



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 10 OCTOBER 2016
1.00pm**

City of Launceston

COUNCIL AGENDA

Monday 10 October 2016

Notice is hereby given that the Ordinary Meeting of the City of Launceston Council will be held at the Council Chambers, Town Hall, St John Street, Launceston:

Date: 10 October 2016

Time: 1.00pm

Section 65 Certificate of Qualified Advice

Background

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

Declaration

I certify that persons with appropriate qualifications and experience have provided the advice, information and recommendations given to Council in the Agenda Items for this Meeting.



Robert Dobrzynski
General Manager

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2 DECLARATIONS OF INTEREST

Local Government Act 1993 - Section 48

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

No Declarations of Interest were identified as part of this Agenda

3 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 26 September 2016 be confirmed as a true and correct record.

4 DEPUTATIONS

No Deputations have been identified as part of this Agenda

5 PETITIONS

Local Government Act 1993 - Sections 57 and 58

No Petitions have been identified as part of this Agenda

6 COMMUNITY REPORTS

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

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

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions on Notice

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

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

No Public Questions on Notice have been identified as part of this Agenda

7.2 Public Questions without Notice

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

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

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

8 PLANNING AUTHORITY

8.1 131 Elphin Road, Newstead - Residential - single dwelling; subdivide land into two lots; multiple dwellings - construction and use of two multiple dwellings on proposed lot 2 (amended proposal) at 131 Elphin Road, Newstead

FILE NO: DA0383/2016

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:	MV Consulting
Property:	131 Elphin Road, Newstead
Zoning:	General Residential
Receipt Date:	31/08/2016
Validity Date:	31/08/2016
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	13/10/2016
Representations:	3

RECOMMENDATION:

That in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted, for DA0383/2016 Residential - single dwelling; subdivide land into two lots; multiple dwellings - construction and use of two multiple dwellings on proposed lot 2 (amended proposal) at 131 Elphin Road, Newstead subject to the following conditions:

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal) at 131 Elphin Road, Newstead...(Cont'd)

1. ENDORSED PLANS

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

- a. Subdivision site plan, Prepared by Meindert Van Der Molen, Drawing No. DAL0616 - 2/9, Revision No. 6, Scale 1:250 @A3, Dated 1/09/2016.
- b. Site plan, Prepared by Meindert Van Der Molen, Drawing No. DAL0616 - 3/9, Revision No. 6, Scale 1:100 @A3, Dated 1/09/2016.
- c. Landscaping plan, Prepared by Meindert Van Der Molen, Drawing No. DAL0616 - 4/9, Revision No. 6, Scale 1:100 @A3, Dated 1/09/2016.
- d. Lower floor plan, Prepared by Meindert Van Der Molen, Drawing No. DAL0616 - 6/9, Revision No. 6, Scale 1:100 @A3, Dated 1/09/2016.
- e. Upper floor plan, Prepared by Meindert Van Der Molen, Drawing No. DAL0616 - 7/9, Revision No. 6, Scale 1:100 @A3, Dated 1/09/2016.
- f. Elevations, Prepared by Meindert Van Der Molen, Drawing No. DAL0616 - 8/9, Revision No. 6, Scale 1:100 @A3, Dated 1/09/2016 - Plan to be amended.
- g. Elevations, Prepared by Meindert Van Der Molen, Drawing No. DAL0616 - 9/9, Revision No. 6, Scale 1:100, @A3, Dated 1/09/2016 - Plan to be amended.

2. AMENDED PLANS REQUIRED

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

- a. The maximum height of the southern elevation is to be 6m above the existing natural ground level.

3. FINAL PLAN OF SURVEY

The final plan of survey will not be sealed until all conditions have been complied with, or an agreement has been entered into providing for the completion of works at a later stage.

4. LEGAL TITLE

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

5. 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.

- 8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal) at 131 Elphin Road, Newstead...(Cont'd)**
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6. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2016/01252-LCC) (attached).

7. HOURS OF CONSTRUCTION

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

Monday to Friday - 7.00am and 6.00pm

Saturday - 9.00am to 6.00pm

Sundays and Public Holidays - 10.00am to 6.00pm

8. FENCING

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

a. 1.2m within 4.5m of the frontage; and

b. 1.8m elsewhere when measured from the highest finished level on either side of the common boundaries.

9. DRIVEWAY CONSTRUCTION

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

(a) Be properly constructed to such levels that they can be used in accordance with the plans,

(b) Be surfaced with an impervious all weather seal,

(c) Be adequately drained to prevent stormwater being discharged to neighbouring property,

(d) Be line-marked or otherwise delineated to indicate each car space and access lanes.

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

10. DAMAGE TO COUNCIL INFRASTRUCTURE

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

- 8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal) at 131 Elphin Road, Newstead...(Cont'd)**
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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. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

The explicit permission of Technical Services is required prior to undertaking works where the works:

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

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.

12. APPLICATION TO ALTER A STORMWATER SERVICE

To have an existing service connection physically removed/relocated/altered, or to have a new connection installed, an application must be made using the Council's eServices web portal or on the approved form and accompanied by the prescribed fee. All work must be carried out by a suitably experienced contractor and in accordance with Council standards. All costs associated with these contractors are to be borne by the applicant.

13. VEHICULAR CROSSINGS

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

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

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

All new works must be constructed to Council standards by a contractor authorised to perform such work. The work must include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal) at 131 Elphin Road, Newstead...(Cont'd)

trenches to trafficable standard and and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra and TasNetworks, etc). The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's cost.

14. SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

15. AMENITY

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

Notes

A. **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.

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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 DA0383/2016. 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 years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

E. Restrictive Covenants

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

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

F. 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.

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal) at 131 Elphin Road, Newstead...(Cont'd)

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.

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.

H. 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>Proposed Unit 1</i>	<i>2/46 Olive Street</i>
<i>Proposed Unit 2</i>	<i>1/46 Olive Street</i>

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

REPORT:

1. THE PROPOSAL

An area of 492m² (proposed lot 2) is proposed to be subdivided off the rear of 131 Elphin Road where the property has a second frontage onto Olive Street. The property contains an existing two storey dwelling that is setback approximately 25m from Elphin Road, frontage of the 83m wide x 1673m² deep property. An area of 1181m² is to be retained by the existing dwelling which includes a 4.165m wide driveway off Olive Street along the northern side boundary.

The proposed lot is to contain two, co-joined partly two storey dwellings sited along the southern boundary. Each of the floor plans is a mirror image of the other and includes a laundry and kitchen along the southern side and an open plan living/dining area along the northern side. A single garage to each forms a common boundary wall between the two. On the upper level are two bedrooms separated by a stair well, wet areas and a master bedroom on the northern side. The dwellings are proposed to be of light weight construction with finishes of render and weatherboards. Dwelling two includes brickwork.

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Both dwellings have internal guttered enclosed roofs.

A building application has recently been issued for works for the demolition of the shed ancillary to the dwelling and in the vicinity of the proposed development.

This application replaces DA0281/2016 for a similar proposal that was not considered appropriate for approval. Changes have been made to increase the southern side setback, re-location of parking from the front setback and redesign of the front elevation of dwelling 1. The application was readvertised with the same three representors responding to the proposal.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Site Location

The site is located just beyond, and east of, the central city area in the suburb of Newstead. More specifically the site is on the eastern side of Elphin Road between Hart and Belhaven Crescent, and extends through to Olive Street. The area is developed with both single and multiple dwellings upon lots of various sizes and characteristics. Elphin Road has a number of well-established homes with land along the north eastern side of Olive St developed with more contemporary development since the relocation of the showgrounds. Given the terrain of the area, falling away to the east, properties in Elphin Road are generally single storey to the street and two storey to the rear. Development in Olive Street is generally single storey.

Site Description

The site is rectangular in shape with an area of 1673m². It initially falls away from Elphin Road relatively steeply before being more level to the Olive Street frontage. It has a relatively unkept garden to both street frontages with the 'rear yard' of area fronting Olive Street, containing part of an outbuilding.

Location of existing access to the site

The current access to the site for the existing dwelling is bitumen sealed and off Olive Street with a second access proposed for the new lot to be adjacent to it.

Site Services

Olive Street is sealed and drained to Council standard and the site is able to be connected to standard reticulated services.

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3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

10.1.1 Zone Purpose Statements

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

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

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

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

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

Consistent

The proposal offers an alternate development type by the creation of a second residential lot and a higher density development on the balance lot in a fully serviced inner city residential area. Surrounding development and use is predominantly single dwellings interspersed with multiple dwellings developed on lots of a variety of sizes.

10.4 Development Standards

10.4.1 Residential density for multiple dwellings

Objective:

To provide for suburban densities for multiple dwellings that:

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

Consistent

The proposal offers an efficient use of a lot that, given the context of the site, is too large for a single dwelling and is within walking distance of both the central business area shopping and services and, to a lesser degree, the services provided in the Newstead shopping centre.

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

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

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal) at 131 Elphin Road, Newstead...(Cont'd)

Relies on Performance Criteria

The proposed lot that is to be developed with the multiple dwellings is proposed with an area of 492m² which results in a density of 246m² per dwelling.

P1 Multiple dwellings must only have a site area per dwelling that is less than 325m², or that specified for the applicable density area in Table 10.4.1, if the development will not exceed the capacity of infrastructure services and:

- (a) is compatible with the density of the surrounding area; or
- (b) provides for a significant social or community housing benefit and is in accordance with at least one of the following:
 - (i) the site is wholly or partially within 400m walking distance of a public transport stop;
 - (ii) the site is wholly or partially within 400m walking distance of a business, commercial, urban mixed use, village or inner residential zone.

Complies

The proposed density, of the three dwellings over the parent title, and the proposed density for the new title, is considered to be high when compared to that of other lots in the same zone in the area. However, the proposed multiple dwellings are within 400m of public transport as buses travel along Elphin Road and are within 400m of the Newstead shopping centre and beyond the CBD. Land zoned Inner Residential is about 120m away to the east and south and contains a number of properties developed with either multiple dwellings or qualities of smaller lots.

10.4.2 Setbacks and building envelope for all dwellings

Objective:

To control the siting and scale of dwellings to:

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

Consistent

The proposed siting of the development of the dwellings has been altered from the original proposal to be more in keeping with the intent of the development. Where variations are sought to the acceptable solutions the performance criteria can be met.

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

- (a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of

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

Complies

The status quo of the setback of the existing dwelling to Elphin Road of approximately 20m remains the same.

As the proposed lot for the multiple dwelling dwellings, lot 2, fronting Olive Street is a vacant lot between to lots with existing dwellings (c) is applicable. The setback to Olive Street of the proposed front dwelling is 4.5m which is between the setback of the adjoining dwellings, the northern neighbour at 44 Olive Street is setback approximately 7m and the southern neighbour at 48 Olive Street setback 4m.

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

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

Complies

The proposed garages are to be located between the proposed two dwellings.

A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m 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 4.5m 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 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and
- (b) only have a setback within 1.5m of a side boundary if the dwelling:
 - (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or
 - (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).

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<p>Relies on Performance Criteria</p> <p>The residential portion of the proposed multiple dwellings on proposed lot 2 both encroach on the building envelope along the southern side boundary and western rear boundary. The southern setback of the dwelling is 2.5m. The height of the front dwelling along this elevation increases from 6.1m to 6.6m, and for dwelling 2, the height increases from 6m to 6.3m. Assessment against the performance criteria is required.</p> <p>The single storey garage for each dwelling, proposed between the two dwellings, will be setback 920m from the southern boundary. As the length of the wall closest to the boundary is only 6.4m this portion of the building complies.</p> <p>Dwelling 2 is proposed 4m off the rear boundary and the 6m height of the western elevation is just within the envelope and does comply.</p> <p>P3 The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> (a) not cause unreasonable loss of amenity by: <ul style="list-style-type: none"> (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.
<p>Complies</p> <p>Subject to conditions the proposal is minimise the extent of overshadowing.</p> <p>The two storey sections of the development will overshadow the northern side of the dwelling in Olive Street for most of the day on 21 June. By around 1pm this includes the deck at the rear of the dwelling and the adjacent rear yard. As this is the worst case scenario, and the rear area benefits from sunlight during the morning, it is considered that the impact is not too significant. A reduction in overshadowing and the 'bulk' impact of the building on the adjoining properties, and especially 48 Olive Street, could be achieved if the height of the building was reduced or, at least the roof be angled at the top of the wall, so that the maximum height of the wall is 6m along the southern elevation. The applicant has agreed to a maximum height of 6m for this elevation. A condition is to be imposed for amended plans to be lodged to reflect this requirement to meet (a).</p> <p>The proposed dwellings are two storey but are well below the maximum height of 8.5m, allowable under the acceptable solutions, given an appropriate side setback. With the increased setback for the habitable portion of the dwellings, and 4m setback over the drive of the adjoining property, there is considered to be adequate separation between the buildings.</p>

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10.4.3 Site coverage and private open space for all dwellings

<p>Objective: To provide:</p> <ul style="list-style-type: none"> (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.
<p>Consistent Adequate private open space is provided for the existing dwelling and for both dwellings as part of the multiple residential development for use of residents and for the provision of landscaping.</p>
<p>A2 A dwelling must have an area of private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is at least: <ul style="list-style-type: none"> (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: <ul style="list-style-type: none"> (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m 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 three hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21 June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.
<p>Complies All of the dwellings have at least 24m² of private open space in one location, at ground level, with a minimum dimension of 4m. Each area of open space is directly accessible as an extension of indoor living areas. Each area is also able to achieve adequate solar access during the hours of 9.00am and 3.00pm. The area for dwelling 1 is located in the front setback and the frontage is within 30 of west.</p>

10.4.4 Sunlight and overshadowing for all dwellings

<p>Objective: To provide:</p>

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<p>(a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and</p> <p>(b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.</p>
<p>Consistent The status quo of the dwelling at 131 Elphin Road is maintained. Adequate sunlight will be achieved by both new dwellings.</p>
<p>A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>
<p>Complies Living areas are shown as within 29.8m of north.</p>
<p>A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</p> <ul style="list-style-type: none"> (i) at a distance of 3m from the window; and (ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal. <p>(b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.
<p>Complies The dwellings are located east west on the site.</p>

10.4.5 Width of openings for garages and carports for all dwellings

<p>Objective: To reduce the potential for garage or carport openings to dominate the primary frontage.</p>
<p>Consistent The status quo of the existing dwelling is maintained.</p> <p>The garages for the new dwellings are located between the two and are parallel to the street.</p>

10.4.6 Privacy for all dwellings

<p>Objective: To provide reasonable opportunity for privacy for dwellings.</p>
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Consistent

The proposed development will not impact on privacy of residents on this or adjoining sites.

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 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:

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

Complies

There are no balconies, roof terraces, parking spaces or carports with a floor area more than 1m above ground.

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

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

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Complies

Where there are windows on the second level of the proposed dwellings they are appropriately setback from boundaries. The windows in the southern elevation are associated with the corner risers of a split level stair and overlooking would be minimal given the relative floor/sill height.

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

Complies

The driveway is principally located along the northern side boundary. While the kitchen and living area for dwelling 1 front the drive, the second car space is located forward of the kitchen to meet the separation distance.

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 proposed front fence for the new lot complies with acceptable solutions.

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

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

Complies

The proposed fence is to be of solid construction to 1.2m and have three horizontal slats above to a height of 1.8m.

10.4.8 Waste storage for multiple dwellings

Objective:

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

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<p>Consistent Storage facilities are provided to meet the objective.</p>
<p>A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5m from a frontage; and (ii) is at least 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>
<p>Complies Each of the proposed multiple dwelling has an outdoor wheelie bin storage area.</p>

10.4.9 Site facilities for multiple dwellings

<p>Objective: To provide adequate site and storage facilities for multiple dwellings.</p>
<p>Consistent Storage areas are proposed for both multiple dwellings.</p>
<p>A1 Each multiple dwelling must have access to 6 cubic metres of secure storage space not located between the primary frontage and the facade of a dwelling.</p>
<p>Complies Each of the proposed multiple dwelling has a storage area in the garages.</p>
<p>A2 Mailboxes must be provided at the frontage.</p>
<p>Complies Letter boxes are proposed adjacent to the driveway.</p>

10.4.10 Common property for multiple dwellings

<p>Objective: To ensure that common areas are easily identified.</p>
<p>Consistent The proposal plans indicate the area allocation for each dwelling.</p>
<p>A1 Site drawings must clearly delineate private and common areas, including: (a) driveways; (b) parking spaces, including visitor parking spaces; (c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.</p>
<p>Complies The driveway is annotated as being common ground.</p>

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10.4.13 Location of car parking

Objective:

To:

- (a) provide convenient car parking for residents and visitors;
- (b) protect residents from vehicular noise within sites; and
- (c) minimise visual impact on the streetscape.

Consistent

Car parking is provided for each dwelling and is addressed further against the Code E6.0.

A1 Shared driveways or car parks of residential buildings (other than for single dwellings) must be located no less than 1.5m from the windows of habitable rooms.

Complies

The driveway serving the multiple dwellings is separated from the dwellings by the car space for dwelling 1. Areas of private open space that are to be enclosed by 1.8m high fencing.

10.4.15 Lot size and dimensions

Objective:

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

Consistent

The lot sizes are able to meet the intent of the objective.

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

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

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

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

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

Relies on Performance Criteria

Proposed lot 1, which contains the existing dwelling, is to have an area of 1181m², and lot 2 an area of 492m². Lot 2 does not meet the minimum lot size required by (a) and will be assessed against the performance criteria.

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

- (a) the relevant acceptable solutions for development of buildings on the lots;
- (b) the likely location of buildings on the lots;
- (c) the likely provision of on-site parking and manoeuvrability for vehicles;
- (d) the topography of the site;
- (e) the presence of any natural hazards;

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- (f) adequate provision for private open space; and
- (g) the existing pattern of development in the area.

Complies

Assessment against the lot per se considers the sub minimal lot to be satisfactory.

The proposed lot has adequate dimensions to allow for the development of a single dwelling to be constructed in compliance with the acceptable solutions. The site is level, fully serviced and has the ability to meet the and only just below the minimum.

The lot is also considered to be adequate for the development of the proposed two dwellings.

10.4.16 Frontage and access

Objective:

To ensure that lots provide:

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

Consistent

The lots are compliant with the objective having direct frontage onto both Elphin Road and Olive Street.

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

Complies

Proposed lot 1 has a 20.12m frontage to Elphin Road and is proposed to retain a 4.615m frontage to Olive Street for the purposes of vehicular access as currently exists.

Proposed lot 2 has a 20.12m frontage to Olive Street which is to include a new crossover.

A2 No acceptable solution.

Relies on Performance Criteria

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

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

Complies

Both lots will have vehicular access to Olive Street, a level street with adequate sight distances.

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10.4.17 Discharge of stormwater

Objective: To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.
Consistent Both lots are able to serviced.
A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.
Complies Both lots are able to be connected to Council's stormwater system.

10.4.18 Water and sewerage services

Objective: To ensure each lot provides for appropriate water supply and wastewater disposal.
Consistent The properties are able to be connected to a reticulated water supply.
A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.
Complies The properties are able to be serviced by TasWater, a SPAN has been issued.
A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.
Complies The lots can be connected to the reticulated sewerage system. TasWater have issued a SPAN.

10.4.19 Integrated urban landscape

Objective: To provide landscaping of lots, roads and public open spaces that contributes to the character and identity of urban places and the character of the surrounding area.
Consistent The provision of one additional lot can assist with the urban landscape.
A1 Subdivision does not create any new road, public open space or other reserves.
Complies The proposal does not create any new road, open space or reserve

10.4.20 Walking and cycling network

Objective: To: (a) provide safe and convenient movement through and between neighbourhoods by pedestrians and cyclists;

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(b) design footpaths, shared path and cycle path networks that are safe and accessible; and

(c) accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

Consistent

The application is for one lot only with no additional networks being created.

10.4.21 Lot diversity

Objective:

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

Consistent

The proposed subdivision allows for variety for future development.

A1 Subdivision is for 10 lots or less.

Complies

Only one additional lot is proposed.

10.4.22 Solar orientation of lots

Objective:

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

Consistent

The proposed additional lot has the ability to ensure solar access for future dwellings.

10.4.23 Neighbourhood road network

Objective:

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

Consistent

The proposal will not compromise the road network.

A1 Subdivision does not create any new road.

Complies

The subdivision does not require construction of a new road.

10.4.24 Public transport network

Objective:

To provide for access to public transport.

Consistent

The property is in close proximity to public transport.

A1 Subdivision does not create any new road.

Complies

The subdivision does not require construction of a new road.

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E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

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

Consistent

The proposed development will not compromise the safety or efficiency of the road nor rail network in the vicinity.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

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

Consistent

The proposed development will not compromise the safety or efficiency of the road network.

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

Complies

The proposed addition of two dwellings to the proposed lot 2 would generate approximately 20 movements per day additional to the current situation.

E4.6 Development Standards

E4.6.1 Development adjacent to roads and railways

Objective:

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

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

Consistent

The development is not adjacent to a class 1 or 2 road or rail network.

E4.6.2 Road accesses and junctions

Objective:

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

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<p>Consistent The additional access will not compromise the safety or efficiency of the road network.</p>
<p>A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>
<p>Complies The proposal involves the creation of a new lot with its own singular access point to a road with a speed of 50kph.</p>

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

<p>Objective: To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>
<p>Consistent The additional lot and access is considered to have adequate sight distance.</p>
<p>A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</p>
<p>Relies on Performance Criteria The new access point is approximately 70m away from the nearest cross street of Hart Street.</p>
<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the frequency of use of the road or rail network; (c) any alternative access; (d) the need for the access, junction or level crossing; (e) any traffic impact assessment; (f) any measures to improve or maintain sight distance; and (g) any written advice received from the road or rail authority.</p>
<p>Complies The proposed crossover has been approved by the Infrastructure Services Directorate. The street is straight and flat and the site distance from the intersection is not considered to be an impediment to safety</p>

E6.0 Parking and Sustainable Transport Code

<p>E6.1 The purpose of this provision is to: (a) ensure that an appropriate level of parking facilities are provided to service use and development; (b) ensure that cycling, walking and public transport are supported as a means of</p>

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<p>transport in urban areas;</p> <p>(c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;</p> <p>(d) ensure that parking does not adversely impact on the amenity of a locality;</p> <p>(e) ensure that parking spaces and accesses meet appropriate standards; and</p> <p>(f) provide for the implementation of parking precinct plans.</p>
<p>Consistent</p> <p>The proposal includes on-site parking for the existing and proposed dwellings in an area that is also within level walking distance of Newstead shopping centre and CBD. The area is served by public transport and Elphin Road does have a cycling lane. There are also trails nearby along the South Esk River.</p>

E6.5 Use Standards

E6.5.1 Car parking numbers

<p>Objective:</p> <p>To ensure that an appropriate level of car parking is provided to meet the needs of the use.</p>
<p>Consistent</p> <p>An appropriate level of car parking is proposed for the use.</p>
<p>A1 The number of car parking spaces must:</p> <p>(a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or</p> <p>(b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or</p> <p>(c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or</p> <p>(d) be in accordance with an acceptable solution contained within a parking precinct plan.</p>
<p>Relies on Performance Criteria</p> <p>Table E6 requires two car spaces for each dwelling in the General Residential zone with greater than two bedrooms plus 1 dedicated space per 4 dwellings. The existing dwelling has adequate area to provide parking for two cars and for these to be in a forward motion.</p> <p>Each of the proposed multiple dwellings has a single car garage and an open car space. While the number of spaces satisfies the requirement in respect of bedrooms a visitor space is not provided and a variation must be considered.</p>
<p>P1.1 The number of car parking spaces for other than residential uses, must be provided to meet the reasonable needs of the use, having regard to:</p> <p>(a) the availability of off-road public car parking spaces within reasonable walking distance;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time; or</p>

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal) at 131 Elphin Road, Newstead...(Cont'd)

- (ii) efficiencies gained by consolidation of car parking spaces;
 - (c) the availability and frequency of public transport within reasonable walking distance of the site;
 - (d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;
 - (e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;
 - (f) an assessment of the actual car parking demand determined in light of the nature of the use and development;
 - (g) the effect on streetscape; and
 - (h) the recommendations of any traffic impact assessment prepared for the proposal; or
- P1.2 The number of car parking spaces for residential uses must be provided to meet the reasonable needs of the use, having regard to:
- (a) the intensity of the use and car parking required;
 - (b) the size of the dwelling and the number of bedrooms; and
 - (c) the pattern of parking in the locality; or
- P1.3 The number of car parking spaces complies with any relevant parking precinct plan.

