



City of  
**LAUNCESTON**

# **COUNCIL AGENDA**

**COUNCIL MEETING  
TUESDAY 26 APRIL 2016  
1.00pm**

# City of Launceston

COUNCIL AGENDA

Tuesday 26 April 2016

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

Date: 26 April 2016

Time: 1.00pm

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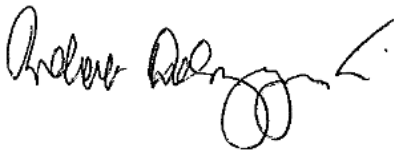
## Section 65 Certificate of Qualified Advice

### Background

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

### Declaration

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



**Robert Dobrzynski**  
General Manager

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**1 OPENING OF MEETING - 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.)*

**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 11 April 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**

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**6 COMMUNITY REPORTS**

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

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

**7 PUBLIC QUESTION TIME**

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

**7.1 Public Questions on Notice**

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

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

**7.2 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.)*

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

## **8 PLANNING AUTHORITY**

### **8.1 82 Lindsay Street, Invermay - Bulk Goods Sales - electronic and home appliance retailer; installation of various signage**

**FILE NO:** DA0085/2016

**AUTHOR:** Michelle O'Leary (Urban Design Planner)

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

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#### **DECISION STATEMENT:**

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

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

Applicant:	Greater Group C/- JB HiFi
Property:	82 Lindsay Street and 78-80 Lindsay Street, Invermay
Zoning:	Commercial
Receipt Date:	2/03/2016
Validity Date:	8/03/2016
Further Information Request:	15/03/2016
Further Information Received:	22/03/2016
Deemed Approval:	26/04/2016
Representations:	0

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

DA0151/2014 - (78 Lindsay Street) Subdivision - bulky goods; subdivide land into three lots and modify car parking layout.

DA0172/2012 - (78 Lindsay Street) Redevelop site in two stages. Stage 1 - consolidate land and re-subdivide land into two lots. Demolish existing structures and improvements on proposed lot 2. Construct new public access. Construction of a building - for use as Peripheral Sales and Associated.

DA0263/2014 - (78 Lindsay Street) Bulky Goods - Office supplies; construction and use of a building comprising three tenancies and signage - pylon sign, wall sign and building fascia.

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**8.1 82 Lindsay Street, Invermay - Bulk Goods Sales - electronic and home appliance retailer; installation of various signage...(Cont'd)**

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**RECOMMENDATION:**

That Council refuses DA0085/2016 for Bulky Goods Sales - electronics and home appliance retailer; installation of various signage on land located at 82 Lindsay Street, Invermay on the following grounds:

1. The Development Application does not comply with Clause E18.1.1 (a) and (b) of the Launceston Interim Planning Scheme 2015 on the basis that the proposed advertising signage greatly exceeds what would be considered to constitute 'essential information' necessary to support the activity of the business and in doing so unnecessarily degrades the visual amenity of the area.
  2. The Development Application does not comply with Clause E18.5.2 P1 (b) of the Launceston Interim Planning Scheme 2015 on the basis that the proposed advertising unnecessarily dominates the built environment and the adjacent natural environment of the locality.
  3. The Development Application does not comply with Clause E18.5.2 P3 (a), (b) and (c) of the Launceston Interim Planning scheme 2015 on the basis that the proposed advertising signage creates a high degree of unnecessary repetition and includes a high number of unnecessary advertising signs.
- 

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

In 2014 planning approval for the use of the subject site for the purposes of bulky goods sales was granted subject to DA0263/2014 and included approval for advertising signage in association with each of the three tenancies being constructed. This application seeks Council approval for the installation of a revised signage scheme for JB HiFi; an Australian chain store retailer of consumer electronics, as well as a supplier of video games, DVDs, CDs etc. who are proposing to occupy the vacant tenancy subject at 82 Lindsay Street.

