38	Definition of project is limited to one building permit per owner builder licence	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 39	Owner builders will be subject to increased inspections	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Option 40	Add "owner builder" to title	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 41	Owner Builder to pay licence fees and have correct insurances	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 42	Introduce CPD for plumbers, electricians and other occupations under the Occupational Licensing Act	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Recommendation	Description	Response	
		Support	Don't Support
Recommendation 43	Limit CPD to genuine learning activities pre-approved by Director Building Control or Administrator of Occupational Licensing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 44	The Director Building Control may mandate certain activities	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 45	Strengthen code of conduct for building practitioners	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 46	Move building practitioners to the occupational licensing regime therefore adopting sanctions of that regime	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 47	Infringement regime if builder does not comply with Rectification Order	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 48	Director Building Control to provide a sample best practice contract and guide for residential building projects	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 49	Mandate clauses that must be included in a contract for residential building projects over the value of <\$15,000>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 50	Variations to a contract must be in writing and signed by both parties	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 51	Introduce mediation as first step in dispute resolution	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 52	Establish Disputes Process by Director's Determination	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 53	Review penalties and who should have the power to order them	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 54	Adopt a risk-based approach to auditing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 55	Identify particular categories and do 100% inspections	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 56	Implement a user-pays auditing regime for repeat inspections	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 57	Specify the powers available to a Building Surveyor, Council officers or Delegate of the Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 58	A party make seek review of a Rectification Order within specified time	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendation 59	Streamline Appeal and Review Processes	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments

16 FACILITIES MANAGEMENT
Nil

17 QUEEN VICTORIA MUSEUM AND ART GALLERY
Nil

18 INFRASTRUCTURE SERVICES**18.1 Natural Surface Water Run-Off Policy****FILE NO:** SF3607; SF3036**AUTHOR:** Phil Bonney (Senior Engineer - Hydraulics)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider the adoption of the revised Natural Surface Water Run-off Policy (28-PI-004).

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting 30 March 2009 - Item 15.4

RECOMMENDATION:

That Council approve the following amendments (as underlined) to the revised Natural Surface Water Run-off Policy (28-PI-004).

Natural Surface Water Run-Off Policy***PURPOSE:***

To define the City of Launceston's role regarding natural surface water run-off from large open areas in order to facilitate the provision of accurate information to individuals and groups of community members seeking to resolve natural drainage problems.

SCOPE:

Applies to all properties within the Launceston municipality.

POLICY:

The Council will not resolve natural surface water drainage problems unless:

- there is a drain that forms part of a City of Launceston maintained road that concentrates stormwater onto a neighbouring property.
 - we discharge stormwater into a common drain that contributes to the run-off.
-

18.1 Natural Surface Water Run-Off Policy...(Cont'd)

PRINCIPLES:

The following principles should be used to assess our role regarding natural surface water run-off from large open areas:

- The Council is responsible for maintenance of a drain that is vested in it, over which it has an easement or one that it has constructed and taken over.
- Natural surface water run-off must not be concentrated onto adjoining properties except where stormwater is purposely directed onto private property by us in order to facilitate the effective drainage of roads.
- Where stormwater is purposely directed onto private property by us in order to facilitate the effective drainage of roads, the drain within the property shall be maintained by us only as far as the nearest natural water course or natural depression that is capable of accepting the volume required without creating a “nuisance” - this may necessitate erosion prevention measures or the introduction of stormwater dispersal solutions in order to mimic the natural drainage path that existed prior to the road’s existence and as far as possible reduce the flow to an approximation of the pre-concentrated velocity.
- Stormwater collected by our road table drains which flows onto an adjoining property is concentrated water.
- In most cases each property owner needs to take individual responsibility for natural run-off, or ground water that affects their property.
- Issues between individuals in regard to concentration of run-off in private property may need resolution through civil action.
- The Council may, in cases concerning private concentration of run-off, provide property owners with advice in the resolution of private drainage issues.
- Where specific and identifiable individuals would benefit from drainage works that are not part of the water course for which we are responsible, then we may elect to provide a solution and prepare a benefited area scheme to recover the cost.
- The Council will not become involved in temporary solutions or “without prejudice” actions to assist in maintenance of drainage problems.
- Where developments have contravened building or plumbing codes administered by us, we will be involved in arranging for corrective action by the offending parties.

RELATED POLICIES & PROCEDURES:

28-PI-005 - Stormwater Connections Construction and Maintenance Policy

RELATED LEGISLATION:

Local Government (Highways) Act 1982, Section 34
Urban Drainage Act 2013

18.1 Natural Surface Water Run-Off Policy...(Cont'd)

DEFINITIONS:

Stormwater is water run-off as a direct consequence of rainfall, whether surface flow or within stormwater drains, including contaminants collected by the water during its passage.