Complies

A variation on visitor parking of one space is not considered detrimental to the area. Visitors to the existing dwelling at 131 Elphin Road would most likely park on Elphin Road leaving the Olive Street frontage the capacity to contain parking by visitors.

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective:

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

Consistent

The proposed parking would be constructed in conjunction with the development which should be of an appropriate standard.

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

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

Complies

The land has a slope of less than 10% and the driveway and access should be properly formed, paved and drained.

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal) at 131 Elphin Road, Newstead...(Cont'd)

E6.6.2 Design and layout of parking areas

Objective:

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

Consistent

Parking shall generally be convenient, safe and efficient.

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

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

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

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

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

Complies

Vehicle movements for the existing dwelling will not alter.

Parking and access for the multiple dwellings can be provided for forward travel on and off the site but as no more than four spaces are proposed this is not essential.

Dimensions of the spaces proposed comply with tables E6.2 and E6.3.

E6.6.3 Pedestrian access

Objective:

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

Consistent

Separate pedestrian access is not required.

E6.7.1 Precinct 1 - Launceston Central Business District Parking Exemption Area

E10.0 Open Space Code

E10.1 The purpose of this provision is to:

- (a) Ensure that the location and area of land required for public open space in subdivisions meets the reasonable ongoing needs of the community.

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal) at 131 Elphin Road, Newstead...(Cont'd)

Consistent

The proposal is consistent with the objective.

E10.6 Development Standards

Objective:

To:

- (a) ensure that the location and area of land required for public open space meet the reasonable ongoing needs of the community; and
- (b) provide public open space which meets user requirements for outdoor recreational and social activities.

Consistent

The proposal is consistent with the objective.

A1 No acceptable solution.

Relies on Performance Criteria

P1 The location, area and characteristics of public open space must meet the reasonable needs of the community, having regard to:

- (a) the physical characteristics of the land;
- (b) the needs of people with disabilities;
- (c) the range of recreational facilities in the surrounding area;
- (d) the existing public open space in the surrounding area and its relationship to any proposed public open space;
- (e) connectivity for pedestrians and cyclists;
- (f) the ability of the community to access the land;
- (g) any limitations imposed by services and utilities;
- (h) any drainage requirements, or the existence of wetlands;
- (i) public health and safety;
- (j) the likely cost of maintenance; and
- (k) the relationship and alignment with adjoining land uses, including fencing and landscaping.

Complies

The subdivision creates only one lot and therefore there is no ability to provide space that will efficiently be provided as public open space. Therefore a cash-in-lieu contribution will be paid.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Roads and Hydraulics	Conditional consent provided.
Environmental Health	Conditional consent provided.
Parks and Recreation	N/A

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal) at 131 Elphin Road, Newstead...(Cont'd)

REFERRAL	COMMENTS
INTERNAL	
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes are to be included if a permit is issued.
EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2016/01252-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 3 September to 16 September 2016. Three 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.

ISSUE	COMMENTS
The dwelling is still outside the building envelope as specified in A3. Due to this it has a significant impact on the shading and privacy of 48 Olive Street. As per previously raised concerns, the rooms which will directly face and be affected by this development are dining room, lounge room, entry hall and one bedroom at the front of the house. As the dining and lounge room are the main living areas, this puts the new development in total contravention of the Interim Planning Scheme as determined in P3 (a)(i) (ii) (iv). The rooms will be cold and damp in winter. Use of opaque windows to maintain privacy is also not appropriate.	The potential impact on the neighbouring property to the south is acknowledged. The applicant has agreed to a condition to further lower the dwellings so that they have a maximum height of 6m. Amended plans will be required. The current proposal does not include the use of such windows.

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal) at 131 Elphin Road, Newstead...(Cont'd)

ISSUE	COMMENTS
<p>The proposal is not similar, as stated by the developer, as they are on the opposite side of the road. That development adjoins tennis courts and only 1 is double storey.</p>	<p>This point is noted. This application has been considered on its own merits against the scheme provisions.</p>
<p>Non-compliance with clause 10.4.1. The proposed site area per dwelling is in no way compatible with the density of the surrounding area which is primarily of single dwellings and multiple dwellings. The multiple dwellings over the road in Hart Street have a lesser density.</p>	<p>The application is considered against the standards of the current scheme. Where acceptable solutions are not meet the performance requirements are able to provide for a suitable outcome. In this case, given the changes made from the previous application, it is considered that approval can be recommended subject to conditions. The dwellings over the road were subject to a different planning scheme.</p>
<p>It is difficult to see how the proposed development at 131 Elphin Road could be considered as providing a significant social or community housing benefit?</p>	<p>The proposal does provide infill development , is close to public transport and is walking distance of Newstead shopping centre which in principal is considered a benefit.</p>
<p>10.4.2 – Setbacks and Building Envelope for all Dwellings. Both proposed units, when viewed from the East, the West, and most significantly, the South, extend beyond the prescribed building envelope. This gives rise to unreasonable overshadowing to our property, as well as resulting in unreasonable loss of amenity through the visual impact caused by the apparent scale, bulk and proportions of the proposed development particularly the effect of overshadowing 48 Olive Street, and 133 Elphin Road.</p>	<p>The proposal encroaches on the western and southern envelopes but is not considered detrimental especially given the further reduction in height to be conditioned.</p>

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal) at 131 Elphin Road, Newstead...(Cont'd)

ISSUE	COMMENTS
<p>Apparent Scale, Bulk or Proportions – The bulk, height and box-like shape of the proposed units is in no way compatible with any other dwelling in the immediate neighbourhood, let alone the adjoining lots. The vast majority of the properties in the area were built a long time ago, and are single dwelling, one storey, pitched-roof houses. The most recent development would be the units at 16 Hart Street which were built in 2009. All but one of these are consistent in design to the other, older existing dwellings in the area, ie. single storey with a pitched roof. One of these units at 16 Hart Street is a two-storey dwelling, but again this has a pitched roof.</p>	<p>This is noted. The planning scheme is relatively silent on such matters if the building envelope is complied with. Along with a reduction in height and an increase in setback the front of dwelling 1 has been improved from the previous design by relocation of a parking space located in the front setback and inclusion of a front entry door.</p>
<p>The proposed lot size of 492m² is under the minimum lot size requirement of 500m² and the proposed lot does not have sufficient useable area and/or dimensions suitable for its intended use including open space.</p>	<p>8m² is considered a very slight encroachment for the purpose of creating a lot. The open space provided for each dwelling complies with the acceptable solutions of the planning scheme.</p>
<p>The proposal fails to meet the zone purpose statement 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. As indicated, the proposed development does not come close to meeting the acceptable requirements for suburban densities - Zone Purpose Statement 10.1.1.4 - To encourage residential development that respects the existing and desired neighbourhood character.</p>	<p>The proposal is considered to meet the purpose by providing an alternative to a single dwelling in a fully serviced area. While the proposal is not specifically the same as existing development it is not necessarily inappropriate.</p>

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal) at 131 Elphin Road, Newstead...(Cont'd)

ISSUE	COMMENTS
The character, design, visual impact of the proposed development is in no way aligned to the existing neighbourhood character.	
Olive Street is relatively narrow and combined with the nearby Coles supermarket, the tennis centre, schools and traffic diverting from Elphin Road. The proposed dwellings will further increase traffic and congestion causing traffic safety issues for residents and children.	The proposed dwellings are not considered to have any significant impact on the current traffic levels through the area.
The placement of the garages is understood to be less than the allowable distance from the block's boundary.	The area for turning behind the garages to the north complies with the requirements of the parking code. The enclosed southern side of the garages meets the acceptable solutions.

6. CONCLUSION

Subject to the recommended conditions, it is considered that the proposal while requiring reliance on performance criteria, complies with the Scheme and it is appropriate to recommend for approval.

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal) at 131 Elphin Road, Newstead...(Cont'd)

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

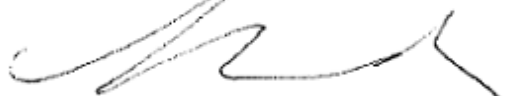
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Locality Plan (distributed electronically)
 2. Plans of Proposal (distributed electronically)
 3. Representations (distributed electronically)
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8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of a New Administration Building and Car Park at 31-37 Tudor Avenue, Newstead

FILE NO: DA0309/2016

AUTHOR: Brian White (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:	S Group
Property:	31-37 Tudor Avenue, Newstead
Zoning:	Inner Residential
Receipt Date:	19/07/2016
Validity Date:	21/07/2016
Further Information Request:	26/07/2016
Further Information Received:	29/08/2016
Deemed Approval:	5/10/2016
Representations:	3

RECOMMENDATION:

That, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993*, and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0309/2016 - Educational and occasional care - primary school: Demolition of the existing administration building and construction of a new administration building and car park at 31-37 Tudor Avenue, Newstead subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Site Plan, Prepared by S Group, Drawing No. A1-001, Revision No. B, Dated 18/8/2016 (Amended Plan Required).
 - b. Demolition Plan, Prepared by S Group, Drawing No. A1-002, Revision No. B, Dated 18/8/2016.
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8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of A New Administration Building and Car Park at 31-37 Tudor Avenue, Newstead ...(Cont'd)

- c. Floor Plan, Prepared by S Group, Drawing No. A2-002, Revision No. B, Dated 18/8/2016.
- d. Elevations, Prepared by S Group, Drawing No. A3-001, Revision No. B, Dated 18/8/2016.
- e. Elevations, Prepared by S Group, Drawing No. A3-004, Revision No. B, Dated 18/8/2016.
- f. Shadow diagrams, Elevations, Prepared by S Group, Drawing No. A4-001, Revision No. B, Dated 18/8/2016.
- g. Shadow diagrams, Elevations, Prepared by S Group, Drawing No. A4-002, Revision No. B, Dated 18/8/2016.
- h. Shadow diagrams, Elevations, Prepared by S Group, Drawing No. A4-005, Revision No. B, Dated 18/8/2016.
- i. S Group Covering Letter, Prepared by S Group, Dated 19/7/2016.
- j. Traffic Assessment, Prepared by Terry Eaton, Dated June 2016.

2. SITE LANDSCAPING

The landscaping must be:

- a. Installed in accordance with the endorsed plan (site plan A1-001);
- b. Completed prior to the use commencing; and
- c. Maintained for the life of the development. It must not be removed, destroyed or lopped without the written consent of the Council.

3. MECHANICAL PLANT

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

4. CAR PARKING

Prior to the commencement of the use, areas set aside for parking vehicles and access lanes must be constructed as shown on the endorsed plans.

5. 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.

6. USE LIMITATION

This permit allows the educational and occasional care use as defined in the Launceston Interim Planning Scheme 2015. The use is limited to 104 students and eight full-time equivalent (FTE) staff members. This number encompasses child care, kinder, prep, primary school and secondary school students. Any increase in student numbers and/or FTE staff numbers is subject to a further application and approval.

- 8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of A New Administration Building and Car Park at 31-37 Tudor Avenue, Newstead ...(Cont'd)**
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7. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 5.00pm Saturday and no works on Sunday or Public Holidays. It is expected that one concrete pour will occur outside of those times which is exempt from this condition.

8. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2016/01034-LCC).

9. NO SIGN ILLUMINATION

The sign must not be floodlit or otherwise internally illuminated.

10. DRIVEWAY CONSTRUCTION

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

- (a) be properly constructed to such levels that they can be used in accordance with the plans,
- (b) be surfaced with an impervious all weather seal,
- (c) be adequately drained to prevent stormwater being discharged to neighbouring property,
- (d) be line-marked or otherwise delineated to indicate each car space and access lanes.

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

11. AMENDED PLANS REQUIRED

Prior to the commencement of any work or use, the plan identified as 'Amended Plan Required' must be amended and submitted to show:

- a. The accessible parking space delineated in accordance with AS2890.6

Once approved by the Manager Development Planning, this amended plan will be endorsed and will then form part of the Permit and shall supersede the original endorsed plans.

12. DAMAGE TO COUNCIL INFRASTRUCTURE

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

8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of A New Administration Building and Car Park at 31-37 Tudor Avenue, Newstead ...(Cont'd)

activity on the site.

13. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

The explicit permission of Technical Services is required prior to undertaking works where the works:

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

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.

14. VEHICULAR CROSSINGS

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

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

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

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

- 8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of A New Administration Building and Car Park at 31-37 Tudor Avenue, Newstead ...(Cont'd)**
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15. AMENITY - COMMERCIAL/INDUSTRIAL USE

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

16. DEMOLITION

The Developer must:

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

Notes

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 DA0309/2016. 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).

8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of A New Administration Building and Car Park at 31-37 Tudor Avenue, Newstead ...(Cont'd)

This permit takes effect after:

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

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

E. 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>>

F. Permit Commencement.

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

REPORT:

1. THE PROPOSAL

The applicant is seeking approval for the following works associated with the existing Newstead Christian School at 31-37 Tudor Avenue, Newstead:

- demolition of an existing administration building;
 - the construction of a new administration building and deck;
 - the construction of a new crossover;
 - the removal of two crossovers; and
-

8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of A New Administration Building and Car Park at 31-37 Tudor Avenue, Newstead ...(Cont'd)

- the construction of seven car parking spaces (one disabled) which was required by DA0114/2015; and
- one awning fascia sign on the proposed administration building.

The proposed administration building has a floor area of approximately 160m². The proposed deck is to have an area of approximately 56m². The proposed administration building is to consist of: two office areas, one interview area, one bathroom, one foyer, a reception and a meeting/ kitchen/ staff/resource area.

The building is to have a maximum height of approximately 5.2m.

The proposed decking is less than 1m above the ground and is built up to the side boundary.

The proposed new crossover from Tudor Avenue will provide access to the proposed seven car parking spaces which includes one disabled space.

The most recent additions to the School forming part of DA0114/2015 were the demolition of two classrooms, an amenities building and a dwelling to allow construction of a new building and courtyard.

A condition on the previous permit required that eight car parking spaces be provided to serve the eight full-time equivalent staff members. This condition was breached as only one of those car parking spaces (one space adjacent to the common boundary of the site and Volume 54558 Folio 163) was ever constructed prior to the use commencing.

Enforcement actions commenced and S Group have now lodged this DA to create a new car park and access to supply the seven car spaces (one disabled space) required by Table E6.1 of the Interim Scheme for the eight full-time equivalent staff members with one space already constructed to comply with DA0014/2015.

It must be noted that should the number of full-time equivalent staff members (in conjunction with additional students) be increased then a new application will be required to be submitted.

While the TIA discusses a possible increase in students such a change was not applied for in this application. A statement has been provided from the applicant to verify this.

8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of A New Administration Building and Car Park at 31-37 Tudor Avenue, Newstead ...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is rectangular shaped and has an area of 3979m². It contains the existing Newstead Christian School and is located on the north eastern side of Tudor Avenue between Birch and Pine Avenue and extends through to Hart Street.

The immediately surrounding area is residential although further to the north east is the Hoblers Bridge Sports Complex, a railway station and the North Esk Flood Plain.

The site has two frontages; Hart Street and Tudor Avenue, and contains existing buildings associated with the existing school.

The site is low lying and rises to the south at a grade of approximately 4% and is within the buffer zone from the Hoblers Bridge Sewage Plant. It is connected to all reticulated services.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

11.0 Inner Residential Zone

11.1.1 Zone Purpose Statements

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

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

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

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

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

Consistent

The proposal is for additions to an existing educational and occasional use. It will not impact upon operating hours or the intensity of the current use. The traffic impact assessment has demonstrated that the proposed carpark and access will not be of detriment to the safety of road users on the surrounding road network. The submitted shadow diagrams demonstrate that the proposed administration building will not overshadow the adjoining residential use to the south east.

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11.3 Use Standards

11.3.1 Hours of operation

Objective: To ensure that non-residential uses do not cause unreasonable loss of amenity to nearby sensitive uses.
Consistent The proposal will meet the acceptable solution by condition.
A1 Commercial vehicles must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.
Complies Commercial vehicles (a small bus) will not operate outside of the required hours.

11.3.2 Mechanical plant and equipment

Objective: To ensure that the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to sensitive uses.
Consistent Complies with acceptable solution via condition.
A1 Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining or immediately opposite sensitive uses.
Complies A condition on the permit will ensure that air conditioning, air extraction/ refrigeration systems or compressors are to be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining or immediately opposite sensitive uses.

11.3.3 Light spill and illumination

Objective: To ensure that light spill and levels of illumination from external lighting does not cause unreasonable loss of amenity to sensitive uses.
Consistent The relevant part of the acceptable solution can be met.
A1 The use must: (a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the General Residential, Low Density Residential, Urban Mixed Use and Village zones; and (b) contain direct light from external light sources within the boundaries of the site.
Complies A condition will ensure that floodlighting is to be within the boundaries of the site.

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11.3.4 External storage of goods

Objective: To ensure that external storage of goods, materials and waste does not detract from the amenity of the area.
Consistent The acceptable solution is met.
A1 Storage of goods and materials, other than for retail sale, or waste must not be visible from any road or public open space adjoining the site.
Complies Storage of goods and materials would not be visible from any road or public open space adjoining the site.

11.3.5 Commercial vehicle parking

Objective: To ensure that parking of commercial vehicles does not detract from the amenity of the area.
Consistent
A1 Commercial vehicles must be parked within the boundary of the site.
Complies A small bus is proposed to be used in conjunction with the school and will be parked on site.

11.4 Development Standards

11.4.23 Development for discretionary uses

Objective: To ensure that development for discretionary uses is sympathetic to the form and scale of residential development and does not adversely impact on the amenity of nearby sensitive uses.
Consistent The proposal meets the performance criteria and is considered appropriate given the use is already established and it will not cause a significant intensification of the already established educational and occasional care use.
The application has been accompanied by a traffic impact assessment and shadow diagrams which deem that the proposed development will not unduly impact upon the residential amenity of adjoining sensitive uses (overshadowing) or the safety of road users due to the new access and parking arrangements.
A1 No acceptable solution.
Relies on Performance Criteria
P1 Development must be compatible with the form and scale of residential development and not unreasonably impact on the amenity of nearby sensitive uses, having regard to:

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

Complies

The development consists of additions to an established use of the land. The proposed administration building will be only slightly larger (approximately 20m²) than the existing building.

The proposed administration building will be setback an appropriate distance from the frontage and is similar to the existing frontage setbacks of other buildings on the site which is therefore consistent with the established form of development on the site and indeed along the street frontage (a), (b).

The proposed building is designed to be at its lowest point at the side boundary (e) which will assist in reducing visual impacts and overshadowing. The existing workshop on the site directly next to the proposed building is actually higher than the proposed administration building which will reduce its apparent bulk when viewed from the frontage (e), (f).

The side setbacks of the proposed building have been reduced compared to the previous building. The building will now be built up to the south eastern side boundary (g). At this boundary the height of the proposed building will be approximately 3.2m which gradually increases to approximately 5.1m to the west away from the boundary (e). Therefore, the bulk of the building when viewed from the neighbouring dwelling will be reduced (l) although it will be closer.

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Shadow diagrams provided by the applicant indicate that the dwelling is already overshadowed and the proposal will not impact upon this current level (h), (i).

The proposed car parking will be in between the building and the frontage setback. The carpark is to include landscaping which will aid in reducing the apparent bulk of the building when viewed from the frontage (k).

The traffic impact assessment has determined that the proposal will not cause negative impacts upon the nearby road network. An appropriate level of car parking is provided to service the use.

The height of the building increases from 3.2m to approximately 5.2m and will replace an existing structure which was actually higher than that which is proposed. The proposed building will be built to the side boundary which results in a side setback less than the previous structure. The adjacent dwelling is setback approximately 1m from the boundary which the proposed structure abuts.

There are no windows along the side of the proposed building facing the adjacent dwelling. Therefore, issues related to overlooking/ privacy will not be relevant in regard to the reduced side setback. The height of the proposed deck will be such that overlooking will be unlikely.

The proposed sign is also considered appropriate for such a use and will not be visually intrusive given its size and setback from the frontage.

The proposed additions are considered appropriate for the site and have implemented a design which will ultimately minimise amenity issues for adjacent sensitive uses.

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

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

Consistent

The application is deemed to be appropriate in regard to traffic matters. A TIA was submitted to support the application. The safety and efficiency of the road network will not be undermined as a result of the application.

E4.6 Development Standards

E4.6.2 Road accesses and junctions

Objective:

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

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<p>Consistent The application complies with the acceptable solution.</p>
<p>A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>
<p>Complies There are currently three crossovers from Tudor Avenue onto the site. Two of those are to be removed pursuant to a condition on the permit. A new crossover is proposed to access the proposed carpark. Therefore, there will be two accesses providing both entrance and exit to a road subject to a speed limit of 60km/h or less and a new access. Therefore, the performance criteria is required to be addressed.</p>
<p>P2 For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access to a road; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.
<p>Complies The new access will essentially replace two existing accesses. Therefore, road safety will be actually improved.</p> <p>A TIA has been submitted which has demonstrated that the proposal will not increase the amount of traffic generated by the use. The proposed additions will not increase the amount of students, teaching staff or administrative staff (a). Tudor Avenue is a local residential and low order (speed) street (b). The speed limit of the road is 40km/h nearby to the school (c). There is an alternative access to the school from Tudor Avenue although they are not favourable to the proposed car parking arrangement (d). This application will result in the total number of accesses being reduced and is required to provide the appropriate level of parking for the use (e). A traffic impact assessment (f) and road owners consent (g) was provided.</p>

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

<p>Objective: To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>
<p>Consistent The application complies with the performance criteria of the Interim Scheme and is considered appropriate.</p>

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<p>A1 Sight distances at:</p> <p>(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and</p> <p>(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</p>
<p>Relies on Performance Criteria</p> <p>The submitted TIA has deemed that the site distance at the replacement driveway is limited to a distance of approximately 10m due to kerbside parking. Table E4.6.4 requires a safe intersection sight distance (S.I.S.D) of 80 for a road with a speed limit of 60km/h or less.</p> <p>Assessment against the performance criteria is required.</p>
<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use;</p> <p>(b) the frequency of use of the road or rail network;</p> <p>(c) any alternative access;</p> <p>(d) the need for the access, junction or level crossing;</p> <p>(e) any traffic impact assessment;</p> <p>(f) any measures to improve or maintain sight distance; and</p> <p>(g) any written advice received from the road or rail authority.</p>
<p>Complies</p> <p>The TIA has submitted that the available site distance could be increased from 10m to approximately 30m by providing "No Standing" markings for 10m either side of the new crossing; this restriction would remove three kerbside parking spaces from the street. However, this is not considered necessary or appropriate as removing the kerbside parking may actually result in slightly more competition for parking on the nearby roads. The performance criteria will be addressed below:</p> <ul style="list-style-type: none"> • The TIA has described the traffic generation caused by the access will be related to the existing school (use) facilities. The proposed access will be used by visitors and school needs. The carpark will also provide a disabled space. Therefore, the proposed access will have an irregular frequency of use. • Tudor Avenue is a residential street which has been described as a lower order street. • The proposal will reduce the number of current accesses to Tudor Avenue and is considered to be the most efficient location. • The proposed access is needed to service the proposed upgraded use and is required to provide the parking required by DA0114/2015.