The proposal is for the installation of advertising signage to the front, side and rear facades of the existing building specifically:

- Two building fascia signs located above the level of the awning on the eastern wall of the subject tenancy as described on sheet 06 of Proposed Shopfront Design drawings. Previous planning approval has been given, as part of DA0263/2014, to one of the building fascia signs located above the entrance doors of the tenancy, however, the size of the approved sign is indicated on the associated endorsed plans as being a maximum of 9m long and 0.95m high. The size of the proposed building fascia sign in this location exceeds these dimensions and has therefore been considered as a new advertising sign.
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**8.1 82 Lindsay Street, Invermay - Bulk Goods Sales - electronic and home appliance retailer; installation of various signage...(Cont'd)**

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- Two wall signs, one of which is to be located on the western wall of the tenancy and one to be located on the northern wall of the tenancy as described on sheet 06 of Proposed Shopfront Design drawings.
- Three transom signs, one of which is to be located above the existing entrance doors of the tenancy, one of which is associated with the existing, delivery roller door of the tenancy and similarly on the western facade, one to be located above an existing swing door at the rear of the tenancy.
- Three cabinet signs all located adjacent to the front entrance of the tenancy on the eastern wall of the building as described on Sheet 06 of Proposed Shopfront Design drawings.
- One painted building sign that is proposed to be applied to surfaces (including doors and glazing) on the eastern, northern and western walls of the tenancy as described on sheet 06 of Proposed Shopfront Design Drawings.
- One below awning sign that is located adjacent to the entrance doors, attached to the underside of the existing awning and inclusion of the JB HiFi's logo and corporate colour onto the existing illuminated pylon sign adjacent to Lindsay Street. These signs were approved as part of DA0263/2014 and therefore are not subject to renewed assessment against the standards contained within the signs code for the purpose of this application in accordance with E18.2.1 (a) of the Scheme.

The proposal for advertising signage does not include any change or intensification to the previously approved use rights and therefore this application does not undertake renewed assessment of the use of the site for bulky goods sales or other aspects of the business such as car parking.

The application is considered to have a discretionary status because the signage proposed is greater than allowed by the acceptable solution.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The subject land is located on the northern side of Lindsay Street in the suburb of Invermay, just west of the intersection with Goderich Street. The neighbouring properties consist of vacant industrial lots, the now developed Bunnings Warehouse and remnant industrial uses that are located on the southern side of Lindsay Street. Land opposite, between the road and the river, has been flagged for the future development of the North-bank open space proposal.

**Site Description**

The site is rectangular in shape with an approximate area of 7992m<sup>2</sup> and benefits from a right of way over the adjacent title - being 78 Lindsay Street. Access to the site is gained via a right of way over a sealed drive. The site is located approximately 260m from the confluence of the North and South Esk rivers. It is effectively flat with little to no fall and is considered to be subject to flood risk. As such the site is included within the mapped Invermay/Inveresk flood inundation area. The site is cleared of all vegetation and is not considered to be within 100m of bushfire prone vegetation.

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Currently the site is developed with a large three tenancy warehouse style building that is serviced by a large, shared car parking area that includes bicycle parking hoops and pedestrian footpaths. There are two tenancies that have been occupied and dressed with advertising signage.

**3. PLANNING SCHEME REQUIREMENTS**

**3.1 Zone Purpose**

**23.0 Commercial Zone**

**23.1.1 Zone Purpose Statements**

23.1.1.1 To provide for large floor area retailing and service industries.

23.1.1.2 To provide for other large area uses, such as car yards, bulky goods sales, warehouse and showrooms in the areas of high traffic volume and high passing visibility.

23.1.1.3 To ensure uses support and do not threaten the established activity centre hierarchy.

**Consistent**

This application seeks Council approval for the installation of a revised signage scheme that is associated with the previously approved use of the subject property for the purposes of Bulky Goods Sales. This application does not seek to alter said use which was deemed to be appropriately located in relation to the Zone in accordance with DA0263/2014.

Furthermore, it is not expected that the content of this application has the capacity to inhibit the approved use of the site for the purposes of bulky goods sales and is therefore considered to be consistent with the purpose of the zone.

**23.3 Use Standards**

**23.3.1 External storage of goods**

**Objective:**

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

**Consistent**

It is proposed to install advertising signage that is associated with the previously approved use of the property for the purpose of Bulky Goods Sales. This application does not seek to change, intensify or in any way alter the previously conferred use rights in accordance with DA0263/2014 and therefore renewed assessment against the use standards contained within the Commercial Zone is not considered to be necessary.