Concentrated surface water run-off is stormwater that has had its flow increased in volume, increased in velocity or redirected by artificial means.

Natural surface water run-off is stormwater that has not been concentrated by the construction of impervious areas that have increased the rainfall run-off response time or flow and/or stormwater that forms a watercourse which would have occurred naturally and has not been artificially redirected.

Nuisance is a right of action given to an adjoining landowner or occupier if, as a result of drainage works, land is flooded, eroded or undermined.

REVIEW:

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

REPORT:

Policy 28-PI-002 Natural Surface Water Run-off Policy has been reviewed with minor changes which include:

1. Modifications made to references of our organisation as underlined - 'The City of Launceston', 'we' and 'us', 'The' Council.
2. Amendment in terminology from 'rain water' to 'stormwater' to reflect industry practice.
3. Stormwater definition added.

The changes to the policy are presented for adoption.

ECONOMIC IMPACT:

Construction costs of a 'benefited area' scheme will be borne by the benefiting properties.

18.1 Natural Surface Water Run-Off Policy...(Cont'd)

ENVIRONMENTAL IMPACT:

There will be negligible environmental impact as in most cases there will be no change to the status quo. However, there should be a positive impact with any construction works under a 'benefited area' scheme.

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

The key direction within Council's Strategic Plan (2014-24) which is considered relevant:

5.1.2 - To manage the risks of climate-related events particularly in the area of stormwater management.

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

18.2 Proposed Street Name - Aram Place**FILE NO:** SF0621; DA0146/2009**AUTHOR:** Sonia Smith (Engineering Officer - Development)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider the name for a new street in Newstead.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting 10 June 2014 - Item 17.5
COUNCIL AGENDA

RECOMMENDATION:

That Council rename the street Emerald Drive at Newstead to Aram Place to avoid potential confusion with Emerald Place in Ravenswood.

REPORT:

Following the previous decision by Council to approve the recommended name Emerald Drive for a new street off Marion Avenue in Newstead, it was discovered that this name created a duplication within the municipality.

The State Government publication 'Rules for Place Names in Tasmania' states in section 13 (1) that 'The duplication of place-names in Tasmania should not occur'.

Emerald Place is a cul de sac located in Ravenswood off Tandara Street. While having different descriptors (Drive versus Place) the specific part of the name, i.e. Emerald, is the same and there is the potential for confusion, particularly with emergency services.

The developer has been advised of the duplication and has proposed a new name; Aram Place.

This proposed name has been vetted using the recently launched 'PlaceNames Tasmania' website in addition to contacting the neighbouring municipalities of West Tamar, Meander Valley, Northern Midlands and George Town.

18.2 Proposed Street Name - Aram Place...(Cont'd)

No instance of this name is recorded in the place names data base nor have any of the neighbouring Council's advised of the names current or proposed use within their area or jurisdiction.

The name change will not impact on any residents or owners as lots fronting this new street have not yet been created through the issue of titles

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

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:

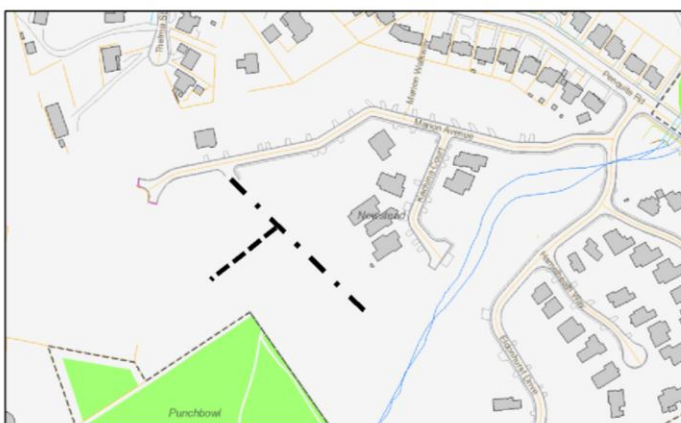
1. Location plan - proposed street name 'Aram Place'

ATTACHMENT 1

Location plan: Aram Place



Locality plan showing existing road network



19 CORPORATE SERVICES
Nil

20 GENERAL MANAGER
Nil

21 URGENT BUSINESS

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

22 INFORMATION / MATTERS REQUIRING FURTHER ACTION
Nil

23 CLOSED COUNCIL**23.1 Local Government Association of Tasmania - 2014 By-election****RECOMMENDATION:**

That Agenda Item 23.1 be considered within closed session pursuant to the authority contained within regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2005*, which permits the meeting to be closed to the public for business relating to the following:

23.1 Local Government Association of Tasmania - 2014 By-election

(j) as it contains the personal affairs of a person/company

24 MEETING CLOSURE