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- The applicant included a TIA which demonstrated that the proposal is supported on traffic grounds and that the level of car parking provided is adequate.
- Given that the access is to replace two existing accesses it is not considered that particular sight distance measures are required as those accesses have been previously approved and therefore appropriate. The speed of the road at this point is 40km/h and road users would be expecting there to be cars exiting such points.
- Road owners consent was provided.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

The proposed car parking is considered appropriate for the use and is designed in accordance with the code.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

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

Consistent

The proposed car parking meets the acceptable solution.

A1 The number of car parking spaces must:

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

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Complies

The number of full-time equivalent (FTE) staff approved by DA0114/2015 is eight. There is no increase in the amount of teaching staff applied for in this application so no increase in parking is required.

The proposed car park provides seven car parks. There is one space which is provided just south of the new classroom on Hart Street which was approved by DA0114/2015. Compliance is therefore achieved with Table E6.1.

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

Complies

One space is provided which complies.

E6.5.2 Bicycle parking numbers

Objective:

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

Consistent

The proposal complies via condition.

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

Complies

A condition will require that a bicycle space be provided.

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective:

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

Consistent

Access and parking areas meets the requirements of the acceptable solution.

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

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

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Complies

The proposal meets (a) - (e).

E6.6.2 Design and layout of parking areas

Objective:

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

Consistent

The proposal complies with the performance criteria and is assessed as being consistent with the relevant Australian Standards.

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

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

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

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

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

Relies on Performance Criteria

The proposal has manoeuvring spaces capable of allowing for vehicles to enter and exit in a forward direction (a). The width of vehicular access is approximately 5.5 metres (b); the requirement is a minimum of 4.5m. The combined access and manoeuvring width is 6.2m.

The width of the parking spaces are 2.4m and the length of the carparks are 5.4m. This width is below that required by for a 90 degree car parking space (2.6m minimum) indicated in Table E6.3 and therefore triggers discretion. The length of the car parks complies (5.4m).

P1 Car parking, access ways, manoeuvring and circulation spaces must be convenient, safe and efficient to use, having regard to:

- (a) the characteristics of the site;
- (b) the proposed slope, dimensions and layout;
- (c) vehicle and pedestrian traffic safety;
- (d) the nature and use of the development;

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- (e) the expected number and type of vehicles;
- (f) the nature of traffic in the surrounding area; and
- (g) the provisions of Australian Standards AS 2890.1 - Parking Facilities, Part 1: Off Road Car Parking and AS2890.2 Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.

Complies

The site is largely constrained for space to provide the required car parking spaces. A condition on permit DA0114/2015 required that amended plans be provided to show the provision of eight car parking spaces in three different locations on the site. Those car parks were not constructed as per the permit condition. It is considered that the current design of car parking is more orderly in terms of its location (see below for previous layout). It makes sense to have seven (of the required eight) spaces in one location and the disabled access is also now closer to the administration building.

The current car parking arrangement/access arrangement has been deemed to be appropriate in the submitted TIA. The widths of the carparks meet AS 2890.1 which requires that a parking space has a width of 2.4m (minimum).

Compliance with P1 is achieved.

E6.6.3 Pedestrian access

Objective:

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

Consistent

The performance criterion is met.

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

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

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

Relies on Performance Criteria

A1.1 is met as less than 10 parking spaces are required. A1.2 is not met.

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

- (a) the characteristics of the site;
- (b) the nature of the use;

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<ul style="list-style-type: none"> (c) the number of parking spaces; (d) the frequency of vehicle movements; (e) the needs of persons with a disability; (f) the location and number of footpath crossings; (g) vehicle and pedestrian traffic safety; (h) the location of any access ways or parking aisles; and (i) any protective devices proposed for pedestrian safety.
<p>Complies</p> <p>The location of the disabled space would allow access for disabled persons along the front of the library which is flat and the closest point to the disabled space. On this basis, the access is considered acceptable and would allow safe and convenient access for disabled persons and the performance criterion is met.</p>

E6.6.4 Loading bays

<p>Objective: To ensure adequate access for goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.</p>
<p>Not Applicable</p>
<p>A1 The area and dimensions of loading bays and access way areas must be designed in accordance with AS2890.2 - 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities, for the type of vehicles likely to use the site.</p>
<p>Not Applicable</p>
<p>P1 Loading bays must have area and dimensions suitable for the use, having regard to:</p> <ul style="list-style-type: none"> (a) the types of vehicles likely to use the site; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the area and dimensions of the site; and (e) the location of the site and nature of traffic.
<p>Not Applicable</p>
<p>A2 It must be demonstrated that the type of vehicles likely to use the site can enter, park and exit the site in a forward direction, without impact or conflicting with areas set aside for parking or landscaping, in accordance with AS2890.2 - 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.</p>
<p>Not Applicable</p>
<p>P2 Access for vehicles commercial vehicles to and from the site must be safe, having regard to:</p> <ul style="list-style-type: none"> (a) the types of vehicles associated with the use; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the area and dimensions of the site; (e) the location of the site and nature of traffic; (f) the effectiveness or efficiency of the surrounding road network; and

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(g) site constraints such as existing buildings, slope, drainage, vegetation, parking and landscaping.

Not Applicable

E6.6.5 Bicycle facilities

Objective:

To ensure that cyclists are provided with adequate facilities.

Not Applicable

Less than five bicycle spaces are required.

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

Not Applicable

P1 Shower and change room facilities must be provided at adequate level to cater for the reasonable needs of cyclists, having regard to:

- (a) the location of the proposed use;
- (b) the existing network of cycle paths and bicycle lanes and other means of access to the site for cyclists;
- (c) the nature of the proposed use;
- (d) the number of employees;
- (e) the users of the site and the likelihood of travel by bicycle;
- (f) whether there are facilities on the site for other reasons that could be used by cyclists; and
- (g) the opportunity for sharing bicycle facilities on nearby sites.

Not Applicable

E6.6.6 Bicycle parking and storage facilities

Objective:

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

Consistent

No formal bicycle parking is proposed but the relevant performance criterion is met.

A1 Bicycle parking and storage facilities for uses that require five or more bicycle spaces by Table E6.1 must:

- (a) be accessible from a road, cycle path, bicycle lane, shared path or access way;
- (b) be located within 50m from the main entrance;
- (c) be visible from the main entrance or otherwise signed; and
- (d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.

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<p>Not Applicable Less than five bicycle spaces are required.</p>
<p>P1 Bicycle parking and storage facilities must be provided in a safe, secure and convenient location, having regard to:</p> <ul style="list-style-type: none"> (a) the accessibility to the site; (b) the characteristics of the site; (c) the nature of the proposed use; (d) the number of employees; (e) the users of the site and the likelihood of travel by bicycle; (f) the location and visibility of proposed parking storage facilities for bicycles; (g) the nature of the bicycle parking and storage facilities; (h) whether there are other parking and storage facilities on the site; and (i) the opportunity for sharing bicycle parking and storage facilities on nearby sites.
<p>Not Applicable</p> <p>A2 Bicycle parking spaces must:</p> <ul style="list-style-type: none"> (a) have minimum dimensions of: <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; (b) have unobstructed access with a width of at least 2m and a gradient of no more 5% from a road, cycle path, bicycle lane, shared path or access way; and (c) include a rail or hoop to lock a bicycle to that meets AS 2890.3 1993 Parking facilities - Bicycle parking facilities.
<p>Relies on Performance Criteria No formal bicycle parking is proposed.</p>
<p>P2 Bicycle parking spaces and access must be convenient, safe and efficient to use, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the space available; (c) the safety of cyclists; (d) the proposed measures to secure bicycles; and (e) the provisions of AS 2890.3 1993 Parking facilities - Bicycle parking facilities.
<p>Complies The requirement for formal bicycle parking is not considered reasonable for an additional two bicycle spaces; particularly as the bicycle parking requirement is based on staff numbers, not student numbers. There are ample opportunities for staff to informally store bicycles on the campus if they ride bicycles to work.</p>

E18.0 Signs Code

<p>E18.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (a) provide opportunities for appropriate business advertising and information essential to support and encourage business activity;
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- (b) promote the use of well-designed signs that complement and enhance the streetscape and the City and do not contribute to visual clutter and detract from the visual amenity of the locality; and
- (c) ensure signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.

Consistent

The proposed awning fascia sign relies on the performance criteria for compliance. The sign does not detract from the visual amenity of the locality given its size, design and setback from frontage.

E18.5 Development Standards

E18.5.2 Design and siting of signage

Objective:

To:

- (a) provide for appropriate signage and to ensure the visual scale and impact of signage is managed; and
- (b) ensure the design and siting of signs achieves the purpose of this code.

Consistent

The proposed awning fascia sign meets the performance criteria and is considered appropriate. The sign will be minor and will be setback from the frontage a significant distance whilst being the only sign along this frontage.

A1 A sign must:

- (a) be located within the applicable zone for the relevant sign type set out in Table 1 of E18.6; and
- (b) meet requirements for the relevant sign type set out in Table 1 of E.18.6.

Relies on Performance Criteria

The proposed awning fascia sign meets the performance criteria and is considered appropriate. The sign will be minor and will be setback from the frontage a significant distance whilst being the only sign on along this frontage.

An awning fascia sign is applicable in all zones. The sign is unable to meet the requirements of Table 1 of E.18.6 as it will not have a minimum height above ground of more than 2.4m. The 'awning' extends from the roof to the ground at an angled alignment and the sign is attached to this 'feature'.

Assessment against the performance criteria is required.

P1 A sign must:

- (a) be located within an applicable zone for the relevant sign type as set out in Table 1 of E18.6; and
- (b) be appropriate to the natural and built environment of the locality, having regard to:
 - (i) domination of the streetscape or premises on which it is located;
 - (ii) the size and dimensions of the sign;

8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of A New Administration Building and Car Park at 31-37 Tudor Avenue, Newstead ...(Cont'd)

- (iii) the amenity to surrounding properties;
- (iv) the repetition of messages or information;
- (v) the number and density of signs; and
- (vi) the obstruction of movement of vehicles and pedestrians.

Complies

The sign type is permitted in all zones and is considered appropriate to the natural and built environment of the locality based on the following:

- The sign will run along an awning and will be a dark colour so will not be visually intrusive when viewed from Tudor Avenue;
- The sign has a maximum vertical dimension of 300mm and will not project above or below the awning which it is located;
- The sign will be setback from the frontage a distance of approximately 9.5m so the obstruction of movement of vehicles and pedestrians is highly unlikely;
- This will be the only sign along the Tudor Avenue frontage so issues with visual clutter are not relevant; and
- There is existing landscaping along the frontage fence and there is landscaping proposed adjacent the proposed car parking which will lessen the signs visual impact on the streetscape and the obstruction of movement of vehicles and pedestrians; and

A2 A sign must be a minimum distance of 2m from the boundary of any lot in the General Residential, Inner Residential, Low Density Residential, Rural Living, Environmental Living or Village zones.

Complies

The sign would be more than 2m from any boundary of a lot in the inner residential zone.

A3 A building or tenancy must have:

- (a) a maximum of one of each sign type per building or tenancy, unless otherwise stated in Table 1 of E18.6; and
- (b) no more than three individual signs in total.

Complies

DA0114/2015 approved an awning fascia sign on the building facing the Hart Street frontage. The proposed sign is on a separate building so complies with (a) and there are only two signs in total which complies with (b).

- 8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of A New Administration Building and Car Park at 31-37 Tudor Avenue, Newstead ...(Cont'd)**

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Roads and Hydraulics	Conditional consent provided.
Environmental Health	Conditional consent provided.
Parks and Recreation	No referral required
Heritage/Urban Design	No referral required
Building and Plumbing	Notes provided
EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2016/01034-LCC.
State Growth	No referral required
TasFire	No referral required
Tas Heritage Council	No referral required
Crown Land	No referral required
TasRail	No referral required
EPA	No referral required
Aurora	No referral required

5. REPRESENTATIONS

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 3 September to 16 September 2016. Three 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.

ISSUE	COMMENTS
Public amenity of neighbouring residents :on street vehicle parking of construction workers	Two of the three representations had issues with the previous development at the school and contractors parking their cars/ trucks over nature strips and driveways and causing issue with traffic flows. A parking and traffic management plan was requested. After discussions with Infrastructure services it was determined that a development of this scale does not require a parking and traffic management plan. Instead, Council will issue infringement notices if such incidents occur.

8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of A New Administration Building and Car Park at 31-37 Tudor Avenue, Newstead ...(Cont'd)

ISSUE	COMMENTS
Works over the Christmas period	Hours of construction are restricted by a condition of permit where breaches occur, there are regulatory powers available to address non-compliance or environmental nuisance.
Noise from construction works	The representor was alerted that planners can issue conditions on the hours of operation (generally in compliance with the Environmental Management and Pollution Control (Noise) Regulations 2016) and any breaches of those conditions would be penalised under the Land Use Planning and Approvals Act 1993. However, it was also advised that environmental nuisances (and the actual noise resulting from construction) are dealt with under different legislation and Council's Environmental Health Officers ('EHO') (and the Police) are responsible for administering the noise regulations found in EMPCA.
School expansion in contradiction of DA0114/2015	The representor had issues with the assertion in the TIA that the school is wishing to expand its number of students to 140 students by 2020. The representor claimed that the current number of car parking spaces could not accommodate any increase in staff required for the school expansion. A new development application would be required to expand the school beyond 104 students (as conditioned on DA0014/2015). Therefore, no further expansion is permitted as part of this application.

6. CONCLUSION

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

ECONOMIC IMPACT:

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

8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of A New Administration Building and Car Park at 31-37 Tudor Avenue, Newstead ...(Cont'd)

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

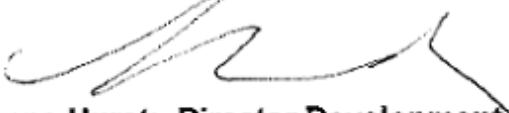
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Locality Map (distributed electronically)
 2. Applicant Covering Letter (distributed electronically)
 3. Plans and documents to be endorsed (distributed electronically)
 4. Representations (distributed electronically)
-

8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - single and multi-storey car parks; demolition, construction and use of a ground level car park and consolidation of six land titles on land located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston

FILE NO: DA0407/2016

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:	6ty° Pty Ltd
Property:	16 Margaret Street, 272 Brisbane Street, 270 Brisbane Street, 268 Brisbane Street, 18 Margaret Street, 123 Paterson Street and 125-133 Paterson Street, Launceston
Zoning:	Urban Mixed Use
Receipt Date:	9/09/2016
Validity Date:	13/09/2016
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	31/10/2016
Representations:	10

PREVIOUS COUNCIL CONSIDERATION:

Various planning permits have been issued for the titles that comprise the development site.

RECOMMENDATION:

That, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted pursuant to a decision from Council, for DA0407/2016 Vehicle Parking - single and multi-storey car parks; demolition, construction and use of a ground level car park and consolidation of six land titles on land located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston subject to the following conditions:

- 8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles on Land Located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston...(Cont'd)**
-

1. ENDORSED PLANS & DOCUMENTS

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

- a) Existing Site Plan Project No. 16.235 Drawing No D00 prepared by 6ty° dated 8 September 2016;
- b) Demolition Plan Project No. 16.235 Drawing No D01 prepared by 6ty° dated 8 September 2016;
- c) Layout Plan Project No. 16.235 Drawing No D02 prepared by 6ty° dated 8 September 2016;
- d) Turn Path B99 Vehicle Plan Project No. 16.235 Drawing No D03 prepared by 6ty° dated 8 September 2016;
- e) Turn Path 24 Seat Bus Plan Project No. 16.235 Drawing No D04 prepared by 6ty° dated 8 September 2016;
- f) Bus Stop Path MTT Bus and Typical Fence Elevation Plan Project No. 16.235 Drawing No D05 prepared by 6ty° dated 8 September 2016;
- g) Streetscape Visualisation Plan prepared by 6ty°;
- h) Planning Application Supporting Submission Project No. 16.235 Issue 3 prepared by 6ty° dated 8 September 2016;
- i) Flood Levels and Risk Management Report Project No. 16.235 Issue 1 prepared by 6ty° dated 12 September 2016;
- j) Environmental Site Assessment reference TG16170/1 - 01letter prepared by Tasman Geotechnics Pty Ltd dated 12 September 2016;
- k) Traffic Impact Assessment Project No. 16.235 Issue 1 prepared by 6ty° dated 12 September 2016;

2. FENCING

Prior to the commencement of the use of the car park the following fences must be constructed:

- a. a boundary fence between the consolidated lot that will contain the car park and all shared boundaries associated with the properties located at 22 Margaret Street and 264 Brisbane Street, Launceston. The fence is to be solid to a minimum height of 2.1m, be constructed of a colorbond material or similar and to be finished with dark muted tones; and
 - b. A brick column and vertical steel bar fence along the Brisbane Street/West Tamar Road frontage in accordance with the Typical Fence Elevation Plan (Project No. 16.235 Drawing No D05 prepared by 6ty° dated 8 September 2016).
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- 8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles on Land Located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston...(Cont'd)**
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3. LIGHTING OF CAR PARK

The lighting of the car park area must be located and designed with suitable baffles so that no direct light is emitted outside the boundaries of the site.

4. LEGAL TITLE

All development and use associated with the proposal must be confined to the legal title of the subject land except for the works that are required within the Margaret Street and Brisbane Street/West Tamar Road Reserves as approved by this permit.

5. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 5.00pm 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 No. 2016/01313-LCC2016/01313-LCC).

7. DEMOLITION

- a. All demolition works must ensure the protection of property and services which are to either remain on or adjacent to the site from interference or damage.
- b. Burning of waste materials must not be undertaken on site.
- c. All rubbish/debris must be removed from the site for disposal at a licensed refuse disposal site.

8. SITE LANDSCAPING PLAN

Prior to the commencement of the use of the car park, the landscaping identified within the endorsed plans including the Streetscape Visualisation plan must be installed and:

- a. must include plant species that reflect the approved Streetscape Visualisation plan;
 - b. must be installed in the locations detailed within the approved plans;
 - c. must be provided with convenient taps or a fixed sprinkler system installed for the purpose of watering all of the landscaped areas;
 - d. must be maintained in a verdant and fecund state for the duration of the use of the car park and must not be removed, destroyed or lopped without written consent of the Council.
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- 8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles on Land Located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston...(Cont'd)**
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9. DRIVEWAY CONSTRUCTION

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

- (a) Be properly constructed to such levels that they can be used in accordance with the plans,
- (b) Be surfaced with an impervious all weather seal,
- (c) Be adequately drained to prevent stormwater being discharged to neighbouring property,
- (d) Be line-marked or otherwise delineated to indicate each car space and access lanes.

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

10. ON-SITE DETENTION

On-site detention storage must be provided to limit the peak rate of piped stormwater discharge and overland flows, from the site to that generated under the existing conditions. The on-site detention storage system is to be designed by a civil engineer eligible for membership of IE Aust or equivalent for storm event from 1/5 to 1/100 AEP.

Prior to the commencement of works, the plans and calculations must be submitted to the Director Infrastructure Services for approval. On completion, an "as constructed" plan complete with levels, must be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

11. AMENDED PLANS REQUIRED

Prior to a Building Permit being issued for the development under the *Building Act 2000*, amended plans must be submitted to the satisfaction of the Council to replace the 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 the following:

- a. Relocation of the proposed bike rails to a location with pedestrian access from the street; and
 - b. Proposed signage prior to the entry boom gate indicating the presence of the boom gate at a location that allows traffic that is not intending to enter the car park to divert into the other lane.
-

- 8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles on Land Located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston...(Cont'd)**
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12. DAMAGE TO COUNCIL INFRASTRUCTURE

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

13. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

The explicit permission of Technical Services is required prior to undertaking works where the works:

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

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.

14. VEHICULAR CROSSINGS

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

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

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

8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles on Land Located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston...(Cont'd)

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

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. SEALING PLANS OF SUBDIVISION

Prior to the commencement of the use the Final Plan of Survey for the consolidated lot is to be sealed subject to the completion of the following matters to the satisfaction of the Manager Planning Services:

- a. The satisfactory completion of the public and private infrastructure works required by this permit with reticulated services and vehicular access in accordance the Council requirements.
- b. Any payment or other action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

17. AMENITY - COMMERCIAL/INDUSTRIAL USE

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

- 8.3 **16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles on Land Located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston...(Cont'd)**
-

18. NO BURNING OF WASTE

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

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;
- (d) dispose of any asbestos found during demolition in accordance with the

Worksafe Tasmania '*How to Safely Remove Asbestos*' Code of Practice 2012 or any subsequent versions of the document.

20. CONTROL OF STORMWATER POLLUTION

Provide a Stormwater Management Plan at the BA stage to minimise stormwater pollution from the carpark/s.

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. *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.

C. *General*

This permit was issued based on the proposal documents submitted for DA0407/2016. 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).

8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles on Land Located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston...(Cont'd)

This permit takes effect after:

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

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

D. Restrictive Covenants

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

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

REPORT:

1. THE PROPOSAL

The applicant is seeking planning approval for the demolition of six existing buildings located over four separate titles, the consolidation of 6 titles and the construction of a car park on land located across 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston (the development site). The development site is located over eight separate titles with the bulk of the development concentrated within the southern half of the site (refer to image 1 which illustrates the extent of the subject site).

8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles on Land Located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston...(Cont'd)



Image 1 - Aerial image of the subject site depicted by the red outline.

The titles included within the development site are detailed in Table 1 below.

Table 1 - Address and Certificate of Title of each property.

Address	Certificate of Title
16 Margaret Street, Launceston	47225/1
18 Margaret Street, Launceston	20377/1
268 Brisbane Street, Launceston	19633/1
270 Brisbane Street, Launceston	34571/1
272 Brisbane Street, Launceston	18409/1 and 18410/1
123 Paterson Street, Launceston	151150/3
125-133 Paterson Street, Launceston	151150/2

Specifically, the proposed development will comprise the following elements:

Demolition

A total of 6 buildings are proposed to be demolished in order to make way for the car park. Of the six buildings, four buildings are single dwellings in addition to two outbuildings. The buildings to be demolished are detailed in Table 2 below.

8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles on Land Located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston...(Cont'd)

Table 2 - Buildings to be demolished.

Address	Building
16 Margaret Street, Launceston	Single dwelling and outbuilding
18 Margaret Street, Launceston	Single dwelling and outbuilding (used as short term accommodation)
270 Brisbane Street, Launceston	Hostel
272 Brisbane Street, Launceston	Single dwelling (refer to Image 2)



Image 2 - Proposed demolition plan.

Subdivision - consolidation

It is proposed to consolidate six of the eight titles in order to accommodate the proposed car park on 1 title. The titles to be consolidated are detailed in Table 3 below.

8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles on Land Located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston...(Cont'd)

Table 3 - Titles to be consolidated.

Address	Certificate of Title
16 Margaret Street, Launceston	47225/1
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270 Brisbane Street, Launceston	34571/1
272 Brisbane Street, Launceston	18409/1 and 18410/1

Construction of car parking area

The proposed car parking area will provide for 89 car parking spaces, two bus parking spaces, three motorcycle parking spaces and six bicycle parking spaces. Separate vehicular entry and exit will be provided off Margaret Street to the east (refer to Image 3).



Image 3 Car park configuration and layout.

8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles on Land Located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston...(Cont'd)

New lighting is proposed to illuminate the car parking area. The lighting will be in the form of an 8m high mounted pole which will include a rear cut off shield in order to mitigate light spilling into adjoining properties.

A new 1.8m high brick column and vertical steel bar fence has been proposed to be constructed along the Brisbane Street frontage (refer to Image 4). Landscaping has been proposed throughout the car parking area with particular focus on the Margaret Street and Brisbane Street frontages which will soften the car parking area from significant public areas (refer to Image 4).



Image 4 - Streetscape montage of proposed development.