**23.4 Development Standards**

**E16.0 Invermay/Inveresk Flood Inundation Area Code**

**E16.1 The purpose of this provision is to:**

- (a) reduce risks and hazards from flooding in the Invermay/Inveresk flood inundation area;
- (b) ensure that new development is sited and designed to minimise the impact of flooding; and

**8.1 82 Lindsay Street, Invermay - Bulk Goods Sales - electronic and home appliance retailer; installation of various signage...(Cont'd)**

(c) ensure that consideration is given in the siting, design and emergency response capability of new development on land subject to flood inundation.

**Consistent**

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

**E16.6 Use Standards**

**E16.6.1 Unacceptable uses**

**Objective:**

To prevent unacceptable uses from establishing in areas subject to, or isolated by, flood inundation.

**Consistent**

This application seeks approval for the installation of advertising signage that is associated with the previously approved use of the site for the purposes of bulky goods. There are no new uses included in this application.

**A1 Must not be:**

- (a) Education and occasional care, except in the Inveresk Cultural precinct;
- (b) Emergency services; or
- (c) Hospital services.

**Complies**

This application does not include any of the use classes listed above and therefore the acceptable solution has been met.

**A2 Must not be Residential, unless:**

- (a) a single dwelling in the Invermay Residential or Inveresk Residential precincts;
- (b) a multiple dwelling in the Invermay Residential Precinct; or
- (c) associated with and supporting the educational activities within the Inveresk Cultural precinct.

**Complies**

There are no residential use classes included in this application.

**A3 Must not be Community Meeting and Entertainment in the Riveredge Industrial or Inveresk Residential precincts.**

**Complies**

This application does not include any Community Meeting and Entertainment use classes and therefore the acceptable solution has been met.

**E16.7 Development Standards**

**E16.7.1 Intensification of residential development**

**Objective:**

To limit the intensification of residential development in areas subject to, or isolated by, flood inundation.

**Consistent**

There are no residential use classes included in this application.

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E18.0 Signs Code

E18.1 The purpose of this provision is to:

- (a) provide opportunities for appropriate business advertising and information essential to support and encourage business activity;
- (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 that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.

**Not Consistent**

The proposed advertising signage is inconsistent with the purpose of the code in that it:

- Proposes to saturate all visible surfaces of the exterior building facade with the maximum amount of foreseeably approvable brand identification information such that it is considered to go above and beyond what is considered to constitute 'appropriate business advertising' or information that is required to support the business.
- Seeks to achieve maximum visibility in relation to the neighbouring tenants as its key objective in place of well-considered, strategically placed and appropriately scaled signs.
- Significantly detracts from the visual amenity of the adjacent river edge precinct which has been identified as a valued and strategic aspect of the city and of the greater Launceston municipality.

**E18.5 Development Standards**

E18.5.1 Unacceptable signage

Objective:

To prevent unacceptable signage.

**Consistent**

The proposed advertising signage scheme has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard in the following section.

A1 Signage must not be for the following sign types:

- (a) an above awning sign;
- (b) bunting (flag and decorative elements);
- (c) a flashing lights sign;
- (d) a roof sign;
- (e) a sky sign; or
- (f) a third party sign.

**Complies**

Building fascia signs, wall signs, transom signs, cabinet signs and painted building signs are not listed above and therefore the acceptable solution has been met.

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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 that the design and siting of signs achieves the purpose of this code.

**Not Consistent**

The proposed advertising signage is considered to be inconsistent with the objective of the standard. The proposal seeks significant discretion against the standards outlined below particularly in relation to the number and size of the proposed advertising signs for no foreseeable purpose other than to achieve the maximum amount of coverage possible, even in the case where visibility of specific signs is severely limited.

It is not considered that the scheme proposed is justifiable in its location. There is no operational necessity for the level of signage that has been proposed.

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 the requirements for the relevant sign type set out in Table 1 of E.18.6.

**Relies on Performance Criteria**

This application seeks approval for 11 advertising signs. Assessment against the requirements contained within Table E18.6 of the Scheme for each of the sign types has been outlined below.

**Building Fascia Signs**

The requirements for building fascia signs in accordance with Table E18.6

*(a) Not project above or below the fascia of the building;*

The proposed building fascia signs comply with the acceptable solution.

*(b) Not exceed two-thirds the depth of the fascia and in any case must not exceed 950mm in vertical dimension;*

The proposed building fascia signs are indicated as having an overall vertical height of 2.650m - 'JB HiFi Home' and 2.270 - 'lowest prices biggest range best brands' therefore further assessment against the **performance criteria** is required.

*(c) Not project more than 200mm from the vertical face of the fascia;*

The proposed building fascia signs are indicated as having an overall thickness of 60mm and comply with the acceptable solution.

**Wall Signs**

Requirements for wall signs in accordance with Table E18.6

*(a) Must not extend beyond the wall of above the top of the wall to which it is attached;*

The proposed wall signs comply with this acceptable solution.

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*(b) Have a maximum area of 4.5m<sup>2</sup>;*

The proposed western (rear) wall sign is indicated as having an overall area of approximately 27.83m<sup>2</sup>. The proposed northern (side) wall sign is indicated as having an overall area of approximately 17.12m<sup>2</sup> therefore further assessment against the **performance criteria** is required.

*(c) Must not occupy more than 25% of the wall area;*

The proposed western (rear) wall sign is located on a wall (of the tenancy) that has an approximate overall area of 249m<sup>2</sup>. The wall sign has an approximate overall area of 27.83m<sup>2</sup> which occupies approximately 11.2% of the associated wall space and complies with the acceptable solution.

The proposed northern (side) wall sign is located on a wall (of the tenancy) that has an approximate overall area of 343m<sup>2</sup>. The wall sign has an approximate overall area of 17.12m<sup>2</sup> which occupies approximately 4.99% of the associated wall space and complies with the acceptable solution.

**Transom Signs**

Requirements for transom signs in accordance with Table E18.6

*(a) Not extend more than 200mm beyond the wall;*

The proposed entry door transom sign is assumed to be constituted of 30mm thick Maxi-T PVC board with a 30mm spacer behind that will result in an overall thickness of 60mm, similar to the adjacent building fascia signs and walls signs and complies with the acceptable solution.

The proposed roller door transom sign is indicated as being constituted of laser cut vinyl adhered to Alupanel board which will comply with the acceptable solution.

The proposed swing door transom sign is indicated as being constituted of laser cut vinyl adhered to Alupanel board which comply with the acceptable solution.

*(b) Not extend beyond or below the level of the head of the doorway or window above which it is attached;*

All three proposed transom signs comply with the acceptable solution.

*(c) Have a maximum vertical dimension of 500mm;*

The proposed entrance door transom sign is indicated as having a vertical dimension of 250mm and complies with the acceptable solution.

The proposed roller door transom sign is indicated as having a vertical dimension of 395mm and complies with the acceptable solution.

The proposed swing door transom sign is indicated as have a vertical dimension of 675mm which exceeds the requirement by 175mm and therefore requires further

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assessment against the **performance criteria**.

*(d) Not be higher than 3.6m above the ground;*

The proposed entrance door transom sign has an overall height of approximately 3.325m which complies with the acceptable solution.

The proposed roller door transom sign has an overall height of approximately 4.795m which exceeds the requirement by approximately 1.195m and requires further assessment against the **performance criteria**.

The proposed swing door transom sign has an overall height of approximately 2.95m which complies with the acceptable solution.

**Cabinet Signs**Requirements for cabinet signs in accordance with Table E18.6

*(a) Be lockable;*

Complies

*(b) Be of a trade standard construction, including lettering;*

The proposed cabinet signs are specified as being a 'slimline poster-snap frame' which is a proprietary item that is standard across JB HiFi outlets nationally.

*(c) Be no higher than 2m above the ground;*

The proposed cabinet signs are located such that they have a total height above the ground of 2.22m and therefore further assessment against the **performance criteria** is required.

*(d) Not project more than 400mm from the wall, if erected on a wall or structure;*

The proposed cabinet signs are specified as being proprietary items that do not have an overall thickness greater than 400mm comply with the acceptable solution.

*(e) Have a maximum area of 2m<sup>2</sup>;*

The proposed cabinet signs are indicated as having a width of 1.5m and a height of 1.5m which results in an overall area of approximately 2.25m which exceeds the requirement therefore further assessment against the **performance criteria** is required.