The primary purpose of the car park is to provide car parking facilities to serve patrons of the Penny Royal tourist facility which is located approximately 400m walking distance to the west. However, it is acknowledged that the proposed car parking area will also be accessed by patrons of the TRC facility and other activity generators within the immediate area such as restaurants and the Cataract Gorge.

- 8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles on Land Located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston...(Cont'd)**

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The development site is approximately 6,048m² in area and spans an entire block that is bound by Paterson Street to the north, Margaret Street to the east and Brisbane Street/West Tamar Road to the south.

The northern half of the development site comprises two titles which contain the TRC Hotel and bottle-shop, "United: Brand petrol station and associated car parking area. These buildings will remain in situ and will continue to operate under their existing arrangements.

The southern half of the development site comprises the remaining 6 titles which contain all the buildings to be demolished. The proposed car parking area and associated infrastructure will be located within the southern half and will comprise an area of approximately 3,073m².

The higher points of the development site are located in the south-west and north-east corners at approximately 6m AHD. The lowest point of the development site is located in the middle of the site at approximately 3m AHD and is a known flood and inundation area which is reflected within the planning scheme overlay mapping.

The development site is located on the western periphery of the Launceston CBD and is within walking distance of a number of key activity generators which include the Cataract Gorge walking trails, the Penny Royal tourist facility, various restaurants in addition to Royal and Kings Park.

3. PLANNING SCHEME REQUIREMENTS

Part C - Special Provisions

9.4 Demolition

9.4.1 Unless approved as part of another development or prohibited by another provision, an application for demolition may be approved at the discretion of the planning authority having regard to:

- a) the purpose of the applicable zone;
- b) any relevant local area objective or desired future character statement of the applicable zone;
- c) the purpose of any applicable code; and
- d) the purpose of any applicable specific area plan.

- 8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles on Land Located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson Street, Launceston...(Cont'd)**

3.1 Zone Purpose

15.0 Urban Mixed Use Zone

15.1.1 Zone Purpose Statements

15.1.1.1 To provide for integration of residential, retail, community services and commercial activities in urban locations.

15.1.1.2 To provide for a diverse range of urban uses and increased intensity of development including residential densities that support the role of activity centres.

15.1.1.3 To encourage residential, visitor accommodation and tourist operation uses as a means of increasing activity outside normal business hours.

15.1.1.4 To create:

- (a) activity at pedestrian levels, with active road frontages offering interest and engagement to shoppers; and
- (b) appropriate provision for car parking, pedestrian access and traffic circulation.

Consistent

It is considered that the proposed car park development is consistent with the purpose of the Urban Mixed Use zone insofar that:

- it will provide a large car parking area within a location where there is a known deficit;
- it will provide for car parking spaces within a convenient and accessible location within close proximity to established tourism, food service and hotel industry uses located on the periphery of the Launceston CBD; and
- it will be integrated into the area with significant landscape and associated features which is expected to soften and enhance the car parking area from the Margaret Street and Brisbane Street frontages.

15.3 Use Standards

15.3.1 Hours of operation

Objective:

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

Consistent

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

15.3.2 Mechanical plant and equipment

Objective:

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

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Consistent

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

15.3.3 Light spill and illumination

Objective:

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

Consistent

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

A1 The use must:

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

Complies

In this instance, the development site does not adjoin the boundary of the General Residential, Inner Residential or Low Density Residential zones. Therefore, acceptable solution 15.3.3 (A1) (a) is not applicable to the assessment.

New lighting has been proposed in conjunction with the car parking use and will be erected around the perimeter of the car parking area. The lighting will comprise multiple pole mounted lights to a height of 8m and will be oriented downwards towards the centre of the car parking area away from the boundary of adjoining properties.

In addition, each light will be fitted with a rear cut off shield that restricts light spillage to the rear of the pole. Accordingly, the proposed lighting has been located and designed to ensure all direct light spill is contained within the boundaries of the development site. Therefore, acceptable solution 15.3.3 (A1) (b) is met.

15.3.4 Noise level

Objective:

To ensure that noise levels from uses do not unreasonably impact on the amenity of nearby sensitive uses.

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<p>Consistent</p>
<p>The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard which demonstrates compliance.</p>
<p>A1 Noise generated by a use on the site must:</p> <ul style="list-style-type: none"> (a) not exceed a time average A-weighted sound pressure level (L_{aeq}) of 5 dB(a) above background during operating hours when measured at the boundary of an existing sensitive use adjoining or immediately opposite the site; or (b) be in accordance with any permit conditions required by the Environment Protection Authority or an environmental protection notice issued by the Director of the Environment Protection Authority.
<p>Complies</p>
<p>In determining compliance with acceptable solution 15.3.4 (A1) (a) it is necessary to identify the types and extent of noise generating activities within the area surrounding the proposed car park. The following activities have been identified:</p> <ul style="list-style-type: none"> • West Tamar Road: The exit junction of West Tamar Road is adjacent to the southern boundary of the development site. West Tamar Road is under the administration and management of the Department of State Growth and is identified as a Category 3 Road under the road hierarchy which is a Regional Access Road. West Tamar Road serves as the primary entry into Launceston for south bound traffic travelling from the West Tamar region. As such, the road is utilised by a range of vehicles including passenger vehicles, trucks and buses. <p>West Tamar Road is a dual carriage road before it divides into four lanes approximately 120m from the Margaret Street junction offering a left and right hand turning lane in addition to two forward lanes at the junction. The configuration of the lanes in proximity to the Margaret Street junction enables a considerable number of vehicles to build up whilst in rest during a red light.</p> <p>Accordingly, West Tamar Road generates a significant amount of noise by vehicles utilising the route. Specifically, vehicular noise is generated by the deceleration and slowing of vehicles, in particular large trucks utilising engine breaks, the build-up of large volumes of vehicles and the cumulative engine idling noise in addition to the acceleration of vehicles following a green light. It is understood that city traffic has an average noise level of approximately 80dB(A) excluding acceleration and deceleration events and peak hour traffic;</p>

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- **TRC Facility:** The TRC facility comprises the TRC hotel and bottle-shop, United petrol station and further west Cataract on Paterson with associated car parking located wot the south of the main buildings. The facility generates a significant amount of vehicular and pedestrian activity particularly during evening trade;
- **Margaret Street and Paterson Street Precinct:** Both Margaret and Paterson Streets are the main vehicular routes to the Penny Royal tourist facility, Kings Bridge entrance to the Cataract Gorge and other popular restaurants and shops including Still Water, the Mill Providore, Kings Bridge Tavern and the Pinot Shop. As such, there is a significant amount of noise generated by vehicles moving through the precinct in search of parking particularly during peak periods of trade.

It is expected that the proposed car park will be utilised during the operating hours of surrounding uses including restaurants and tourist attractions. Any noise generated by the proposed car park during daytime operation is expected to be negligible when taking into account the noise generated by vehicle movements along West Tamar Road, Margaret Street and Paterson Street. The noise generated by vehicles entering and exiting the car park during the evening is expected to be less than the average noise levels that are generated by uses and activities within the surrounding area and confined to the existing operating hours within the surrounding area. Furthermore, no mechanical plant or equipment capable of generating noise has been proposed. In addition, the proposed car park will be fee based with booms located at the entrance and exit points of the car park which is expected to reduce the occurrence of hooning and antisocial behaviour within the car park during evening hours.

Overall, it is expected that the operation of the proposed car park will comply with acceptable solution 15.3.4 (a) based on the above analysis. Acceptable solution 15.3.4 (b) is not applicable to the assessment.

15.4 Development Standards

15.4.1 Building height, setback and siting

Objective:

To ensure that building bulk and form, and siting:

- (a) is compatible with the streetscape and character of the surrounding area;
- (b) protects the amenity of adjoining lots; and
- (c) promotes and maintains high levels of public interaction and amenity.

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<p>Consistent The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard which demonstrates compliance.</p>
<p>A1 Building height must be no greater than: (a) 12m; or (b) 1m greater than the average of the building heights on the site or adjoining lots; whichever is higher.</p>
<p>Complies In this instance, no habitable buildings have been proposed. However, the light pole and 1.8m high masonry fence constitute a structure. A structure is included within the definition of a building within the Launceston Interim Planning Scheme which reverts to the definition of a building within the <i>Land Use Planning and Approvals Act 1993</i>. Accordingly, the light pole and masonry fence require assessment against this provision. In this case, the light poles will have a maximum height of 8m and the masonry fence will have a maximum height of 1.8m. Therefore, the acceptable solution is met.</p>

15.4.2 Location of car parking

<p>Objective: To ensure that car parking: (a) does not detract from the streetscape; and (b) provides for vehicle and pedestrian safety.</p>
<p>Consistent The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard which demonstrates compliance.</p>
<p>A1 Car parking must be located: (a) within the building structure; or (b) behind the building.</p>
<p>Relies on Performance Criteria In this instance, the proposed car park will not be located within a building structure or behind a building. Therefore assessment against the corresponding performance criteria is required.</p>
<p>P1 Car parking must be located to minimise its visibility from a road, mall, laneway or arcade, having regard to: (a) the existing streetscape; (b) the location of the car parking; (c) vehicle and pedestrian traffic safety; (d) measures to screen parking; and</p>

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(e) any landscaping proposed.

Complies

The proposed use and development is for the construction of an 89 space car parking area that will front onto West Tamar Road to the south and Margaret Street to the east. Accordingly, it is acknowledged that the car park will be visible from both West Tamar Road and Margaret Street. It is considered that the design and layout of the proposed car park accords with the performance criteria on the following basis:

- a) the streetscape of the northern side of West Tamar Road comprises a sparsely vegetated nature strip that backs onto an existing car parking area at the rear of the Penny Royal Leisure Inn motel and transitions into dwellings and buildings that are separated by a vacant lot closer to the Margaret Street junction. As such, the character of the streetscape is largely mixed and undefined. The inclusion of the car parking area along the West Tamar Road frontage is not expected to detract from the character of the streetscape.

The streetscape of the western side of Margaret Street between Brisbane Street and Paterson Street comprises the existing dwellings that have been proposed to be demolished, an existing building on the corner of Margaret Street and West Tamar Road, a vacant area that is asphalted and provides ingress and egress to the TRC facility and petrol station in addition to the existing service station building located on the corner of Margaret Street and Paterson Street.

It is acknowledged that the proposed car park will change the section of streetscape where the existing dwellings are located. However, the car park will be adjacent to the existing asphalted ingress and egress to the TRC facility. Accordingly, the proposed car park is expected to transition into the existing asphalted section;

- b) the proposed car park will be located within the southern section of the development site and will comprise an area of approximately 3,073m² in area;
- c) separate entry and exit points will be located off Margaret Street. The entry point will be incorporated into the existing access to the TRC facility and the exit point will be located through the land that currently comprises 18 Margaret Street. No vehicular access is proposed from West Tamar Road nor is it supported by the Department of State Growth. The separate entry and exit points are expected to promote vehicle and pedestrian safety along the Margaret Street interface. Separate pedestrian access is provided off the West Tamar Road frontage;

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- d) the existing buildings located at 264 Brisbane Street and 22 Margaret Street will provide partial screening of the proposed car park. In addition, the proposed 1.8m high masonry column fence with steel bar insets will assist in screening the proposed car parking area from West Tamar Road;
- e) extensive landscaping which includes the use of tall trees and small to medium sized flowering shrubs has been proposed. It is considered that the proposed landscaping will soften and enhance the proposed car park from the streetscape which is evidenced by the streetscape visualisation plan that was submitted. It is recommended that a condition be applied to the permit requiring the landscape plan to be implemented prior to the commencement of the car parking area.

15.4.3 Active ground floors

Objective: To ensure that building facades promote and maintain high levels of pedestrian interaction and amenity.
Consistent The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard which demonstrates compliance.

15.4.10 Lot size and dimensions

Objective: To ensure: (a) the area and dimensions of lots are appropriate for the zone; and (b) adjoining land, especially residential zones, is protected from adverse impacts on amenity.
Consistent The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard which demonstrates compliance.
A1.1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have a minimum area of no less than 100m ² ; and (b) be able to contain 5m diameter circle with the centre of the circle no more than 5m from the frontage; or A1.2 Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or (b) be required for the provision of public utilities; or (c) for the consolidation of a lot with another lot, provided each lot is within the same zone; and

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A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.
Complies In this instance, the consolidated lot will have a total area of approximately 2,879m ² in area and easily contain a 5m diameter circle with the centre of the circle no more than 5m from the frontage. Therefore acceptable solutions 15.4.10 (A1.1) (a) and (b) are met.
A2 Subdivision must not be located on the boundary of the General Residential or Inner Residential zones.
Complies In this instance, the development site does not adjoin the boundary of the General Residential or Inner Residential zones. Therefore the acceptable solution is met.

15.4.11 Frontage and access

Objective: To ensure that lots: (a) provide appropriate frontage to a road; and (b) maintain laneway and rear access patterns; and (c) provide safe and appropriate access suitable for the intended use.
Consistent The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard which demonstrates compliance.
A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 5m.
Complies In this instance the consolidated lot will have a frontage of approximately 77m split between two separate roads. Therefore the acceptable solution is met.
P2 Each lot, or a lot proposed in a plan of subdivision, must be capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to: (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the character of the area; and (e) the advice of the road authority.
Relies on Performance Criteria
It is considered that the proposed subdivision complies with the performance criteria on the following basis: a) the development site is relatively flat and is unaffected by significant

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- topographical constraints;
- b) the consolidated lot will share a boundary with the road reserves of West Tamar Road and Margaret Street. Vehicular ingress and egress will be provided via a crossover over the pedestrian footpath between the road pavement and lot boundary;
- c) Margaret is a reasonably busy street providing access to and from Trevallyn into the CBD. The proposed vehicular access arrangement is considered to be compatible with the surrounding area;
- d) the consolidated lot will not have a material impact on the character of the surrounding area;
- e) no specific advice from Council's Infrastructure Services has been provided.

15.4.12 Discharge of stormwater

<p>Objective: To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.</p>
<p>Consistent The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard which demonstrates compliance.</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.</p>
<p>Complies In this instance, the development site is located within a combined infrastructure area which is under the administration of TasWater. TasWater have provided their consent to the proposed development in the form of a SPAN.</p>
<p>A2 The Council's General Manager has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.</p>
<p>Complies In this instance, the development site is located within a combined infrastructure area which is under the administration of TasWater. TasWater have provided their consent to the proposed development in the form of a SPAN.</p>

15.4.13 Water and sewerage services

<p>Objective: To ensure each lot provides for appropriate water supply and wastewater disposal.</p>

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<p>Consistent The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard which demonstrates compliance.</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.</p>
<p>Complies In this instance, the development site is located within a combined infrastructure area which is under the administration of TasWater. TasWater have provided their consent to the proposed development in the form of a SPAN.</p>
<p>A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.</p>
<p>Complies In this instance, the development site is located within a combined infrastructure area which is under the administration of TasWater. TasWater have provided their consent to the proposed development in the form of a SPAN.</p>

E2.0 Potentially Contaminated Land Code

<p>E2.1 The purpose of this provision is to: (a) ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.</p>
<p>Consistent The proposed use and development has been assessed as being consistent with the purpose of the Potentially Contaminated Land Code. Refer to the assessment against the relevant standards of the code in the report below which demonstrates compliance.</p>

E2.5 Use Standards

<p>Objective: To ensure that potentially contaminated land is suitable for the intended use.</p>
<p>Consistent The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard which demonstrates compliance.</p>
<p>A1 The Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.</p>

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<p>Relies on Performance Criteria</p> <p>P1 Land is suitable for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health or the environment that includes: <ul style="list-style-type: none"> (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before any use commences; and (iii) a statement that the land is suitable for the intended use.
<p>Complies</p> <p>In this instance, an Environmental Site Assessment (ESA) was prepared by Tasman Geotechnics. The ESA concluded that the development site is suitable for the proposed car park use. Therefore, performance criteria E2.5 (P1) (a) is met.</p>
<p>E2.6 Development Standards</p> <p>E2.6.1 Subdivision</p>
<p>Objective:</p> <p>To ensure that subdivision of potentially contaminated land does not adversely impact on human health or the environment and is suitable for its intended use.</p>
<p>Consistent</p> <p>The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard which demonstrates compliance.</p>
<p>A1 For subdivision of land, the Director, or a person approved by the Director for the purpose of this Code:</p> <ul style="list-style-type: none"> (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment, that will ensure the subdivision does not adversely impact on health or the environment and is suitable for its intended use.
<p>Relies on Performance Criteria</p> <p>In this instance, no correspondence from the Director, or a person approved by the Director of the Environmental Protection Authority has been provided demonstrating compliance with the acceptable solutions. Therefore, an assessment against the corresponding performance criteria is required.</p>
<p>P1 Subdivision does not adversely impact on health and the environment and is suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> (a) an environmental site assessment that demonstrates there is no evidence the land

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<p>is contaminated; or</p> <p>(b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or</p> <p>(c) a plan to manage contamination and associated risk to human health and the environment that includes:</p> <ul style="list-style-type: none"> (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before any use or development commences; and (iii) a statement that the land is suitable for the intended use or development.
<p>Complies</p> <p>In this instance, an Environmental Site Assessment (ESA) was prepared by Tasman Geotechnics. The ESA concluded that the development site is suitable for the proposed car park use and that there is presently no unacceptable health risk to the site for the proposed car park use on the following basis:</p> <ul style="list-style-type: none"> • there were no on-site sources of contamination detected; • the service station and the TRC are down-gradient of the development site, as the groundwater flow direction is in a westerly to north-westerly direction; and • no potential hydrocarbon contamination sources were identified up-gradient of the site. <p>Therefore, performance criteria E2.6.1 (P1) (b) is met.</p>

E2.6.2 Excavation

<p>Objective:</p> <p>To ensure that works involving excavation of potentially contaminated land does not adversely impact on human health or the environment.</p>
<p>Consistent</p> <p>The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard which demonstrates compliance.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria</p> <p>In this instance, there is not acceptable solution. Therefore, assessment against the corresponding performance criteria is required.</p>
<p>P1 Excavation does not adversely impact on health and the environment, having regard to:</p> <ul style="list-style-type: none"> (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health and the

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environment that includes:

- (i) an environmental site assessment;
- (ii) any specific remediation and protection measures required to be implemented before excavation commences; and
- (iii) a statement that the excavation does not adversely impact on human health or the environment.

Complies

In this instance, an Environmental Site Assessment (ESA) was prepared by Tasman Geotechnics. The ESA concluded that the development site is suitable for the proposed car park use and that there is presently no unacceptable health risk to the site for the proposed car park use on the following basis:

- there were no on-site sources of contamination detected;
- the service station and the TRC are down-gradient of the development site, as the groundwater flow direction is in a westerly to north-westerly direction; and
- no potential hydrocarbon contamination sources were identified up-gradient of the site.

Therefore performance criteria E2.6.2 (P1) (b) is met.

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

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

Consistent

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

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

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

Consistent

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

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

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is the greater.
<p>Relies on Performance Criteria</p> <p>It is observed that, operating at full capacity, the proposed car park will generate in excess of 40 vehicle movements per day. Therefore, assessment against the corresponding performance criteria is required.</p>
<p>P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.
<p>Complies</p> <p>It is considered that the proposed car park complies with the performance criteria on the following basis:</p> <ul style="list-style-type: none"> a) it is observed that the proposed car park will result in a substantial increase in overall traffic to and from the site in comparison to the existing uses that are located within the development site which primarily comprises single dwelling and visitor accommodation use. However, the development site is located within a low pedestrian environment being situated on the western periphery of the CBD between West Tamar Road and Paterson Street; b) the traffic generated by the use will be in the form of cars entering and existing the site in two designated and separate entry and exit points. It is observed that the primary purpose of the car park is to provide car parking for the Penny Royal tourist facility which is located approximately 400m walking distance to the west at the mouth of the Cataract Gorge. A pedestrian link has been provided at the south-western corner of the proposed car park in order to promote the connection between the Penny Royal and proposed car park. It is expected that the car parking area will be utilised for longer term parking (upwards of 3hrs) which will limit the use of the car park throughout the day; c) the entry and exit points will be designed to comply with the relevant municipal standards which is expected to enhance the safety and efficiency of the access points;

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- d) Margaret Street is a low category road and is managed by traffic lights at existing junctions to the east and west. It is expected that Margaret Street has the capacity to safely absorb the traffic volumes generated by the proposed use;
- e) As above (in d);
- f) whilst the development site has frontage onto West Tamar Road, it is not appropriate to have direct access onto or off the road from a traffic safety perspective. This has been verified by the Department of State Growth, the owner and authority responsible for the management of West Tamar Road. The proposed arrangement is considered the most appropriate for the use;
- g) the proposed car park is required based on a deficit of car parking spaces within the surrounding area;
- h) a Traffic Impact Assessment prepared for the development application concluded that the proposed entry and exit points are unlikely to affect the amenity or safety of Margaret Street for vehicles and pedestrians;
- i) no specific advice from Council's Infrastructure Services has been provided.

E4.6 Development Standards

E4.6.1 Development adjacent to roads and railways

Objective:

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

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

Consistent

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

E4.6.2 Road accesses and junctions

Objective:

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

Consistent

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

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

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Complies

In this instance, a separate entrance and exit will be provided. Therefore the acceptable solution is met.

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

Objective:

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

Consistent

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

A1 Sight distances at:

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

Complies

In this instance, a minimum sight distance of 80m to the left and right of the exit point can be achieved in accordance with Table E4.6.4. Therefore the acceptable solution is met.

E5.0 Flood Prone Areas Code

E5.1 The purpose of this provision is to:

- (a) ensure that use or development subject to risk from flooding is appropriately located and managed; and
- (b) to minimise the risk of damage or pollution in the event of a flood.

Consistent

The proposed use and development has been assessed as being consistent with the purpose of the Flood Prone Areas Code. Refer to the assessment against the relevant standards of the code in the report below which demonstrates compliance.

E5.6 Development Standards

E5.6.1 Development subject to flooding

Objective:

To minimise the risk of injury to, or loss of human life, or damage to property or the environment, by avoiding areas subject to flooding where practicable, or mitigating the adverse impacts of inundation to an acceptable level.

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<p>Consistent</p> <p>The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard which demonstrates compliance.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria</p> <p>In this instance, there is not acceptable solution. Therefore, assessment against the corresponding performance criteria is required.</p>
<p>P1 It must be demonstrated that the risk of injury to or loss of human life or damage to property or the environment is minimised, having regard to:</p> <ul style="list-style-type: none"> (a) the need for the location; (b) the nature and characteristics of the development; (c) the scale and intensity of the development; (d) the characteristics of the inundation of the land that is subject to the risk; (e) the nature and frequency of the inundation; (f) the need for and the availability of infrastructure, including access and reticulated services; (g) accessibility to the development during flooding; (h) the capacity of the development to withstand flooding; (i) the capacity of the owner or occupants to respond to or manage the flood risk; (j) the location of effluent disposal or sewerage reticulation or storage of materials; (k) the nature of any works required to mitigate the risk; (l) any mitigation works proposed to be carried out outside the boundaries of the site; (m) any works interfering with natural watercourse processes or restrictions or changes to flow; (n) any works resulting in an increase in risk to other buildings, including buildings outside the boundaries of the land; and (o) any recommendations or advice contained in a report by a suitably qualified person.
<p>Complies</p> <p>It is considered that the proposed car park complies with the performance criteria on the following basis:</p> <ul style="list-style-type: none"> a) the proposed car parking area will extend from an existing small scale car park that is associated with the TRC facility. The location has been selected for its proximity to the Penny Royal tourist facility and will also service the local demand for car parking generated by surrounding uses; b) the proposed car park will be surface level that will be predominately utilised during peak periods during summer and daylight hours. It is not anticipated that the car park will be utilised as extensively during periods of poor weather;

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- c) the scale of the car park is considered to be compatible with the character of the surrounding area. The car park will be designed so that the hardstand area will be drained to a central point;
- d) a Flood and Risk Management Report identified that the car park may be subject to gradual flooding during a period of extreme water flows within the Margaret Street catchment which would occur simultaneously with high water levels within the Tamar River. It is anticipated that such inundation would likely occur at a gradual rate rather than in a sudden event;
- e) the Margaret Street catchment has a design capacity of the 20 year ARI within the existing pipe and detention system. The Paterson Street Flood Levee is designed to withstand the 200 year ARI;
- f) the car park will be connected to a public drainage system;
- g) the car park is unlikely to be utilised during a significant flood event and will likely be closed during the event of a severe flood warning issued by public authorities;
- h) the proposed car park is unlikely to be affected by significant damage by flooding events due to the nature of the hardstand area and flexibility of maintaining the garden beds;
- i) the flood risk to the car park is considered to be low. The car park is considered to be a lesser risk than that of the existing residences to be demolished in the event of a flood;
- j) whilst a sewerage connection will likely be retained, no effluent infrastructure will be installed as part of the proposed car park;
- k) no flood mitigation works are considered necessary to mitigate potential risk;
- l) as above (in k);
- m) the proposed works will not impact upon natural watercourse processes or significant restrictions of changes to water flows. The car park will be connected to a public drainage point;
- n) the proposed car park is not expected to increase the flooding risk to other buildings that adjoin the development site;
- o) the Flood and Risk Management Report concluded by detailing that the car park reduces the current risk of the land by the presence of the residential properties within the area that is flood prone and will provide an area that is capable of being flooded without incurring significant inconvenience or damage.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

- (a) ensure that an appropriate level of parking facilities are provided to service use and development;
- (b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas;

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- (c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;
- (d) ensure that parking does not adversely impact on the amenity of a locality;
- (e) ensure that parking spaces and accesses meet appropriate standards; and
- (f) provide for the implementation of parking precinct plans.