**Painted Building Sign**Requirements for painted building signs in accordance with Table E18.6

*(a) Must have corporate or bright colours (primary and secondary, and fluorescent colours) applied to no more than 40% of the visible exterior of the building.*

For the purpose of this standard it is considered more equitable to consider this standard in relation to the subject tenancy rather than the building in its entirety. In this way, the proposed painted building sign is indicated as being largely applied to all vertical surfaces associated with the subject tenancy. The total area of the tenancy façade measures approximately 832.06m<sup>2</sup>. It is proposed to cover approximately



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780.21m<sup>2</sup> of the subject tenancy which constitutes 93.7% therefore further 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;
  - (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.

**Does Not Comply**

In undertaking assessment of the proposed advertising signage it is acknowledged that some of the proposed signs necessarily serve an operational need for the business. The building is of a reasonable size and is commercial in its character and necessarily, it would be reasonable to expect some larger signs in appropriate locations such as over the entrance door of the business. However, it is the view of Council officers that the majority of the signage is proposed with no foreseeable purpose other than to achieve full coverage of the subject site and when collectively assessed the proposal as a whole is considered to excessively exceed the requirements of the Signs Code.

The proposed signage is not considered to be appropriate in the context the locality. It is considered that the proposed advertising signage will, even within the context of a very large format commercial retail area, dominate both the adjacent built environment and, more importantly, unreasonably dominate the broader natural environment of the current and future recreational facilities surrounding the Tamar River. Areas of the river immediately adjacent to the site have increasingly been recognised as being valuable assets of the city and as such are undergoing a transition that warrants a higher standard of amenity. Furthermore, it is not considered necessary to advertise the location of the business to the nearby Trevallyn hillside.

In the same way, the extent and design of the proposed advertising scheme is considered to unreasonably dominate the subject tenancy for which the signs are proposed; effectively rendering the whole building as an oversized sign. It is expected that the signage will easily surpass all of the adjacent advertising within the adjacent commercial precinct and will be visible as far away as Trevallyn and from many viewpoints around the river and surrounding public land.

In the context of assessing the extent to which it is proposed to cover the building with the businesses corporate colour it is considered that the colour being proposed is an important factor in relation of the overall effect. Whilst it is acknowledged that the neighbouring properties similarly employ the use of the painted building signs on their associated facades, it is the view of Council officers that the effect of these colours in the built landscape is much diminished by their recessive nature and relatively common

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appearance. It is considered that fluorescent yellow, by its very nature, is highly visible and in this way exacerbates the negative effects of having full coverage to the businesses façade.

The complete coverage of the existing windows is considered to be particularly detrimental to the visual appearance of the building and contributes significantly to a sense of domination of the premises.

In addition, the majority of the proposed advertising signs are considered to be unnecessarily oversized in relation to the context of the locality and include:

- The proposed building fascia signs exceed the requirements of the acceptable solution by 1.7m (279% of the acceptable solution) and 1.320m (239% of the acceptable solution) respectively
- The proposed wall signs exceed the requirements of the acceptable solution by approximately 23.32m<sup>2</sup> (500% of the acceptable solution) and 12.62m<sup>2</sup> (slightly less than 300% of the acceptable solution) respectively.
- The proposed painted building sign constitutes 93.7% coverage of the existing building which exceeds the requirements of the acceptable solution by 447.7m<sup>2</sup> or 53.7% of the building's surface and includes coverage not just of the walls but extends over the existing windows as well.

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 proposed advertising signs are located such that they are all more than 2m from the boundary of any lot within a Residential Zone or Village Zone and therefore comply with the acceptable solution.

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.

**Relies on Performance Criteria**

This application seeks approval for the installation of 11 advertising signs in total that are proposed to be associated with the subject tenancy which includes:

- Two building fascia signs;
- Two wall signs;
- Three transom signs;
- Three cabinet signs;
- One painted building sign.

The proposal exceeds the requirements A3 (a) of the standard by including multiple instances of the same sign type, as defined by Table E18.3 of the Scheme. The proposal exceeds the requirements of A3 (b) of the standard by the inclusion of a total number of 11 advertising signs. In this way further assessment against the performance criteria is required.