Consistent

The proposed use and development has been assessed as being consistent with the purpose of the Car Park and Sustainable Transport Code. Refer to the assessment against the relevant standards of the code in the report below which demonstrates compliance.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

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

Consistent

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

E6.5.2 Bicycle parking numbers

Objective:

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

Consistent

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

E6.5.3 Taxi spaces

Objective:

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

Consistent

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

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E6.5.4 Motorcycle parking

Objective:

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

Consistent

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

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective:

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

Consistent

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

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

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

Complies

In this instance, the proposed car park will be constructed with a level surface, will be sealed and will be connected to a public drainage system. Therefore, the acceptable solution is met.

E6.6.2 Design and layout of parking areas

Objective:

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

Consistent

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

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

- (a) provide for vehicles to enter and exit the site in a forward direction where providing

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<p>for more than four parking spaces;</p> <p>(b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2;</p> <p>(c) have parking space dimensions in accordance with the requirements in Table E6.3;</p> <p>(d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are three or more car parking spaces; and</p> <p>(e) have a vertical clearance of not less than 2.1m above the parking surface level.</p> <p>A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.</p> <p>A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more.</p> <p>A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.</p> <p>Complies</p> <p>In this instance, the applicant has advised that the car park has been designed to accord with the provisions of Australian Standard AS2890.1 and AS2890.2 and will be designed to meet the requirements of Tables E6.2 and E6.3. There will also be no impediments for vertical clearance within the car parking area. The car park will enable vehicles to enter and exit in a forward direction. Therefore, the acceptable solutions have been met.</p>

E6.6.3 Pedestrian access

<p>Objective:</p> <p>To ensure pedestrian access is provided in a safe and convenient manner.</p>
<p>Consistent</p> <p>The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard which demonstrates compliance.</p>
<p>A1.1 Uses that require 10 or more parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, except where crossing access ways or parking aisles, by:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles; and</p> <p>A1.2 In parking areas containing accessible car parking spaces for use by persons with</p>

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a disability, a footpath having a minimum width of 1.5m and a gradient not exceeding 1 in 14 is required from those spaces to the main entry point to the building.

Relies on Performance Criteria

In this instance, the proposed car park will not have internal pedestrian line markings. Therefore, assessment against the corresponding performance criteria is required.

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

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

Complies

It is considered that the proposed car park complies with the performance criteria on the following basis:

- a) the proposed car park will be levelled and open with no through traffic and will be lit during night time periods;
- b) the proposed car parking area will primarily be associated with the Penny Royal tourist facility that is located approximately 400m walking distance to the west. The proposed boom gate system will discourage casual entry and will reduce the potential for high speed entry and exit of the car park;
- c) the car parking area will have approximately 87 car parking spaces and will be predominately long duration use rather than high turnover retail use experienced within supermarket car parks which is expected to enhance pedestrian safety;
- d) the proposed car park is predicted to be filled during the morning and should be emptying out during the afternoon with peak one way traffic flows expected to be approximately 90 movements per hour;
- e) persons with a disability are unlikely to utilise the car park, selecting to park directly at the front or within closer proximity to their destination;
- f) two existing crossovers are proposed to be utilised for entrance and exit purposes with some modifications. Pedestrian access has been provided for at the south-western corner of the car park which will provide a connection to West Tamar Road;
- g) the Traffic Impact Assessment submitted with the application suggests that the proposed development will be acceptable from a vehicle and pedestrian safety perspective;
- h) the proposed car park will be designed to meet the relevant Australian Standards;

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i) no specific pedestrian safety protective devices have been proposed.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Roads and Hydraulics	Conditions have been recommended.
Environmental Health	Conditions have been recommended.
Parks and Recreation	No referral required.
Heritage/Urban Design	No referral required.
Building and Plumbing	Notes have been recommended.
EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2016/01313-LCC.
State Growth	No referral required.
TasFire	No referral required.
Tas Heritage Council	No referral required.
Crown Land	No referral required.
TasRail	No referral required.
EPA	No referral required.
Aurora	No referral required.

5. REPRESENTATIONS

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 14 September until 27 September 2016. A total of 10 representations were received during this period.

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.

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ISSUE	COMMENTS
<p>The demolition of the established dwellings will adversely affect the existing dwelling located at 264 Brisbane Street which is permanently listed on the Tasmanian Heritage Register and the Launceston Interim Planning Scheme 2015.</p>	<p>It is acknowledged that the dwelling located at 264 Brisbane Street is permanently listed on the identified heritage registers. However, the Local Historic Heritage Code within the Launceston Interim Planning Scheme 2015 does not apply to use and development proposed on land adjacent to heritage buildings. Accordingly, consideration of the proposed development against the code is not required. Furthermore, the code cannot be applied to proposed developments at the discretion of Council where properties are not listed on any of the registers. The proposed development has demonstrated compliance with the applicable zone and code provisions of the Scheme, therefore it is recommended that the application be approved based on compliance with the scheme.</p>
<p>The proposed development poses a severe threat to the historical fabric of the locale which includes the Cataract Gorge and Tamar River environs.</p>	<p>In this instance the proposed car park will be not be evident from key view points from the Cataract Gorge and Tamar River on the basis that the car park site is set behind and below the existing development that fronts Paterson Street. It is considered that the proposed car park will not be inconsistent with the character of the area.</p>
<p>The removal of the established dwellings will have a detrimental impact on the character of the area.</p>	<p>It is acknowledged that the removal of the established dwellings to make way for the proposed car park will change the character of the area as it presently exists. However, it should be observed that the demolition of the buildings is not a matter that invokes discretion on the basis that the demolition is associated with an application for use and development. The dwellings proposed to be demolished are not listed on with the Tasmanian Heritage Register or under the Local Historic Heritage Code.</p>

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ISSUE	COMMENTS
<p>The demolition of the established dwellings will contribute to the continual erosion of Launceston's heritage character.</p>	<p>The Local Historic Heritage Code within the Launceston Interim Planning Scheme 2015 does not apply to use and development proposed on land adjacent to heritage buildings. Accordingly, consideration of the proposed development against the code is not required. Furthermore, the code cannot be applied to proposed developments at the discretion of Council where properties are not listed on any of the registers. The proposed development has demonstrated compliance with the applicable zone and code provisions of the Scheme, therefore it is recommended that the application be approved based on compliance with the scheme.</p>
<p>The proposed car park will have a negative appearance in the streetscape particularly when entering the CBD via Brisbane Street/West Tamar Road.</p>	<p>It is acknowledged that the removal of the established dwellings to make way for the proposed car park will change the character of the area as it presently exists. It is considered that the proposed frontage fence along Brisbane Street and the landscape treatment of the site will assist in enhancing and softening the car park when viewed from public roads. Drivers utilising this section of road would also need to be concentrating on traffic flow and not be aware of adjoining development. It is the developer's intention to further develop parts of the site over the coming years.</p>
<p>Light spill from the proposed light poles will have a direct impact on adjoining properties as well as properties within the surrounding area in particular uphill to the west.</p>	<p>The lighting will be oriented downwards towards the centre of the car parking area away from the boundary of adjoining properties. In addition, each light will be fitted with a rear cut off shield that restricts light spillage to the rear of the pole.</p>

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ISSUE	COMMENTS
	<p>Accordingly, the proposed lighting has been located and designed to ensure all direct light spill is contained within the boundaries of the development site. It is observed that security, street and directional lighting is a common occurrence within CBDs. It is considered that the proposed lighting will not cause an unreasonable impact to the amenity of nearby sensitive use based on the proposed design considerations and the occurrence of similar lighting that exists currently within close proximity to the proposed car park.</p>
<p>The proposed car park will increase traffic congestion along Margaret Street.</p>	<p>It is acknowledged that the proposed car park will increase vehicular movements to and from the site. However, the design of the entry and exit points is expected to assist the flow of traffic within the area so that it is safe for vehicles and pedestrians.</p>
<p>The proposed car park is a security concern for adjoining properties with the potential to damage adjoining properties and increase in traffic through the adjoining land.</p>	<p>In this instance, the developer has agreed to construct a 2.1m high solid fence which is likely to be of colour bond material along the shared boundaries. This is expected to mitigate potential security concerns. Furthermore, the proposed car park entry and exit will be operated via a boom gate which is expected to limit anti-social behaviour outside peak periods of use. The perimeter of the site has a barrier from the general TRC car park to protect adjoining property and limit traffic flow through the rear of the TRC site. Some matters have been in part resolved following a post advertising meeting with other owners of the TRC strata complex.</p>

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ISSUE	COMMENTS
The noise during the construction of the car park will be obtrusive to nearby sensitive uses and property owners.	In this instance, an hours of construction condition has been applied that limits the construction of the proposed car park to certain times during the day. It should be acknowledged that any noise will be temporary in nature and is inherent with development.
Concern regarding the wording of the application which includes the words 'single and multi-storey carparks'. The inclusion of multi-storey is misleading.	The wording of the advertisement reflected the terminology of the planning scheme for sub use classes. It is considered that the description clearly outlined the proposed development for people to decipher by the inclusion of the words 'construction and use of a ground level carpark'. This matter has been outlined to the concerned representors.

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

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SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Locality Map (distributed electronically)
 2. Plans of Proposal (distributed electronically)
 3. Representations (distributed electronically)
 4. Applicant response to representations (distributed electronically)
-

9 ANNOUNCEMENTS BY THE MAYOR**9.1 Mayor's Announcements****FILE NO:** SF2375

Monday 26 September 2016

- Attended New Horizon's "Picture Us All" Portrait Prize and Exhibition at Sawtooth Gallery, Launceston

Tuesday 27 September 2016

- Attended the Premier's Northern Tasmanian Economic Update Breakfast at Peppers Seaport Hotel, Launceston
- Officiated at the launch of the Spirit of Tasmania Cycling Tour of Tasmania at Stillwater Restaurant, Launceston followed by official luncheon
- Officiated at the Civic Reception to mark the 90th Anniversary for the Launceston Players at the Town Hall Reception Room

Friday 30 September 2016

- Attended the Tasmanian Poetry Festival for the "Meet the Guest Poet's Night" at the Penny Royal Complex
- Attended the launch of the Innovation Hub pop-up space in Paterson Street, Launceston

Saturday 1 October 2016

- Attended The Launceston Festival of Dance final evening at the Princess Theatre, Launceston

Sunday 2 October 2016

- Officiated and participated in the Clifford Craig Run/Walk at Aurora Stadium
- Attended the Launceston Male Choir performance at the City Baptist Church in Frederick Street, Launceston

Monday 3 October 2016

- Attended the Royal Launceston Show Cocktail Party at QVMAG in Wellington Street, Launceston
-

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

Tuesday 4 October 2016

- Attended the Royal Launceston Show Networking Function at the Sheep Pavilion at the Launceston Showgrounds

Wednesday 5 October 2016

- Attended the Official Opening of the Launceston Art Society 125th Anniversary Exhibition and Cocktail Party at QVMAG in Wellington Street, Launceston

Thursday 6 October 2016

- Attended the 2016 Royal Launceston Show Official Party to tour the Show on People's Day
- Attended the 2016 Royal Launceston Show Luncheon at the Northern Bombers Clubrooms at Aurora Stadium

Saturday 8 October 2016

- Officiated at the launch of the Community Housing Scholarship Program for 2016 at The Boathouse on Northbank
- Officiated at the MND Event in the Quadrant Mall
- Attended the 138th Official Opening of the Tamar Yacht Club season at the Clubhouse in Beauty Point

Sunday 9 October 2016

- Attended the Norwood Combined Probus Club Annual Church Parade at the Salvation Army Citadel in Elizabeth Street

Monday 10 October 2016

- Attended the Launch for FIFA Live your Goals in Tasmania at the East Launceston Primary School in East Launceston
-

10 ALDERMEN'S REPORTS

(This item provides an opportunity for Aldermen to briefly report on the activities that have been undertaken in their capacity as a representative of the Council. It is not necessary to list social functions that have been attended.)

11 QUESTIONS BY ALDERMEN**11.1 Questions on Notice**

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

(A councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the General Manager of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be in writing.)

11.1.1 Aldermen's Questions on Notice - Council Meeting - 26 September 2016**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

QUESTION and RESPONSE:

Alderman D H McKenzie asked the following question with regard to 241-247 Hobart Road, Kings Meadows.

1. Because we now have some encroachment on the land reserve, just looking at the appropriateness of that being done as a delegation as opposed to coming back to the Council in regards to encroachment on the land reserves?

Response:

(Mr R Dobrzynski - General Manager)

In accordance with S21 *Local Government (Highways) Act 1982*, the Council has care, control and management of local highways maintainable by the Council. The section vests the local highway to the Council and makes no distinction on the title ownership. It is this section that Local Government uses to allow or undertake many activities within the road reservation. Some of these activities involve awnings within the road reservation (with or without supporting posts), advertising or directional signage, special events, and on-streets private uses such as dining or trading. In some instances where the private use is considered to be exclusive use and relatively permanent tenure then it may be necessary to consider formal leasing and in some cases closure and sale of the portion of the road reservation. An extract of S21 is provided below:

S21. General responsibility of corporations

(1) Subject to this Act, the corporation of a municipality is charged with the duty of maintaining the local highways in the municipality that are maintainable by the corporation as shown on its municipal map, and, in any particular case, it shall discharge that duty in such manner as, having regard to all the circumstances of the case, it considers practicable and appropriate.

(2) For the purposes of the discharge of its duties under this section in respect of a highway, a corporation may carry out such works as it considers necessary for the maintenance or renewal of any bridge, embankment, or other work carrying, or otherwise associated with, the highway.

**11.1.1 Aldermen's Questions on Notice - Council Meeting - 26 September 2016
...(Cont'd)**

(3) The local highways in a municipality that are maintainable by the corporation vest in the corporation and, for the purpose of the exercise of its functions in respect of those highways, the corporation has, subject to the Traffic Act 1925 and the Vehicle and Traffic Act 1999, the care, control, and management of those highways.

(4) Except as otherwise provided in this Act, a corporation is not liable for any injury or loss arising from the condition of a highway unless that condition results from the improper carrying out of highway works that are carried out by, or at the direction of, the corporation.

In terms of the development at 241-247 Hobart Road, the development was assessed on two fronts - firstly if the legislation would allow erection/construction of a driveway providing egress to the bottle shop and accompanying awning structure and secondly the planning merits of the development. The second issue was dealt with as part of the Planning Assessment process. The first issue was considered to be allowable pursuant to S21 *Local Government (Highways) Act 1982*. Given that the bottle shop driveway is not considered exclusive private use (and not entirely dissimilar to driveways serving residential or commercial uses) then it was considered not necessary to explore leasing nor highway closure. This part of the development is treated in exactly the same way as other driveways and awning applications. It should be noted that the internal driveway at the south side of the building required access onto the road reservation. In this case it was considered exclusive and permanent occupation and hence the mechanism recommended was for formal highway closure and purchase of the land.

11.2 Questions without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

(Questions without Notice, and any answers to those questions, are not required to be recorded in the Minutes of the Meeting.)

12 COMMITTEE REPORTS**12.1 Pedestrian and Bike Committee Meeting - 6 September 2016****FILE NO:** SF0618**AUTHOR:** Julie Tyres (Administration Officer - Technical Services)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Meeting of the Pedestrian and Bike Committee held on 6 September 2016.

RECOMMENDATION:

That Council receives the report from the Pedestrian and Bike Committee Meeting held on 6 September 2016.

REPORT:

The following matters were discussed at the Pedestrian and Bike Committee Meeting held on 6 September 2016:

- The On-Road Off-Road brochure has been produced by Tamar Bicycle Users Group (T-BUG) and is ready for distribution.
 - The Committee supports the Ride to Work Day on Thursday, 12 October 2016 which is being held in the Quadrant Mall.
 - The Annual General Meeting of the Tasmanian Bicycle Council was to be held on 22 September at Ulverstone and the Annual Report 2015-2016 would be submitted at that Meeting.
 - The Annual General Meeting of T-BUG was to be held on 15 September 2016.
 - The Tasmanian Government draft Transport Access Strategy comments were due to close on Friday, 9 September and the Committee accepted the report but had no comments.
 - The Committee recommends that the Council endorses and supports the North East Rail Trail legislation. (ISD Director comment: A separate report will be prepared and presented at a future meeting on this request from the Committee).
-

12.1 Pedestrian and Bike Committee Meeting - 6 September 2016...(Cont'd)

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 2 - A city where people choose to live

Ten-year goal - To promote Launceston as a unique place to live, work, study and play

Key Direction -

6. To promote active and healthy lifestyles

Priority Area 3 - A city in touch with its region

Ten-year goal - To ensure Launceston is accessible and connected through efficient transport and digital networks

Key Direction -

2. To improve and maintain accessibility within the City of Launceston area, including its rural areas

Priority Area 4 - A diverse and welcoming City of Launceston

Ten-year goal - To offer access to services and spaces for all community members and to work in partnership with others to address the needs of vulnerable and diverse communities

Key Direction -

5. To offer equitable access to services and facilities, including the design of public spaces that are accessible and suited to all abilities

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goal - To continue to ensure the long-term sustainability of our Organisation

Key Direction -

5. To strategically manage our assets, facilities and services

12.1 Pedestrian And Bike Committee Meeting - 6 September 2016 ...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

12.2 Heritage Forest Advisory Committee Meeting - 7 September 2016**FILE NO:** SF6371**AUTHOR:** Dannielle Denning (Parks Planner)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider and receive a report from the Heritage Forest Advisory Committee.

RECOMMENDATION:

That Council receive the report from the Heritage Forest Advisory Committee Meeting held on 7 September 2016.

REPORT:

The Heritage Forest Advisory Committee met at Churchill Park Function Room on 7 September 2016, noting the following:

1. Bert Eilander from Youth Futures presented an update on the Community Garden. Youth Futures is a non-profit organisation that offers a number of community services primarily aimed at young people including training for job seekers. The Youth Futures team has undertaken on ground development works in the garden.
2. The Committee received the Terms of Reference endorsed by the Council on 8 August 2016.
3. The Heritage Forest Master Plan to be reviewed, commencing with a workshop proposed for October.
4. Conway Street Carpark has been completed.
5. Michael Castley tendered his resignation from the Advisory Committee after 20 years of service. The Chair, on behalf of the Committee, thanked Mike for his contribution. In accordance with 14-Plx-029 Community Appointments to Advisory Committees Policy, nominations will be sought for new community representation on the Advisory Committee.

ECONOMIC IMPACT:

Not considered relevant to this report.

12.2 Heritage Forest Advisory Committee Meeting - 7 September 2016...(Cont'd)

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 2 - A city where people choose to live

Ten-year goal - To promote Launceston as a unique place to live, work, study and play

Key Directions -

1. To continue to offer and attractive network of parks, open spaces and facilities throughout Launceston
2. To support the CBD and commercial areas as activity places during day and night
3. To contribute to enhanced public health and amenity to promote a safe and secure environment
4. To promote Launceston's rich heritage and natural environment
5. To plan for better connections between the river and Launceston
6. To promote active and healthy lifestyles

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

12.3 Sister City Committee Meeting - 12 September 2016**FILE NO:** SF0175**AUTHOR:** Elizabeth Clark (Civic Affairs Coordinator)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To receive and consider a report from the Sister City Committee.

RECOMMENDATION:

That Council receives the report from the Sister City Committee Meeting held on Monday, 12 September 2016.

REPORT:

The Sister City Committee met on Monday, 12 September 2016 and the following items were discussed.

1. The Tasmanian Symphony Orchestra (TSO) will perform in Putian, China in early January 2017 and an opportunity was presented for a delegation from City of Launceston to accompany the TSO to Putian. Given that the Mayor of Launceston has visited Putian twice and a delegation from Putian is yet to visit Launceston, more information is to be sought from Putian officials about their commitment to the relationship.
2. An email from Ikeda City Council requesting that we postpone the visit by a delegation from Launceston from April 2017 to October 2017. A draft itinerary and budget will be presented to an SPPC Workshop in the future.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

12.3 Sister City Committee Meeting - 12 September 2016 ...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goals - To communicate and engage consistently and effectively with our community and stakeholders

Key Directions -

3. To ensure decisions are made on the basis of accurate and relevant information

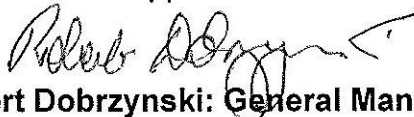
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Robert Dobrzynski: General Manager

13 COUNCIL WORKSHOPS

Council Workshops conducted on 3 October 2016 were:

- Duck Reach
- UTAS Inner City Campus Development
- Show Society
- City Deal/Smart Cities
- Northern Economic Stimulus Package Briefing
- C H Smith Site
- Rate Modelling

14 NOTICES OF MOTION

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

No Notices of Motion have been identified as part of this Agenda

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**15.1 City Centre Smoke-free Zones****FILE NO:** SF3221**AUTHOR:** Debbie Fortuin (Manager Environmental Services)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To amend the wording of the resolution passed on 12 September 2016 regarding expansion of the smoke-free zones in the Launceston Central Business District (CBD) to reflect the area depicted on the map.

PREVIOUS COUNCIL CONSIDERATION:

Council - 20 September 2010 - Agenda Item 12.6

Council considered a Notice of Motion in relation to the State's proposed new smoking bans.

Council - 13 December 2010 - Agenda Item 12.5

Considered a Notice of Motion that Council determines as a matter of principle, to declare smoke-free areas in the following locations of the Launceston municipal area:

- Brisbane Street Mall.
- Quadrant Mall.
- Two bus interchange areas in St John Street.
- Requests the General Manager to provide a report, at the earliest opportunity, on the means by which the Council should proceed to implement its position and the manner in which such a declaration would be administered, with the report to investigate the use of the provisions of the *Public Health Act 1997*, as recently used by Hobart City Council to ban smoking within locations in the City of Hobart.
- Agrees to implement these smoking restrictions commencing at the earliest opportunity.

Council - 31 January 2011 - Agenda Item 3.1

A further report was presented to Council. The decision was that Council proceed with implementing the ban on smoking in the Brisbane Street Mall, Quadrant Street Mall and two bus interchanges as outlined.