**8.1 82 Lindsay Street, Invermay - Bulk Goods Sales - electronic and home appliance retailer; installation of various signage...(Cont'd)**

P3 Visual clutter must be reduced where multiple signs of the same type are proposed, having regard to:

- (a) the number of signs;
- (b) replacement of existing signs with fewer, more effective signs; and
- (c) duplication of messages or information on the same frontage.

**Does Not Comply**

Clutter can be seen as repetition of signs over and above the reasonable needs of the business to identify its location and product range.

It is considered that the intent of the proposed advertising signage is to, wherever possible, oversupply the surface of the building with the absolute maximum amount of foreseeably allowable advertising signage as is consistent with the businesses 'brand identity' and demonstrated elsewhere (in Hobart for example). In this way the proposed advertising scheme is not considered to be consistent with the intent of this standard as outlined below.

(a) The overall number of signs.

This application seeks approval for 11 advertising signs in accordance with E18.3 of the Scheme. It is acknowledged that the bulk and scale of the associated building is relatively large and robust in character and that the signs being proposed are largely spread over the balance of the tenancy. However, there are a number of advertising signs included in this application that are either not visible at all by passing customers or are unnecessarily repetitive and orientated in a direction where customer access is not expected or likely. In particular, the proposed signage to the side (northern) façade and the rear (western) façade of the building have no readily identifiable purpose other than to have signage on every façade of the building. Furthermore, it is considered that the omission of the nominated wall signs in these locations would have no measurable detriment in relation to the ability of customers being able to locate this business. In this way it is considered that the overall number of advertising signs is unnecessarily high and does not comply with the intent of the standard.

(b) The replacement of existing signs with fewer, more effective signs.

This application seeks approval for the installation of new advertising signage on a new building that has not previously had advertising signage installed. However, previous approval has been granted, subject to DA0263/2014, for advertising signage that was deemed appropriate in association with the approval of the use (for bulky goods sales). The previous approval included a building fascia sign and a below awning sign. This application includes signs in both of these locations as well as an additional nine signs. In this way it is considered that in relation to the previously approved signage for the site, this proposal does not comply with the intent of the standard.

(c) Duplication of messages or information on the same frontage.

It is contended that the degree to which the corporate colour of the business is proposed to be applied to the façade of the subject tenancy effectively communicates the ownership and extent of the tenancy to passing customers in its own right and in this way that subsequent wall signage, in particular, constitutes an unnecessary repetition of information or message - or vice-versa; the message being that this tenancy is occupied and operated by JB HiFi. It is considered that the advertising signage includes:

**8.1 82 Lindsay Street, Invermay - Bulk Goods Sales - electronic and home appliance retailer; installation of various signage...(Cont'd)**

<p><b>Front (eastern) façade</b>                  Identification of the tenancy as being JB HiFi - Name (Building Fascia Sign)                  Identification of the tenancy as being JB HiFi - Corporate colour (Painted Building Sign)                  Primary business 'moto' or message - (Building Fascia Sign)                  Nomination of the products available - (Transom Sign)                  Identification of specific and changeable promotions - three x (Cabinet Sign). It is assumed that these signs will not display the same message three times.</p> <p><b>Side (northern) façade</b> - almost completely obscured by the location of adjacent building                  Identification of the tenancy as being JB HiFi - Name (Wall Sign)                  Identification of the tenancy as being JB HiFi - Corporate colour (Painted Building Sign)</p> <p><b>Rear (western) façade</b> - no customer access in this direction without having already passed the tenancy                  Identification of the tenancy as being JB HiFi - Name (Wall Sign)                  Identification of the tenancy as being JB HiFi - Corporate colour (Painted Building Sign)                  Identify roller door for delivery/ customer pick up location - (Transom Sign)                  Identify swing door for delivery/ customer pick up location - (Transom Sign).</p> <p>A4 A sign must not be illuminated.</p> <p><b>Complies</b>                  It is not proposed to illuminate any of the advertising signs included in this application.</p>
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**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Roads and Hydraulics	No referral required
Environmental Health	No referral required
Parks and Recreation	No referral required
Heritage/Urban Design	No referral required
Building and Plumbing	No referral required
<b>EXTERNAL</b>	
TasWater	No referral required. TasWater checklist completed by Engineering Officer (Development) 09/02/2016.
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

**8.1 82 Lindsay Street, Invermay - Bulk Goods Sales - electronic and home appliance retailer; installation of various signage...(Cont'd)**

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**5. REPRESENTATIONS**

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 26 March 2016 until 11 April 2016. No representations were received.