Council - 11 April 2016 - Agenda item 15.1

Council resolved that the proposed extension of the smoke-free zones in the Launceston CBD as illustrated in Attachment 1- ECM Document Reference No 3735352 - be submitted for public consultation.

15.1 City Centre Smoke-free Zones...(Cont'd)

Council - 12 September 2016 - Agenda item 15.1

Council resolved:

1. That the proposed expansion of the smoke-free zones to Brisbane Court, Centre Way Lane, Part of Dicky Whites Lane, Claytons Lane in the Launceston Central Business District (CBD) be adopted.
2. That the Smoke-free Zones commence 1 January 2017.
3. That the amenity for smoking areas be determined and rolled out in line with City Heart Project Stage 1, major public realm projects, and City Heart project stage 2 design and implementation phase.

RECOMMENDATION:

1. That Council adopts the proposed expansion of the smoke-free zones to Brisbane Court, Centre Way Lane, part of Dicky Whites Lane, Claytons Lane, the Avenue and St John Street between York and Paterson Streets, in the Launceston Central Business District (CBD).
 2. That the Smoke-free Zones commence 1 January 2017.
-

REPORT:

The map of the proposed smoke-free area within the Launceston CBD (a copy of which has been attached) has been used for public consultation, as well as for the Council report on 12 September 2016. The map depicts the following proposed expansion zones:

1. Brisbane Court
2. Centre Way Lane
3. Dicky Whites Lane
4. Claytons Lane
5. The Avenue
6. St John Street, between York and Paterson Streets

Due to an administration oversight, the Avenue and St John Street, between York and Paterson Streets proposed expansion had been left off the resolution. The resolution has now been amended to accurately reflect the map and the intended smoke-free expansion zone.

15.1 City Centre Smoke-free Zones...(Cont'd)

Further to previous reporting, advice received from the Department of Health and Human Services indicated that we are not able to designate smoking areas under the current legislation. This does not detract from the fact that we can provide amenity for the general public which may be utilised by smokers outside of the smoke-free zone. The locations of these areas and placement of butt-out bins will be determined and rolled out in line with the City Heart Project Stage 1- major public realm projects, and Stage 2 - design and implementation phase.

ECONOMIC IMPACT:

As previously reported, should insufficient strategically placed smoking zones be demarcated for smokers, work productivity may be negatively impacted, due to smokers having to take longer breaks from work to access smoking areas. A total of ten smoking areas will be demarcated for smokers near the smoke-free zones to meet this need.

ENVIRONMENTAL IMPACT:

As previously reported, littering of butts (by some smokers) is a serious environmental issue. In many cases these butts find their way to our waterways and take years to break down. Increasing the number of strategically placed butt bins will help alleviate the butt littering problem.

SOCIAL IMPACT:

As previously reported, smoking can have serious health risks. The extension of a ban on smoking within the CBD will further help to educate the community on the effects of smoking and may help to incentivise individuals to give up the habit.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 2 - A city where people choose to live.

Ten-year goal - To promote Launceston as a unique place to live, work, study and play.

Key Direction -

1. To contribute to enhanced public health and amenity to promote a safe and secure environment.
-

15.1 City Centre Smoke-free Zones...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

Environmental Services will continue to commit the current level of resources to the issue. Increased patrols will be organised initially post 1 January 2017 to ensure smokers are educated on the new smoke-free expansion. This will come at a cost to other services we provide, which we could manage for a short time period. However, any requirements to increase enforcement initiatives would require additional resourcing.

Increasing the number of butt bins will increase the servicing requirements of cleansing staff but this will be offset by less littering on footpaths and in the streets.

The cost for the provision of additional signage is estimated at around \$700.

The cost of additional butt bins which we estimate may be in the region of \$7000.

The cost for an educational campaign is estimated at around \$1000.

The total cost of the project excluding enforcement resources would be in the region of \$8700.

These costs are not budgeted for in the current budget.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. City of Launceston - Central City Designated Smoking and No Smoking Areas
-

Attachment 1 - City of Launceston - Central City Designated Smoking and No Smoking Areas

City of Launceston
CENTRAL CITY DESIGNATED SMOKING & NO SMOKING AREAS



15.2 Community Grants (Round 2) 2016/2017

FILE NO: SF6238

AUTHOR: Eve Gibbons (Grants and Sponsorship Officer)

DIRECTOR: Leanne Hurst (Director of Development Services)

DECISION STATEMENT:

To consider requests for Community Grants received in Round 2 2016-2017

RECOMMENDATION:

1. That the following grant applications receive the recommended grant amounts:

No	Request	Details	Score	Requested	Recommend	Page #
1	Starting Point Neighborhood House	'Seeding the Future' October 2016 - March 2017	99%	\$5,000	\$5,000	45-60
2	Interweave Arts Association Inc.	'Feet to Street' November 2016 - February 2017	97%	\$5,000	\$5,000	112-133
3	Bhutanese Faces of Launceston Working Group (Auspiced by The Migrant Resource Centre)	'Bhutanese Faces of Launceston' 22 October 2016 - April 2017	95%	\$5,000	\$5,000	3-17
4	Australian Red Cross	'FoodREDI' February 2017 - June 2017	83%	\$5,000	\$5,000	147-161
5	Good Neighbour Council Launceston Inc.	'Easy Exercise' October 2016 - March 2017	64%	\$2,880	\$2,160	87-98
6	Sudanese Community Launceston	'Community Talents and Soccer Activities Program' 4 February - 25 March, 2017	60%	\$4,840	\$902	30-44
			TOTAL	\$27,720	\$23,062	

15.2 Community Grants (Round 2) 2016/2017...(Cont'd)

2. That the following grant application not be funded by Council as a result of the Round 2 2016/2017 budget allocation (ie. \$23,812) being fully expended:

No	Request	Details	Score	Requested	Recommend	Page #
7	Women's Friendship Group	'Self Esteem Through Creativity' 5 November, 2106 - 3 December, 2016	50%	\$5,000	\$0 Round 2 budget allocation expended	74-86

3. That the following grant applications not be funded by Council as they each received a score less than the recommended level for funding (i.e. < 50%):

No	Request	Details	Score	Requested	Recommend	Page #
8	The Launceston Players Society Inc.	'Launceston Players History Project' September 2016 - May 2017	44%	\$5,000	Not supported \$0	134-136
9	The Shepherd Centre for Deaf Children	'The Shepherd Centre Professional Development Workshop' January - October 2017	40%	\$5,000	Not supported \$0	61-73
10	Gastroparesis Launceston	'Gastroparesis Awareness Leaflet' November 2016	37%	\$5,000	Not supported \$0	98-111
11	Brave Foundation	'Parenting Teen Education Resource Packs and Scholarship' February 2017	29%	\$5,000	Not supported \$0	18-29

15.2 Community Grants (Round 2) 2016/2017...(Cont'd)

REPORT:

The total eligible requests received for Community Grants Round 2 2016-2017 (including organisations/individuals/teams/groups) is \$53,470.

Promotion of the program through City of Launceston social media channels, e-news, direct mail, customer service lightboxes, external stakeholder e-news and the implementation of one-on-one information sessions resulted in a 101% increase compared to \$26,620 in Round 2 2015/2016.

Based on the assessment results, the recommended allocation of funds for Round 2 2016-2017 is \$23,812 (including \$750 for teams/groups).

The Community Grants Assessment Panel assessed each application against the assessment criteria (detailed below). The full details of each request are set out in a separate report which has been distributed to Aldermen, together with an analysis of the projects/activities and their respective scores.

The normal distribution of funds (according to score) is as follows:

81 - 100%	=	100% of requested funds
61 - 80%	=	75% of requested funds
50 - 60%	=	50% of requested funds
< 50%	=	No funding provided

Following the Community Grants assessment panel's scoring of applications, two projects have been recommended for partial funding only. The Grants and Sponsorship Officer discussed the panel's outcome with each organisation to determine if they have the ability to deliver the project with a recommended reduced allocation. It was determined both organisations have the ability to deliver the project through recent or planned fundraising activity and revision of budgeting expenses to deliver their project as outlined in their community grant application.

Whilst it is acknowledged that one project will not receive funding due to grant funds being exhausted (under Recommendation 2), in order to maintain an even distribution of funds for Community Grants for the 2016/2017 financial year, it is considered by the Assessment Panel to be a fair and equitable distribution.

All applications have been assessed using the following criteria:

15.2 Community Grants (Round 2) 2016/2017...(Cont'd)

Individual/Team/Group Applications

Individual/team/group grants will be provided if you are a young person 18 years or under living in the Launceston Municipal area, who have been selected to represent Australia, Tasmania or Northern Tasmania.

In accordance with the Community Grants (Individual/Team/Group) Policy the following teams/groups have been approved for funding:

Miss Telyshia Jones	\$100
U14 Football Federation Tasmanian Boys Team (1 member)	\$ 50
U14 Northern Future Development Basketball U14 Girls Team (6 members)	\$300
U13 NTJSA Boys Representative Team (6 members)	\$300
	Total \$750

Organisation Applications**Mandatory Requirements:**

- Community benefit must be the primary purpose of the project/activity
- Project/activity is held within the Launceston Municipal area
- Must respond to one or more priorities identified in the City of Launceston Strategic Plan 2014-2024
- A detailed budget must be included with the application
- A risk management plan (for the project/activity) must be included with the application

Assessment Points

- Aims and outcomes that benefit the Launceston community and are achievable
- Project plan demonstrates good organisational planning for the project/activity
- Budget for project/activity is realistic and includes evidence of self-support (i.e. fundraising, sponsorship, use of volunteers, in-kind support, etc.)
- Merits of the project/activity for the Launceston community

ECONOMIC IMPACT:

Approval of the recommended grants will result in a positive economic impact to those individuals/teams/groups and organisations by providing funds that will enable them to undertake their project or activity.

15.2 Community Grants (Round 2) 2016/2017...(Cont'd)

ENVIRONMENTAL IMPACT:

Approval of the recommended grants will have minimal impact on the environment.

SOCIAL IMPACT:

Approval of the recommended grants will provide a number of valuable social and lifestyle benefits to the Launceston community.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 1 - A creative and innovative city

Ten-year goal - To foster creative and innovative people and industries

Key Directions -

2. To understand and support the establishment and growth of creative industries in Launceston
5. To promote the wide variety of learning opportunities within Launceston
6. To contribute towards artistic, cultural and heritage outcomes

Priority Area 2 - A city where people choose to live

Ten-year goal - To promote Launceston as a unique place to live, work, study and play

Key Directions -

3. To contribute to enhanced public health and amenity to promote a safe and secure environment
6. To promote active and healthy lifestyles

Priority Area 4 - A diverse and welcoming City of Launceston

Ten-year goal - To offer access to services and spaces for all community members and to work in partnership with others to address the needs of vulnerable and diverse communities

Key Directions -

1. To understand the needs and requirements of key community service providers and stakeholders
 3. To define and communicate our role in promoting social inclusion and equity
 6. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life
-

15.2 Community Grants (Round 2) 2016/2017...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

Available Funds	\$ 47,624
Amount Recommended this round	
Individual	750
Organisations	23,062
BALANCE	\$23,812
Remaining Rounds 2016/2017	1

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

17 QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS**18.1 Kings Park Commemorative Precinct Policy****FILE NO:** SF0859**DIRECTOR:** Harry Galea, Director Infrastructure Services

DECISION STATEMENT:

To consider a policy to centralise commemorative installations at Kings Park.

PREVIOUS COUNCIL CONSIDERATION:

SPPC - 17 March 2014 - Presentation of master plan to regulate location of commemorative installations

RECOMMENDATION:

That the Council adopt the Kings Park Commemorative Precinct Policy (26-PI-016) as follows:

'Kings Park Commemorative Precinct' Policy***PURPOSE:***

To advise Council's approach to the management of requests for commemorative installations in the City of Launceston, avoiding duplication and sustainable maintenance by centralising of the monument facilities.

To ensure:

- that single commemorative installations do not interfere with the intended purposes of the park, gardens, open spaces, pathways, trails, users or other installations*
- the placement of commemorative installations are centralised to focus the community's attention when visiting*
- that commemorative installations do not impact negatively on the future maintenance expenditure of the Council, and*
- the placement of any commemorative installations does not present a safety risk.*

SCOPE:

Requests are occasionally received by the City of Launceston from organisations, groups and clubs for permission to place commemorative installations within Council's Parks and Reserves. Kings Park will be the focus of commemorative installation which could consist of a commemorative garden, planting, landscape element, structure or a combination of two or more of these.

18.1 Kings Park Commemorative Precinct Policy...(Cont'd)

They are installed to commemorate an organisation, group or event that have had a positive impact in Launceston's history or of a military or peacetime nature to support the nearby cenotaph. They shall not be to commemorate an individual or notable person.

This Policy covers all commemorative installations in Council parks and reserves. Placement of other memorials such as plaques, commemorative trees, avenues and temporary road-side monuments on local government owned land are outside the scope of this policy.

OBJECTIVES:

- 1. To ensure that there is a clear and consistent method for assessing community requests for new commemorative installations in Kings Park.*
- 2. To ensure that the installation and ongoing management of new and existing commemorative installations in Kings Park is undertaken in an agreed manner and agreed responsibilities.*

POLICY:

- 1. Unless exceptional circumstances exist, all commemorative installation shall be centred at Kings Park.*
 - 2. Public open space areas are an important community resource and installations need to be carefully designed to ensure that they do not impact negatively on these spaces or park users.*
 - 3. It is recognised that Kings Park may become saturated with installations, and in that case, it would be appropriate to consider strict limitations or a moratorium of future installations at that location or area. The number of available sites is indicated on the King Park Commemorative Precinct Plan.*
 - 4. Requests for commemorative installations to City of Launceston will be considered on a case-by-case basis by the Director Infrastructure Services. Any refusal of an application will be reported to Aldermen in the event the Council seek to provide approval. Matters to be taken into account in the assessment include all matters listed in items 5 to 8 below.*
 - 5. Applications must be made in writing, addressing the criteria outlined in section 8 below and should include proposed text or images, concept design drawings and any other pertinent information.*
 - 6. An application will not be approved unless accompanied by a letter from the peak organisation in Tasmania (and if does not exist) then Australia which provides unqualified support for the installation.*
-

18.1 Kings Park Commemorative Precinct Policy...(Cont'd)

7. *Applications should be addressed to:*

*Manager Natural Environment
City of Launceston
PO Box 396
LAUNCESTON TAS 7250*

8. *Applications will be assessed against the following criteria:*

a. *The design of the installation is appropriate*

Design and wording of commemorative installations must be approved by the Council, and its proposed location must be wholly contained within the nominated sites as indicated on the Kings Park Commemorative Precinct Plan. In consultation with the Launceston Flood Authority certain civil works may be prohibited if they are considered to impact the flood levee system.

If applicable it must be in line with City of Launceston corporate protocols for use of the Council logo if used.

b. *Appropriate consultation is undertaken*

Applications should include evidence of community consultation on the installation's purpose and design, in the form of letters of support from relevant or affected interest groups and organisations.

c. *Sufficient Capital and maintenance funding is available*

The applicant must meet all the costs associated with design, manufacture, project management and installation of the monument. Applicants will be responsible for all Development Applications and building permits if applicable. Works must be undertaken in a timely manner. In some instances, a contribution toward maintenance may also be a condition of approval. Should the monument be lost, vandalised or wear and tear, repair and replacement costs would remain the responsibility of the donor. The installation will become the property of the City of Launceston and will be register as such in Council Asset Management System.

d. *The subject matter of the proposed installation is appropriate*

Subjects for installations will be considered appropriate if they fit the following criteria:

Installations commemorate an organisation, group, or event that has/had a positive impact on the Launceston Community or are of a military or peacetime nature and have significance to the region's history and development.

18.1 Kings Park Commemorative Precinct Policy...(Cont'd)

No new installation will be considered which commemorates a person, event or occasion that is already the subject of a monument in the City of Launceston area unless there are exceptional circumstances.

- e. *The purpose of the commemorative installation*
The impact of the purpose of the subject group or event in Launceston's history or fabric of the society.

Installations that are likely to cause offense or that are of a political nature will not be considered.

9. *Maintenance requirements*

As it is recognised that some installations will have a limited lifespan, City of Launceston does not guarantee to retain an installation after a period of 15 years.

The City of Launceston may at any time temporarily remove the installation for works or maintenance of the park.

The installation may be permanently removed if the use of the site changes significantly. Where possible, City of Launceston will consult with the original proponent.

In the event the monument is damaged or requires repair or maintenance and the original proponent is not able to be contacted, the monument may be repaired and if the damage, repairs or maintenance is extensive, as determined by the Director Infrastructure Services, it will be removed. City of Launceston will undertake maintenance of soft infrastructure such as grass care and pruning of plants and shrubs and will also be responsible for graffiti removal. The proponent will be responsible to all other maintenance.

No changes or modifications shall be made to the installation without prior approval from the Director Infrastructure Services.

Following approval of an installation the applicant and the Council will enter into a MOU outlining maintenance responsibilities.

REPORT:

Over the years the Council has received an increasing number of requests for the installation of various commemorative gardens or interpretive elements in Kings Park and also at other public parks and reserves.

18.1 Kings Park Commemorative Precinct Policy...(Cont'd)

Up until 2014 these were accommodated on a case by case basis without a clear vision for the entire park. With an increase in the number of requests there was a need to provide a more co-ordinated and considered approach to the facilitation and implementation of installations. Some of the requests have not been specifically for Kings Park but the site is considered to be the best location for these types of projects within the central parks network.

A master plan was developed that proposed a Commemorative trail starting at Park Street circulating through Kings Park and returning along the park fronting Paterson Street. The plan identified 18 potential sites along this trail for the provision of commemorative installations. These sites had been arranged around the park to allow each installation to have its own space without impacting on each other or overly dominating the park. This plan was presented to Aldermen in 2014 and has been the document guiding development of commemorative installations in Kings Park.

The park was the preferred location for these developments as it is a major pedestrian route linking the Cataract Gorge to the City and is used by a variety of recreational users along the River Edge Trail and passive lunch time visitors.

The proposed sites have been organised into two broad styles:

1. Style one is for requests that are preconceived subject to minor alterations to suit the site.
2. Style two is for installations that are able to be designed to take advantage of the potential of its site.

The concept plan has been implemented with a number of operating conditions which are considered best tabulated as a formal Policy of the Council.

The policy provides for:

- Each request will need to be sponsored by a recognised peak body (i.e. RSL for war memorials).
 - Discussions will be had with the requester on whether it would be an appropriate installation in this precinct.
 - It is envisaged that the Council's role will be to facilitate the achievement of the installations through in kind support rather than direct funding.
 - The ongoing maintenance of each installation other than normal landscaping components will be the responsibility of the organising group.
 - The City of Launceston's Natural Environment Department will incorporate the maintenance of any soft landscaping into the ongoing Kings Park maintenance program.
-

18.1 Kings Park Commemorative Precinct Policy...(Cont'd)

Two new paths have been shown on the plan. These are designed to facilitate access into Kings Park from Paterson Street and those abutting businesses. Their alignment has been chosen to reflect existing desire lines and accessibility. These paths have been requested in the past by businesses along Paterson Street who believe that there should be better connections to the river edge path from Paterson Street.

The plan also shows the inclusion of a new row of trees, and the completion of the existing memorial avenue along Paterson Street.

It is recommended that the Council support the policy. A copy of the plan that forms part of the policy is enclosed as Attachment 1.

ECONOMIC IMPACT:

There will be no noticeable economic impact but the project is supportive of increased visitation in the area.

ENVIRONMENTAL IMPACT:

There will be no environmental impact. Installations for the river edge sites will consider the impact of being inundated and flooded.

SOCIAL IMPACT:

This plan will have a positive social impact by providing a co-ordinated approach to the incorporation of remembrance places into the cities fabric. Its location adjacent to the existing war memorial will reinforce the function and significance of its role and provide a logical trail experience.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 4 - A diverse and welcoming City of Launceston

Ten-year goal - To offer access to services and spaces for all community members and to work in partnership with others to address the needs of vulnerable and diverse communities

Key Directions -

1. To understand the needs and requirements of key community service providers and stakeholders
 2. To plan services and facilities that recognise the changing demographics of our community
-

18.1 Kings Park Commemorative Precinct Policy...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

The additional maintenance required for soft landscaping of new installations will be absorbed as part of normal maintenance activities at Kings Park.

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. Kings Park Commemorative Precinct Plan
-

Attachment 1



PHILOSOPHY
 It is proposed that Kings Park becomes the location for commemorative installations and or commemorative gardens. To facilitate this the installations will be placed so that each can be experienced without interference from adjoining spaces. The trail will allow visitors to visit and enjoy each installation independently.
 This trail would utilise the existing park paths and street footpaths.
 The Park has two styles of sites available.
 Sites 1 to 6 would be suitable for standalone installations.
 Sites A-M proposals need to be designed to suit the location and avoid any encroachment on adjoining spaces.
 The placement of the potential sites has been designed to be appreciated from the path but to be fully experienced by entering.

kings park commemorative precinct plan
PARKS AND RECREATION DEPARTMENT
 LAUNCESTON CITY COUNCIL

18.2 Polish Memorial in Kings Park**FILE NO:** SF0859**AUTHOR:** Barry Pickett (Acting Natural Environment Manager)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

That Council, in its capacity as land owner, considers a request from the Polish Pioneers Foundation to install a Memorial at Kings Park to commemorate the contribution of the Polish Community in Tasmania.

PREVIOUS COUNCIL CONSIDERATION:

SPPC - 19 September 2016 - Agenda Item 4.2 - Report to consider details of Memorial

SPPC - 4 July 2016 - Agenda Item 4.1 - Polish Pioneers Deputation presenting proposal

RECOMMENDATION:

That Council provides consent to the Polish Pioneers Foundation to lodge a Development Application to install a Memorial at Kings Park subject to the following conditions:

- (a) Application to include the vertical column lighting on the basis that the operation of the lights is approved by the General Manager generally on special occasions and/or events related to the Polish community.
 - (b) In accordance with the 'Kings Park Commemorative Precinct' Policy (26-PI-016), that the ongoing maintenance responsibilities shall be:
 - Council responsibility - Condition 9 (weeds, soft infrastructure, power costs, graffiti removal);
 - Proponent responsibility - Condition 9 (damage, vandalism, wear and tear).
-

REPORT:

A deputation from the Polish community at the 4 July 2016 Strategic Planning and Policy Committee Meeting sought to install a Memorial at Kings Park to commemorate the contribution of the Polish Community in Tasmania and particularly their involvement with the Hydro Schemes. The presentation showed a column-style memorial with special occasion vertical flood lights.

18.2 Polish Memorial in Kings Park...(Cont'd)

The Memorial is estimated to cost over \$200,000 and will be funded and constructed by the group. The development requires a Planning Permit with the only item likely to be contentious being the operating rules for the vertical flood lights. The application is discretionary and will seek public comment before assessment.

A planning application has now been received which appears to be identical to the proposal presented at the Deputation. A number of operational details have been sought that provides a complete picture. A copy of the proposal and statements on the operating regime are provided as Attachments 1 and 2 respectively. The location of this memorial at Kings Park is consistent with the 'Kings Park Commemorative Precinct' Policy (26-PI-016). The site occupied is identified as Site H - a copy of the Policy site plan (annotated with the Polish memorial) is provided as Attachment 3. The Policy provides guidance on ongoing responsibilities which is inconsistent with the claim in the further information which seeks to gift the memorial to the Council.

The Council has a dual role as owner of the land and Planning Authority. This report is presented in terms as the Council is 'owner' to ensure that the application is consistent with the Council's expectations before moving to the Planning Stage and the accompanying public exhibition component. In due course the Development Application (unless dealt with by delegation) will be presented to the Planning Authority for decision.

Section 52 (1B) (b) of the *Land Use Planning and Approvals Act* 1993 requires the Council (or the Crown) to provide direct consent to allow the lodgement of a planning application on land under their respective control.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

The proposal provides positive social outcomes as it commemorates the service and sacrifice of Polish Pioneers who migrated to Australia after the Holocaust and worked with in Tasmania in creating the Tasmanian Hydro Scheme. The design represents the eight locations for the Hydro Scheme with educational signage indicating the history and meaning behind the memorial.

18.2 Polish Memorial in Kings Park...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 4 - A diverse and welcoming City of Launceston

Ten-year goal - To offer access to services and spaces for all community members and to work in partnership with others to address the needs of vulnerable and diverse communities

Key Directions -

1. To understand the needs and requirements of key community service providers and stakeholders
2. To plan services and facilities that recognise the changing demographics of our community

BUDGET & FINANCIAL ASPECTS:

The memorial, estimated to cost over \$200,000, will be funded and constructed by the group. In accordance with the policy, the maintenance responsibilities of the Council will be managed within existing operational budgets. For practical reasons the memorial lighting scheme will be connected to the Council Park network.

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. Proposal for Polish Pioneers Foundation Public Art Installation (Kings Park) - (distributed electronically)
 2. Response to Request for Further Information
 3. 'Kings Park Commemorative Precinct' Plan showing Polish Memorial location (distributed electronically)
-

Attachment 2 - Response to Request for Further Information

08th September 2016

Launceston City Council
Town Hall
Launceston
Tasmania, 7250



Michael Bernacki
Registered Architect

PO Box 147
Launceston
Tasmania
Australia 7250

Attention: Planning Department

Mobile: 0417541646

Email: mbernacki@honedarchitecture.com

Subject:

Re: Response to Request for Further Information

Dear Marilyn,

Lighting 1. In order to assess the proposal in relation to Clause 8.1.2 and Clause 8.1.3 of the Scheme, please provide more information in regards to the lighting of the proposed sculpture:

- a. Details of the proposed lighting in regards to direction, spill, intensity, etc. **The direction of light will be: For the recessed lighting to seating the direction is downward. For lighting to vertical columns the lighting direction will be upward. For light to column top mounted lights the lighting will be upward. The spill distance will be no greater than 3metres. The intensity will be low.**
- b. Hours of illumination; **The hours of illumination will be placed on a timer and will be no later than midnight. However if charitiys or arts festivals wish to utilise this installation for lighting effects they can apply to council to extend these hours of illumination.**
- c. Height that the flood lighting will extend to; **no greater than 30m**
- d. Any potential aeronautical interference; **I have been in contact with CASA, upon planning and building permits grants this installation will be registered to aircraft flight path plans. The proposed site is not directly in the flight path.**
- e. Any potential disturbance for astronomical observations; and **No**
- f. Any potential nuisance for occupiers on the ground. **Lighting will not be on a horizontal plane so no nuisance would occur. Lighting does provide visual surveillance and also provide further personal safety attributes for the public walking through the park.**

Scenic Management 2. The proposal is situated within the Scenic Management - Tamar Estuary Precinct. As there is no Acceptable Solution for Clause E7.6.2 A1 of the scheme, the proposal will need to address the Performance Criteria.

Please provide a written justification for the proposal which addresses the following Performance Criteria:

E7.6.2 Scenic management areas

P1

Development (not including development that involves only the clearance or removal of vegetation, or subdivision) must have regard to:

- (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3; **We believe our proposed installation / monument will add a positive message and a positive contribution to the community in remembering the Polish Pioneers who worked on the Hydro schemes in providing Tasmania with power / electricity.**
 - (b) the impact on skylines, ridgelines and prominent locations; **We are proposing a monument within this park. There are currently other monuments and public art installations within this park. We believe we are making a positive contribution to the community and this park.**
 - (c) the nature and extent of existing development on the site; **Kings park is currently a precinct know for monuments and public art installations. There are 3 public art / memorial approved existing developments on this site.**
 - (d) the retention or establishment of vegetation to provide screening; **No vegetation will be retained or established.**
 - (e) the need to clear existing vegetation; **No vegetation will be removed from the site.**
 - (f) the requirements for any hazard management; **This is to be provide by the building contractor.**
-

- (g) the need for infrastructure services; **Only water and Power infrastructure is to be utilised. These will be connected into existing council infrastructure.**
- (h) the specific requirements of the development; **No specific requirements are require. All aspects are already available on site.**
- (i) the location of development to facilitate the retention of trees; and **Please refer to the project site plan, no vegetation will be effected.**
- (j) design treatment of development, including: **Please refer to the provided project 3D montage perspectives.**
- (i) the bulk and form of buildings including materials and finishes; **Please refer to the provided 3D montage perspectives and external finishes schedules.**
- (ii) any earthworks for cut or fill; **Please refer to provided project sections.**
- (iii) the physical (built or natural) characteristics of the site or area; **Please refer to the provided 3D montage perspectives**
- (iv) the nature and character of the existing development; and
- (v) the retention of trees **Please refer to the provided 3D montage perspectives**

I trust that the contents of this letter is satisfactory and does address the Launceston City Council requirements for a project of this scale and importance. If you require any further information or clarification, please do not hesitate to contact myself.

Thank you.

Kind Regards



Michael Bernacki / Honed Architecture + Design.

09th September 2016

Launceston City Council
Town Hall
Launceston
Tasmania, 7250

Attention: Planning Department

Subject:

Re: Response to Request for Further Information

Dear Marilyn,

Please find below our response to your Further Request for information.

1. In order to assess the proposal in relation to Clause 8.1.2 and Clause 8.1.3 of the Scheme, please provide more information in regards to the lighting of the proposed sculpture:

b. Hours of illumination: The hours of illumination will be:

In Winter - from 5pm - midnight (unless for special events or festivals, then permits will need to be applied for an extension of time)

In Summer - from 8:00pm - midnight (unless for special events or festivals, then permits will need to be applied for an extension of time)

Please note the feature Floodlights will only be turned on for special events and city festivals. These are not for daily use.

Council still has questions in regards to the lighting that need to be addressed for a decision to be reached as landowners to whether we will accept the proposal in Kings Park:

a). How will they be maintained; We are proposing LED technology which require minimal to very low maintenance. As this monument will be gifted to the Launceston City Council, the lighting will fall under LCC maintenance schedule with all other current Kings Park lighting.

b). what happens if the lights are broken; The proposed lighting will be LED technology but lighting failure is very rare. If the lights were to break then this would fall under the manufacturer's warranty for repair. or replacement. Outside of the warranty period LCC will be responsible for its repair.

c). what is the significance of the lighting; The standard monument lighting is designed as a city way finding device. Just like the city way finding signage. It is also for visual surveillance and for the public safety of a night time. Kings Park is known for insufficient lighting from Stillwater to the Launceston Yacht Club. This lighting will be a positive contribution. The significance of the 8 flood lights is that these are the 8 location for each of the locations the Polish Pioneers were based in the construction of the Tasmanian Hydro Scheme.

d). will the floodlights be on every day of the year or only for significant events in the Polish calendar; The feature floodlights will only be turned on for special events and festivals.

e). and will this set a precedent for subsequent memorials. Yes this will. It will bring the community together in educating the youth of the importance of the Polish Pioneers and there sufficient contribution the made in creating the Tasmanian Hydro power scheme.

I trust that the contents of this letter is satisfactory and does address the Launceston City Council requirements for a project of this scale and importance. If you require any further information or clarification, please do not hesitate to contact myself.

Thank you.

Kind Regards



Michael Bernacki / Honed Architecture + Design.



Michael Bernacki
Registered Architect

PO Box 147
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Tasmania
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Mobile: 0417541646

Email: mbernacki@honedarchitecture.com

18.3 Lease - Tasmanian Family History Society Inc**FILE NO:** SF2337**AUTHOR:** Tricia De Leon-Hillier (Parks Lease Management Officer)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a proposal from the Tasmanian Family History Society Inc to lease the City Park Stables at 45-55 Tamar Street (part of Certificate of Title Vol 50902 Folio 1). This decision requires an absolute majority of the Council.

PREVIOUS COUNCIL CONSIDERATION:

Council - 15 December 2008 - Agenda Item 12.3 - City Park Stables - Lease approved

Council - 24 October 2011 - Agenda Item 16.3 - Lease Tasmanian Family History Society Inc - Lease approved

RECOMMENDATION:

That, in accordance with Section 178 of the *Local Government Act 1993*, Council resolves to lease public land situated at 45-55 Tamar Street (part of Certificate of Title Vol 50902 Folio 1) to the Tasmanian Family History Society Inc. under the following terms:

- the term shall be five (5) years commencing on 1 October 2016;
 - the lease amount shall be \$1,700 per annum plus GST and linked to CPI;
 - tenant to be responsible for:
 - energy costs;
 - volumetric and connection charges for water; and
 - other service charges (if any)
 - tenant shall continuously maintain:
 - building in good and reasonable order; and
 - public liability insurance of at least \$10 million
-

REPORT:

The Tasmanian Family History Society Inc was founded in Hobart in April 1980 as the Genealogical Society of Tasmania. Following a Meeting held at Kings Meadow High School, the Launceston Branch was formed on 4 November 1980. There are around 250 members of the Launceston branch, with membership of over 1,350 comprising of Tasmanian, interstate and overseas members.

18.3 Lease - Tasmanian Family History Society Inc...(Cont'd)

The City Park Stables has been leased to the Tasmanian Family History Society Inc for the past eight years and have been model tenants since. The Society has continued to maintain the City Park Stables building in good orderly manner and have recently installed a heat pump as a new addition to this office valued at \$2,500.

The market rental valuation completed on the 26 November 2008 was valued at \$3,000 per annum. Council approved the recommended fee of \$1,500 per annum (plus GST) on 15 December 2008 for a three year period. A new lease was approved by Council on 24 October 2011 for a five year lease and the lease expired on 30 September 2016. The Society has continued to occupy the premises under the holding over clause contained in the lease and have approached Council for a new lease. It is considered appropriate to offer a further five year lease with the commencing rent of \$1,700 + GST per annum and linked to CPI.

A Council may lease public land for a period not exceeding five years without complying with Section 178 of the *Local Government Act 1993* which requires that the lease be advertised. As the property is Public Land and the lease is for a maximum period of five years, it is not necessary to provide valuation advice to the Council.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

There will be a positive social impact with this decision as it will bring more people in to City Park to make use of the Tasmanian Family History Society.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 1 - A creative and innovative city

Ten-year goal - To foster creative and innovative people and industries

Key Directions -

2. To understand and support the establishment and growth of creative industries in Launceston
 3. To optimise the use and usability of our assets for different types of activities
 4. To support and promote alternative uses of underutilised buildings
-

18.3 Lease - Tasmanian Family History Society Inc...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

Rental income of \$1,700 per annum.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Map of Leased Area
 2. Proposal of Lease from Tasmanian Family History Society Inc
-

Attachment 1 - Map of Leased Area



Attachment 2 - Proposal of Lease from Tasmanian Family History Society Inc



Tasmanian Family History Society Inc.

LAUNCESTON BRANCH

ABN 56 247 047 506
web address: launceston@tasfhs.org

PO Box 1290
Launceston Tas 7250
Ph/Fax: 6343 3071
email: mandbissett@gmail.com

21 September, 2016

Tricia De Leon-Hillier
Parks Lease Management Officer
PO Box 396
Launceston TAS 7250

Dear Tricia

Re renewal of lease with City of Launceston – City Park Stables

Thank you for your letter of 14th September and your time today.

We confirm that Tasmanian Family History Society Inc. Launceston Branch, wishes to renew the lease on the building known as City Park Stables.

- **Term:** 5 years, commencing date: 1 October 2016.
- **Rental:** first year of the Lease: \$1,700.00 plus GST—varied at each anniversary of the Commencement Date by reference to the Consumer Price Index (All Groups) for Hobart. The rental includes Notional Rates.
- **Rent Payable:** by equal monthly instalments in advance on the first day of each month of the term.

As requested we have enclosed a copy of the audited reports of TFHS Inc. Launceston Branch, as at the end of our financial year, 31 March 2016.

Thank you for your help in facilitating the lease.

Tricia, following our conversation about the heater which we installed in March, and the possibility of LCC help with the cost, I've enclosed a copy of the emails in which the offer was made. Again, we would appreciate it if LCC is able to help with this cost.

Yours sincerely,

Muriel Bissett
Muriel Bissett
Branch Secretary.

106950/23272

FILE No.	SF 2337 / 106840		
EO	<input checked="" type="checkbox"/>	OD	Box <input checked="" type="checkbox"/>
RCVD	26 SEP 2016		LCC
Noted	Replied		
T. De Leon Hillier			

18.4 Tamar Bridge Club Lease**FILE NO:** SF0387**AUTHOR:** Tricia De Leon-Hillier (Parks Lease Management Officer)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider leasing an area of land at the St Leonards Sports Complex known as the St Leonards Memorial Hall (part of Certificate of Title Vol 103535 Folio 1) to the Tamar Bridge Club. This decision requires an absolute majority of Council.

RECOMMENDATION:

That, in accordance with Section 178 of the *Local Government Act* 1993, Council resolves to lease public land known as St Leonards Memorial Hall, situated at 240 St Leonards Road (part of Certificate of Title Vol 103535 Folio 1), to the Tamar Bridge Club under the following terms:

- the term shall be two (2) years commencing on 1 October 2016;
 - the lease amount shall be \$2,805.39 plus GST and linked to CPI;
 - tenant to be responsible for:
 - energy costs;
 - volumetric and connection charges for water; and
 - sewerage charges
 - tenant shall continuously maintain:
 - building in good and reasonable order; and
 - public liability insurance of at least \$10 million
-

REPORT:

The St Leonards Memorial Hall is located within the St Leonards Sports Complex ([Attachment 1](#)) and has been leased to the Tamar Bridge Club (TBC) since 1997. Their most recent lease expired on the 30 September 2015 and continues to occupy the premises under the holding over clause contained in the lease agreement.

For the past 18 months a public halls review has been conducted where each hall has had an independent building condition assessment which includes works required in the short, medium and long term to both maintain the facility but also to meet current building standards and user requirements. Due to their age over the years a considerable amount of capital funding has been allocated to upgrading Council halls to keep them functioning and up to date. The removal of asbestos is another major project required as part of the halls review and St Leonards Memorial Hall is extremely high at more than \$280,000.

18.4 Tamar Bridge Club Lease...(Cont'd)

Recently the TBC has written to Council (Attachment 2) requesting for a 2 year lease whilst we continue to undertake the public halls review and finalise the Council lease and licence policy. This short term agreement will hopefully see us through till the end of this review period and until such time that a decision is made about the future of the hall.

The TBC have been model tenants and continue to maintain the premises in good working order. Their rent, public liability insurance and utility costs are paid by the TBC and they currently pay \$2,805.39 per annum since the recent CPI increase was made. It is therefore recommended that a 2 year lease be offered which will fall in line with the expected redevelopment and relocation of the TBC to Soldiers Memorial Hall.

A Council may lease public land for a period not exceeding five years without complying with Section 178 of the *Local Government Act 1993* which requires that the lease be advertised. As the property is Public Land and the lease is for a maximum period of five years, it is not necessary to provide valuation advice to the Council.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

There is no social impact with this proposal other than to allow successful tenants to continue to provide an important recreational opportunity for Launceston.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 2 - A city where people choose to live

Ten-year goal - To promote Launceston as a unique place to live, work, study and play

Key Directions -

3. To contribute to enhanced public health and amenity to promote a safe and secure environment
 6. To promote active and healthy lifestyles
-

18.4 Tamar Bridge Club Lease...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

Rental income of \$2,805.39 + GST per annum

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Map of leased area
 2. Letter of proposal from Tamar Bridge Club
-



Printed: 28/09/2016



St Leonards Memorial Hall Lease

NOTE:
While all reasonable care has been taken to ensure the accuracy of the information portrayed on this plan its purpose is to provide a general indication of the location of Council services. The information provided may contain errors or omissions and the accuracy may not suit all users. A site inspection and investigation is recommended before commencement of any project based on this data. This note forms an integral part of this plan.
©City of Launceston 2016

Attachment 2



TAMAR BRIDGE CLUB TASMANIA

email: secretary@tamar.bridgeaustralia.org
Web address: <http://www.tamar.bridgeaustralia.org>

P.O. Box 348
Launceston, TAS 7250

September 16, 2016.

Ms Tricia deLeon-Hillier,
Parks Lease Management Officer,
Launceston City Council,
Launceston,
Tasmania.

Dear Ms. de Leon-Hillier,

For many years the Tamar Bridge Club has enjoyed the leasing arrangements provided by the Launceston City Council. We understand that the current lease has now expired and is in need of renewal.

We would therefore be grateful, if consideration could be given by the Launceston City Council to renew the lease of the St. Leonard's Memorial Hall to the Tamar Bridge Club, under our current arrangement and rental fees, for a further two year period.

We would also be grateful if the new lease could take effect from October 1, 2016.

Yours sincerely

Danny McColl

Hon. Sec.

Tamar Bridge Club

0417336463

peony@bigpond.net.au

FILE No.	SF0387		
EO	✓	OD	Box ✓
PROVD	20 SEP 2016	LCC	
Doc No.			
Action Officer	Noted	Replied	
T. DE LEON-HILLIER			
HILLIER			

18.5 Proposed Street Name - Aquila Place**FILE NO:** SF0621/DA0669/2011**AUTHOR:** Sonia Smith (Infrastructure Development Liaison)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider approving a new street name of a rural road off Windermere Road.

RECOMMENDATION:

That, pursuant to the provisions of Section 54 of the *Local Government (Highways) Act 1982* and Section 20E of the *Survey Co-ordination Act 1944*, Council approves the name Aquila Place for the new road between No 3 Ardea Drive and No 1135 Windermere Road, Windermere.

REPORT:

The developer has proposed the name 'Aquila Place' for the new rural road off Windermere Road.

The name 'Aquila' is derived from the scientific name for the Wedge Tailed Eagle; *Aquila audax* and continues the theme of some of the other local streets using scientific bird names starting with the letter 'A'.

There are no instances of this name in the north of the state with the only instance recorded being Aquila Street in Glenorchy. No objections to the proposed name have been received from the neighbouring municipalities of Northern Midlands, Meander Valley, West Tamar or George Town.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

18.5 Proposed Street Name - Aquila Place...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 3 - A city in touch with its region

Ten-year goal - To ensure Launceston is accessible and connected through efficient transport and digital networks

Key Direction -

2. To improve and maintain accessibility within the City of Launceston area, including its rural areas

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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

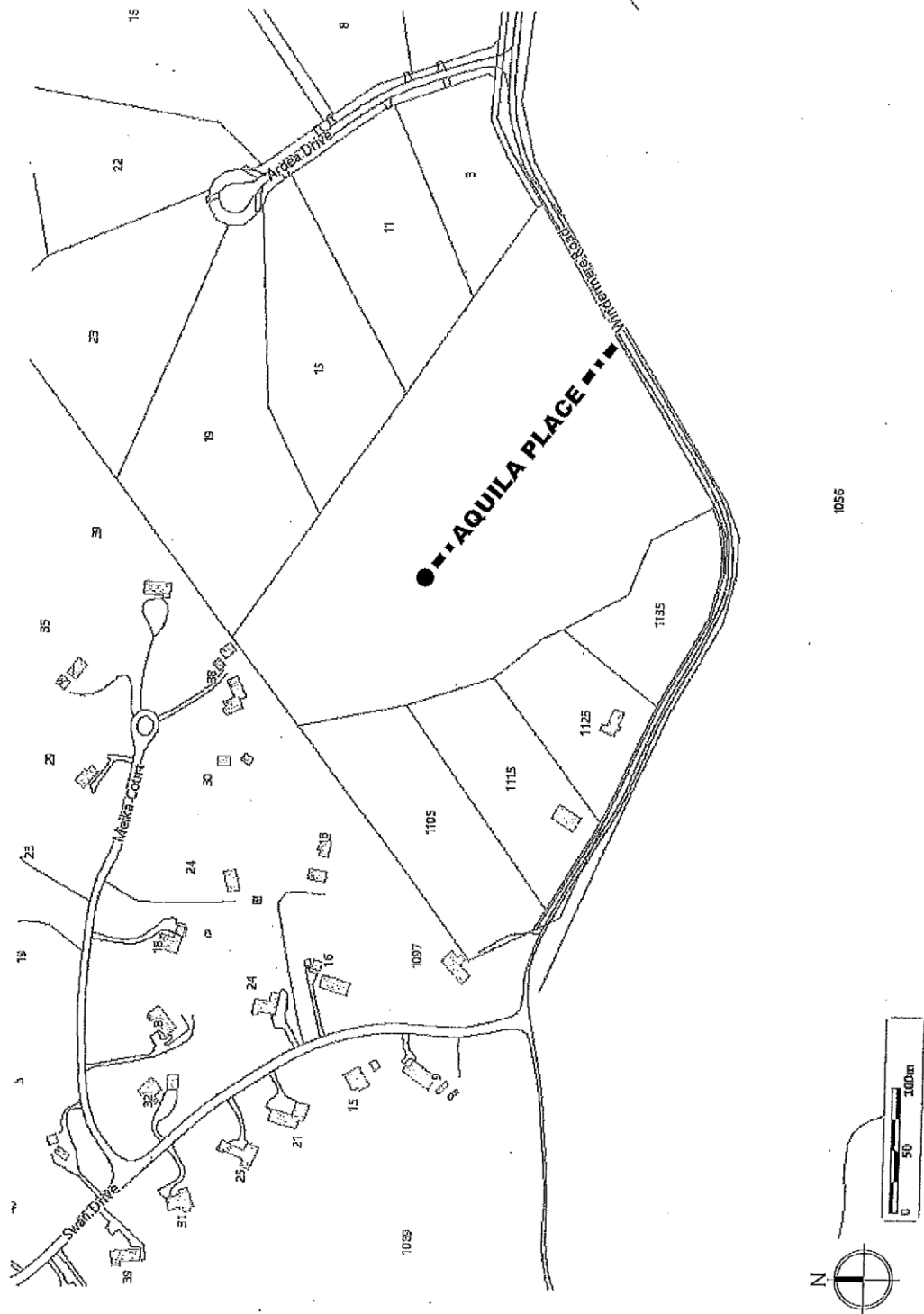


Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Location plan - Proposed 'Aquila Place'
-

Attachment 1 Location plan - Proposed 'Aquila Place'



19 CORPORATE SERVICES DIRECTORATE ITEMS

19.1 Delegation from Council to General Manager - *Traffic Act 1925 (Tas)*

FILE NO: SF6203/SF2841/SF0113

AUTHOR: Leanne Purchase (Governance and Planning Coordinator)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the delegation from Council to the General Manager of particular powers under the *Traffic Act 1925 (Tas)*.

RECOMMENDATION:

That Council:

1. Pursuant to section 22 of the *Local Government Act 1993 (Tas)*, determines to delegate to the holder of the position of General Manager, Council's powers and functions under:
Traffic Act 1925 (Tas) - section 43- Removal of things obstructing public streets.
 2. As provided for by section 64(b) of the *Local Government Act 1993 (Tas)*, authorises the holder of the position of General Manager to delegate the powers and functions described at 1. to an employee or employees of the Council.
 3. Notes that the delegation at 1. will be effected by an instrument of delegation from Council to General Manager, that will be executed by the Mayor to comply with the requirement of section 22(1) of the *Local Government Act 1993 (Tas)* that the delegation is in writing.
 4. Notes that, on execution of the instrument of delegation, the Council's delegations register will be updated to reflect the delegation described in the instrument.
-

REPORT:

This report is prepared for Council's consideration as part of a process to review and update the delegation of functions and powers at City of Launceston.

19.1 Delegation from Council to General Manager - *Traffic Act 1925 (Tas)* ...(Cont'd)

Under section 43 of the *Traffic Act 1925 (Tas)*, Council may take particular action regarding the removal of things obstructing public streets. Delegation from Council to the General Manager of the powers and functions at section 43 of the *Traffic Act 1925 (Tas)*, is sought to allow for the General Manager to exercise these powers and functions in furtherance of the efficient day-to-day running of the Council.

In the past, officers have sought Council's approval for an employee or agent of Council to exercise power under section 43 of the *Traffic Act 1925 (Tas)*. The delegation suggested by this report's Recommendation means that the required approval may be given by the General Manager and in so doing, reduces the need for this type of routine matter to be brought before Council.

Section 43 of the *Traffic Act 1925 (Tas)* is reproduced below for reference:

43. Removal of things obstructing public streets

*(1) In this section –
article includes rubbish and goods, but does not include a vehicle;*

authorised person means –

- (a) in the case of a public street anywhere in the State, a police officer; or*
- (b) in the case of a public street in a municipal area, a person who is an employee or agent of the responsible council and has the approval of that council to exercise power under this section within that area;*

relevant authority means –

- (a) in relation to an authorised person who is a police officer, the Commissioner of Police; or*
- (b) in relation to an authorised person who is an employee or agent of a council, that council.*

(2) If an article is placed or left in a public street to the obstruction, annoyance or danger of road users, nearby residents or other persons, an authorised person may –

- (a) remove the article or cause it to be removed; and*
- (b) take the article, or cause it to be taken, to a place of safety; and*
- (c) detain the article, or cause it to be detained, until the expenses of removing, taking and detaining it are paid to the relevant authority.*

(3) The relevant authority must, as soon as practicable after the removal, take reasonable steps to inform the article's owner of the action taken and the terms of this section.

**19.1 Delegation From Council To General Manager - Traffic Act 1925 (Tas)
...(Cont'd)**

(4) If –

- (a) *reasonable steps to inform the owner within 30 days after the date of removal prove unsuccessful; or*
- (b) *the owner is informed of the removal within those 30 days but does not pay the required expenses within 14 days after the date of being so informed – the relevant authority may cause the article to be disposed of in such manner as the authority sees fit and use the proceeds, if any, to defray those expenses.*

(5) *If the proceeds of disposal exceed the amount of the expenses, the relevant authority must hold those balance proceeds for a period of 3 months from the date of disposal and, if not claimed by the owner during that period –*

- (a) *pay the balance into the Consolidated Fund if the relevant authority is the Commissioner of Police; or*
- (b) *dispose of the balance as the relevant authority sees fit if it is a council.*

A complete version of the *Local Government Act 1993 (Tas)* can be viewed at www.thelaw.tas.gov.au.

Council's authority to delegate

Section 22 of the *Local Government Act 1993 (Tas)* permits delegation by Council and is reproduced below.

22. Delegation by council

(1) Subject to subsection (2), a council, in writing, may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than–

- (a) this power of delegation, unless authorized by the council; and*
- (b) the powers referred to in subsection (3).*

(2) A council, in writing, may delegate any of the following powers only to the general manager or a council committee and only on condition that the council has determined appropriate policies and procedures to be followed in relation to those powers:

- (a) the collection of rates and charges under Part 9;*
 - (ab) the postponement of rates and charges;*
 - (b) the remission or rebate of rates and charges;*
 - (ba) the writing off of any debts owed to the council;*
 - (c) the making of grants or the provision of benefits.*
-

**19.1 Delegation From Council To General Manager - Traffic Act 1925 (Tas)
...(Cont'd)**

- (3)** *A council must not delegate any of its powers relating to the following:*
- (a) the borrowing of money or other financial accommodation;*
 - (b) the determination of the categories of expenses payable to councillors and any member of any committee;*
 - (c) the establishment of council committees, special committees, controlling authorities, single authorities or joint authorities;*
 - (d) the revision of the budget or financial estimates of the council;*
 - (e) the revision of the strategic plan and the annual plan of the council;*
 - (f) the appointment of the general manager;*
 - (fa) the sale, donation, exchange or other disposal of land or public land;*
 - (fb) the decision to exercise any power under section 21(1);*
 - (g) the making of by-laws;*
 - (h) the making of rates and charges under Part 9;*
 - (i) any other prescribed power.*

The further delegation from the General Manager to an employee of the Council is permitted with Council's authorisation, as provided for in section 64 of the *Local Government Act 1993 (Tas)*, reproduced below:

64. Delegation by general manager

The general manager, in writing, may delegate to an employee of the council –

- (a) any functions or powers under this or any other Act, other than this power of delegation; and*
- (b) any functions or powers delegated by the council which the council authorized the general manager to delegate.*

Section 22(1) of the *Local Government Act 1993 (Tas)* requires that delegation is made in writing. This condition is satisfied by an instrument of delegation from Council to the General Manager, which will be executed by the Mayor if Council determines to delegate.

The Council's delegations register will be updated upon execution of the instrument.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

**19.1 Delegation From Council To General Manager - Traffic Act 1925 (Tas)
...(Cont'd)**

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goal - To ensure decisions are made in a transparent and accountable way

Key Direction -

3. To ensure decisions are made on the basis of accurate and relevant information

Ten-year goal - To continue to meet our statutory obligations and deliver quality services

Key Direction -

4. To continually improve our service delivery and supporting processes

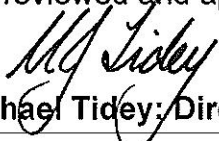
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey; Director Corporate Services

19.2 Delegation from Council to General Manager - Malls By-Law**FILE NO:** SF0066/SF0113/SF6203**AUTHOR:** Michael Jacques (Senior Corporate Legal Adviser)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the delegation from Council to General Manager of particular powers under the *Malls By-Law No.1 of 2010* ("*Malls By-Law*").

RECOMMENDATION:

That Council:

1. Pursuant to section 22 of the *Local Government Act 1993 (Tas)*, determines to delegate the powers and functions it holds (primarily to deal with miscellaneous activities permits in the malls) under the *Malls By-Law* to the General Manager.
 2. As provided for by section 64(b) of the *Local Government Act 1993 (Tas)*, authorises the General Manager to delegate the powers and functions described to an employee or employees of the Council.
 3. Notes that, if resolved in the affirmative, the delegation at 1. will be effected by an instrument of delegation from Council to General Manager, that will be executed by the Mayor to comply with the requirement of section 22(1) of the *Local Government Act 1993 (Tas)* that the delegation is in writing.
 4. Notes that, on execution of the instrument of delegation, Council's delegations register will be updated to reflect the delegation described in the instrument.
-

REPORT:Background

The *Malls By-Law No.1 of 2010 (By-Law)* is mostly operational in nature, with many of its functions and powers more efficiently being dealt with by the General Manager and delegated officers. However, some of the functions and powers around issuing of permits and related functions sit directly with Council.

19.2 Delegation from Council to General Manager - Malls By-Law...(Cont'd)

The relevant portions of the By-Law are reproduced below for reference:

Cl. 4	close malls
5(1)	Permit use of malls generally
7	Management of structures
8	Permits for signs
10	Permits for busking raffles and collections, revoke permit
12	Permits for public Speaking (previously approved per Council Decision 26/9/2016)
18	Permits to use vehicle in a mall

Council's authority to delegate

Section 22 of the *Local Government Act 1993 (Tas)* permits delegation by Council and is reproduced here for reference:

22. Delegation by council

- (1) Subject to subsection (2), a council, in writing, may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than—*
- (a) this power of delegation, unless authorized by the council; and*
 - (b) the powers referred to in subsection (3).*
- (2) A council, in writing, may delegate any of the following powers only to the general manager or a council committee and only on condition that the council has determined appropriate policies and procedures to be followed in relation to those powers:*
- (a) the collection of rates and charges under Part 9;*
 - (ab) the postponement of rates and charges;*
 - (b) the remission or rebate of rates and charges;*
 - (ba) the writing off of any debts owed to the council;*
 - (c) the making of grants or the provision of benefits.*
- (3) A council must not delegate any of its powers relating to the following:*
- (a) the borrowing of money or other financial accommodation;*
 - (b) the determination of the categories of expenses payable to councillors and any member of any committee;*
 - (c) the establishment of council committees, special committees, controlling authorities, single authorities or joint authorities;*
 - (d) the revision of the budget or financial estimates of the council;*
 - (e) the revision of the strategic plan and the annual plan of the council;*
 - (f) the appointment of the general manager;*
 - (fa) the sale, donation, exchange or other disposal of land or public land;*
 - (fb) the decision to exercise any power under section 21(1);*
 - (g) the making of by-laws;*

19.2 Delegation from Council to General Manager - Malls By-Law...(Cont'd)

- (h) the making of rates and charges under Part 9;*
- (i) any other prescribed power.*

The on-delegation from the General Manager to an employee of Council is permitted with Council's authorisation, as provided for in section 64 of the *Local Government Act 1993 (Tas)*, reproduced here for reference:

64. Delegation by general manager

The general manager, in writing, may delegate to an employee of the council –

- (a) any functions or powers under this or any other Act, other than this power of delegation; and*
- (b) any functions or powers delegated by the council which the council authorized the general manager to delegate.*

A full version of the *Local Government Act 1993 (Tas)* can be viewed at www.thelaw.tas.gov.au.

Section 22(1) of the *Local Government Act 1993 (Tas)* requires that delegation is made in writing. This condition is satisfied by an instrument of delegation from Council to the General Manager, which will be executed by the Mayor if Council determines to delegate.

Council's delegations register will be updated upon execution of the instrument.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goal - To ensure decisions are made in a transparent and accountable way

Key Direction -

3. To ensure decisions are made on the basis of accurate and relevant information

19.2 Delegation from Council to General Manager - Malls By-Law...(Cont'd)

Ten-year goal -

To continue to meet our statutory obligations and deliver quality services

Key Direction -

4. To continually improve our service delivery and supporting processes

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey, Director Corporate Services

19.3 Delegation from Council to General Manager - *Litter Act 2007 (Tas)***FILE NO:** SF6203/SF3394/SF0113**AUTHOR:** Leanne Purchase (Governance and Planning Coordinator)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the delegation from Council to the General Manager of particular powers under the *Litter Act 2007 (Tas)*.

RECOMMENDATION:

That Council:

1. Pursuant to section 22 of the *Local Government Act 1993 (Tas)*, determines to delegate the following powers and functions to the holder of the position of General Manager:

Litter Act 2007 (Tas) - section 38 Recovery of costs arising from litter abatement notices.
 2. As provided for by section 64(b) of the *Local Government Act 1993 (Tas)*, authorises the holder of the position of General Manager to delegate the powers and functions described at 1. to an employee or employees of the Council.
 3. Notes that the delegation at 1. will be effected by an instrument of delegation from Council to General Manager, that will be executed by the Mayor to comply with the requirement of section 22(1) of the *Local Government Act 1993 (Tas)* that the delegation is in writing.
 4. Notes that, on execution of the instrument of delegation, the Council's delegations register will be updated to reflect the delegation described in the instrument.
-

REPORT:

This report is prepared for Council's consideration as part of a process to review and update the delegation of functions and powers at City of Launceston.

19.3 Delegation from Council to General Manager - *Litter Act 2007 (Tas)*...(Cont'd)

Under the *Litter Act 2007 (Tas)*, **Division 5 - Removal and prevention of litter, section 38 Recovery of costs arising from litter abatement notices**, Council has the power to remove, clear or restore a place in accordance with a litter abatement notice, when a person fails to comply with an abatement notice. This section of the *Litter Act 2007 (Tas)* is reproduced below for reference -

Division 5 - Removal and prevention of litter***38. Recovery of costs arising from litter abatement notices***

(1) If a person fails to remove litter or clear or restore a place in accordance with a litter abatement notice, the Crown or, as the case may be, a council, statutory authority or other body which has the control or management of the place where the offence occurred may cause those measures to be taken.

(2) The reasonable costs incurred in carrying out those measures –

(a) are payable by the person specified in the abatement notice; and

(b) are recoverable as a debt in a court of competent jurisdiction.

A complete version of the *Local Government Act 1993 (Tas)* can be viewed at www.thelaw.tas.gov.au.

Delegation from Council to the General Manager of the powers and functions at section 38 Recovery of costs arising from litter abatement notices, is sought to allow for the General Manager to exercise these powers and functions.

Council's authority to delegate

Section 22 of the *Local Government Act 1993 (Tas)* permits delegation by Council and is reproduced below.

22. Delegation by council

(1) Subject to subsection (2), a council, in writing, may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than–

(a) this power of delegation, unless authorized by the council; and

(b) the powers referred to in subsection (3).

(2) A council, in writing, may delegate any of the following powers only to the general manager or a council committee and only on condition that the council has determined appropriate policies and procedures to be followed in relation to those powers:

(a) the collection of rates and charges under Part 9;

(ab) the postponement of rates and charges;

(b) the remission or rebate of rates and charges;

(ba) the writing off of any debts owed to the council;

19.3 Delegation from Council to General Manager - *Litter Act 2007 (Tas)*...(Cont'd)

- (c) the making of grants or the provision of benefits.
- (3) A council must not delegate any of its powers relating to the following:
- (a) the borrowing of money or other financial accommodation;
 - (b) the determination of the categories of expenses payable to councillors and any member of any committee;
 - (c) the establishment of council committees, special committees, controlling authorities, single authorities or joint authorities;
 - (d) the revision of the budget or financial estimates of the council;
 - (e) the revision of the strategic plan and the annual plan of the council;
 - (f) the appointment of the general manager;
 - (fa) the sale, donation, exchange or other disposal of land or public land;
 - (fb) the decision to exercise any power under section 21(1);
 - (g) the making of by-laws;
 - (h) the making of rates and charges under Part 9;
 - (i) any other prescribed power.

The further delegation from the General Manager to an employee of the Council is permitted with Council's authorisation, as provided for in section 64 of the *Local Government Act 1993 (Tas)*, reproduced below:

64. Delegation by general manager

The general manager, in writing, may delegate to an employee of the council –

- (a) any functions or powers under this or any other Act, other than this power of delegation; and
- (b) any functions or powers delegated by the council which the council authorized the general manager to delegate.

Section 22(1) of the *Local Government Act 1993 (Tas)* requires that delegation is made in writing. This condition is satisfied by an instrument of delegation from Council to the General Manager, which will be executed by the Mayor if Council determines to delegate.

The Council's delegations register will be updated upon execution of the instrument.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

19.3 Delegation from Council to General Manager - *Litter Act 2007 (Tas)*...(Cont'd)

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goal - To ensure decisions are made in a transparent and accountable way

Key Direction -

3. To ensure decisions are made on the basis of accurate and relevant information

Ten-year goal - To continue to meet our statutory obligations and deliver quality services

Key Direction -

4. To continually improve our service delivery and supporting processes

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey, Director Corporate Services

19.4 Delegation from Council to General Manager - *Dog Control Act 2000 (Tas)***FILE NO:** SF6203/SF0113/SF0079**AUTHOR:** Leanne Purchase (Governance and Planning Coordinator)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the delegation from Council to General Manager of particular powers under the *Dog Control Act 2000 (Tas)*.

RECOMMENDATION:

That Council:

1. Pursuant to section 22 of the *Local Government Act 1993 (Tas)*, determines to delegate the following powers and functions under the *Dog Control Act 2000 (Tas)* to the holder of the position of General Manager:
 - a. section 24 Public notice of intention to declare areas
 - b. section 25 Date and period of declaration
 - c. section 27 Signs.
 2. As provided for by section 64(b) of the *Local Government Act 1993 (Tas)*, authorises the holder of the position of General Manager to delegate the powers and functions described at 1. to an employee or employees of the Council.
 3. Notes that the delegations at 1. will be effected by an instrument of delegation from Council to General Manager, that will be executed by the Mayor to comply with the requirement of section 22(1) of the *Local Government Act 1993 (Tas)* that the delegation is in writing.
 4. Notes that, on execution of the instrument of delegation, the Council's delegations register will be updated to reflect the delegations described in the instrument.
-

REPORT:

This report is prepared for Council's consideration as part of a process to review and update the delegation of functions and powers at City of Launceston.

**19.4 Delegation from Council to General Manager - *Dog Control Act 2000 (Tas)*
...(Cont'd)**

The *Dog Control Act 2000 (Tas)* is mostly operational in nature, with many of its functions and powers resting with the General Manager and authorised officers. However, under **Part 3 - Control of Dogs, Division 2 - Declared areas**, the functions and powers around declaration of exercise, training, prohibited, and restricted areas sits with Council. This portion of the *Dog Control Act 2000 (Tas)* is reproduced below for reference:

Part 3 - Control of Dogs, Division 2 - Declared areas**20. Exercise areas**

A council may declare an area to be an area where dogs may be exercised subject to any specified conditions.

21. Training areas

A council may declare an area to be an area where dogs may be trained subject to any specified conditions.

22. Prohibited areas

(1) A council may declare an area containing sensitive habitat for native wildlife to be an area where dogs are prohibited from entering.

(2) A person must not take a dog that is not a guide dog or a hearing dog into a prohibited area.

Penalty:

Fine not exceeding 10 penalty units.

23. Restricted areas

(1) A council may declare an area to be an area where dogs, other than guide dogs or hearing dogs, are restricted from entering –

(a) during specified hours, days or seasons; or

(b) during specified hours, days or seasons unless they are on a lead.

(2) A person must not take a dog that is not a guide dog or a hearing dog into a restricted area otherwise than in accordance with the declaration.

Penalty:

Fine not exceeding 5 penalty units.

24. Public notice of intention to declare areas

Before a council resolves to make a declaration under this Division in relation to an area, it is to –

(a) notify, by public notice, the details of –

(i) the area; and

(ii) any condition relating to the use of that area; and

(iii) in the case of a restricted area or prohibited area, the reasons for the declaration; and

(b) invite submissions to be lodged within 15 working days after the notice is published; and

(c) consider any submissions lodged.

19.4 Delegation From Council To General Manager - *Dog Control Act 2000 (Tas)* ...(Cont'd)

25. Date and period of declaration

A council, by public notice, is to notify –

- (a) the date on which a declaration under this Division takes effect, being a date at least 20 working days after a notice under section 24 is published; and
- (b) the period during which the declaration remains in force.

26. Review of declaration

- (1) A declaration under this Division is to be reviewed at least once every 5 years.
- (2) In reviewing a declaration, a council is to take the actions referred to in section 24.

27. Signs

A council is to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.

28. Prohibited public areas

(1) A person must not take a dog into –

- (a) any grounds of a school, preschool, kindergarten, creche or other place for the reception of children without the permission of a person in charge of the place; or
- (b) any shopping centre or any shop; or
- (c) the grounds of a public swimming pool; or
- (d) any playing area of a sportsground on which sport is being played; or
- (e) any area within 10 metres of a children's playground.

Penalty:

Fine not exceeding 5 penalty units.

(2) This section does not apply to –

- (a) a guide dog that is accompanying a wholly or partially blind person or is in training for that purpose; or
- (b) a hearing dog that is accompanying a wholly or partially deaf person or is in training for that purpose; or
- (c) a pet shop; or
- (d) the premises of a veterinary surgeon; or
- (e) a pet-grooming shop; or
- (f) any other premises related to the care and management of dogs.

A complete version of the *Dog Control Act 2000 (Tas)* can be viewed at www.thelaw.tas.gov.au.

Within Part 3 - Division 2 of the *Dog Control Act 2000 (Tas)*, **section 24 Public notice of intention to declare areas**, **section 25 Date and period of declaration**, and **section 27 Signs**, provide for the powers and functions associated with the administrative tasks that go with the declaration of exercise, training, prohibited, and restricted areas. Delegation of these powers and functions to the General Manager is sought so that these administrative matters can be completed without a need for routine referral to Council.

19.4 Delegation From Council To General Manager - *Dog Control Act 2000 (Tas)* ...*(Cont'd)*

Council's authority to delegate

Section 22 of the *Local Government Act 1993 (Tas)* permits delegation by Council and is reproduced here for reference:

22. Delegation by council

- (1) Subject to subsection (2), a council, in writing, may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than–*
- (a) this power of delegation, unless authorized by the council; and*
 - (b) the powers referred to in subsection (3).*
- (2) A council, in writing, may delegate any of the following powers only to the general manager or a council committee and only on condition that the council has determined appropriate policies and procedures to be followed in relation to those powers:*
- (a) the collection of rates and charges under Part 9;*
 - (ab) the postponement of rates and charges;*
 - (b) the remission or rebate of rates and charges;*
 - (ba) the writing off of any debts owed to the council;*
 - (c) the making of grants or the provision of benefits.*
- (3) A council must not delegate any of its powers relating to the following:*
- (a) the borrowing of money or other financial accommodation;*
 - (b) the determination of the categories of expenses payable to councillors and any member of any committee;*
 - (c) the establishment of council committees, special committees, controlling authorities, single authorities or joint authorities;*
 - (d) the revision of the budget or financial estimates of the council;*
 - (e) the revision of the strategic plan and the annual plan of the council;*
 - (f) the appointment of the general manager;*
 - (fa) the sale, donation, exchange or other disposal of land or public land;*
 - (fb) the decision to exercise any power under section 21(1);*
 - (g) the making of by-laws;*
 - (h) the making of rates and charges under Part 9;*
 - (i) any other prescribed power.*

The on-delegation from the General Manager to an employee of Council is permitted with Council's authorisation, as provided for in section 64 of the *Local Government Act 1993 (Tas)*, reproduced here for reference:

**19.4 Delegation From Council To General Manager - Dog Control Act 2000 (Tas)
...(Cont'd)**

64. Delegation by general manager

The general manager, in writing, may delegate to an employee of the council –

(a) any functions or powers under this or any other Act, other than this power of delegation; and

(b) any functions or powers delegated by the council which the council authorized the general manager to delegate.

Section 22(1) of the *Local Government Act 1993 (Tas)* requires that delegation is made in writing. This condition is satisfied by an instrument of delegation from Council to General Manager, which will be executed by the Mayor if Council determines to delegate.

Council's delegations register will be updated upon execution of the instruments.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goal - To ensure decisions are made in a transparent and accountable way

Key Direction -

3. To ensure decisions are made on the basis of accurate and relevant information

Ten-year goal - To continue to meet our statutory obligations and deliver quality services

Key Direction -

4. To continually improve our service delivery and supporting processes

BUDGET & FINANCIAL ASPECTS:

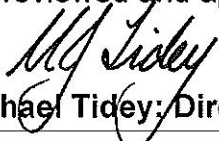
Not considered relevant to this report.

19.4 Delegation From Council To General Manager - *Dog Control Act 2000 (Tas)*
...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey; Director Corporate Services

20 GENERAL MANAGER'S DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

21 URGENT BUSINESS

Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, states that a council, by absolute majority at an ordinary council meeting, may decide to deal with a matter that is not on the Agenda.

No Urgent Items have been identified as part of this Agenda

22 CLOSED COUNCIL

Local Government (Meeting Procedures) Regulations 2015 - Regulation 15(2)

22.1 Confirmation of the Minutes**DECISION STATEMENT:**

Pursuant to the *Local Government (Meeting Procedures) Regulations 2015 - Regulation 34(6)* states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

22.2 Rate Debt Summary**22.3 Rate Debt 1****22.4 Rate Debt 2****22.5 Rate Debt 3****22.6 Rate Debt 4****22.7 Rate Debt 5****22.8 Rate Debt 6****22.9 Rate Debt 7****22.10 Rate Debt 8**

22.11 Rate Debt 9

22.12 Rate Debt 10

22.13 Rate Debt 11

22.14 Rate Debt 12

22.15 Rate Debt 13

22.16 Rate Debt 14

22.17 Rate Debt 15

22.18 Rate Debt 16

22.19 Rate Debt 17

22.20 Rate Debt 18

22.21 Rate Debt 19

22.22 Rate Debt 20

22.23 Rate Debt 21

RECOMMENDATION:

That Agenda Item 22.2 - Rate Debt Summary and Agenda Items 22.3 - 22.23 - Rate Debts 1 - 21 be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(j) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

22.24 Rate Remission**RECOMMENDATION:**

That Agenda Items 22.24 - Rate Remission be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(j) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

- 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

23 MEETING CLOSURE