**6. CONCLUSION**

Following the assessment, it has been determined that the proposal does not comply with the Scheme and it is appropriate to recommend refusal.

The application is recommended for refusal as it is considered that the signage does not meet the objectives of the Signs Code, nor is it assessed as meeting the performance requirements.

**ECONOMIC IMPACT:**

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

**ENVIRONMENTAL IMPACT:**

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

**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

**BUDGET & FINANCIAL ASPECTS:**

Not relevant to this report.

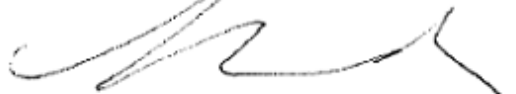
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- 8.1 82 Lindsay Street, Invermay - Bulk Goods Sales - electronic and home appliance retailer; installation of various signage...(Cont'd)**
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**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Leanne Hurst: Director Development Services**

**ATTACHMENTS:**

1. Locality Map (distributed electronically)
  2. Photoshop Montage - Proposed signage (distributed electronically)
  3. Photoshop Montage 2 - Proposed signage (distributed electronically)
  4. Photoshop Montage 3 - Proposed signage (distributed electronically)
  5. Plans to be advertised (distributed electronically)
-

**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings;  
demolition of existing dwelling and construction and use of eight dwellings****FILE NO:** DA0586/2015**AUTHOR:** Claire Fawdry (Town Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Honed Architecture & Design
Property:	25 Duke Street, West Launceston
Zoning:	General Residential
Receipt Date:	23/11/2015
Validity Date:	1/12/2015
Further Information Request:	No
Deemed Approval:	26/04/2016
Representations:	8

**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 DA0586/2015 Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings at 25 Duke Street, West Launceston subject to the following conditions:

**1. ENDORSED PLANS**

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

- a. Site Plan prepared by Honed Architecture, Drawing No. A-DA-04, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - b. Site Plan Sheet 1 prepared by Honed Architecture, Drawing No. A-DA-05, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - c. Site Plan Sheet 2 prepared by Honed Architecture, Drawing No. A-DA-06, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
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**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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- d. Landscape Plan Sheet 1 prepared by Honed Architecture, Drawing No. A-DA-07, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - e. Landscape Plan Sheet 2 prepared by Honed Architecture, Drawing No. A-DA-08, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - f. Demolition Plan prepared by Honed Architecture, Drawing No. A-DA-09, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - g. Townhouse 1 Level 1 Plan prepared by Honed Architecture, Drawing No. A-DA-13, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - h. Townhouse 1 Level 2 Plan prepared by Honed Architecture, Drawing No. A-DA-14, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - i. Townhouse 1 Elevations Sheet 1 prepared by Honed Architecture, Drawing No. A-DA-16, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - j. Townhouse 1 Elevations Sheet 2 prepared by Honed Architecture, Drawing No. A-DA-17, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - k. Townhouse 1 Private Open Space prepared by Honed Architecture, Drawing No. A-DA-18, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - l. Townhouse 2 Level 1 Plan prepared by Honed Architecture, Drawing No. A-DA-22, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - m. Townhouse 2 Level 2 Plan prepared by Honed Architecture, Drawing No. A-DA-23, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - n. Townhouse 2 Level 3 Plan prepared by Honed Architecture, Drawing No. A-DA-24, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - o. Townhouse 2 Elevations Sheet 1 prepared by Honed Architecture, Drawing No. A-DA-26, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - p. Townhouse 2 Elevations Sheet 2 prepared by Honed Architecture, Drawing No. A-DA-27, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - q. Townhouse 2 Private Open Space prepared by Honed Architecture, Drawing No. A-DA-28, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
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**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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- r. Townhouse 3 Level 1 Plan prepared by Honed Architecture, Drawing No. A-DA-32, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - s. Townhouse 3A Level 2 Plan prepared by Honed Architecture, Drawing No. A-DA-33, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - t. Townhouse 3A Elevations Sheet 1 prepared by Honed Architecture, Drawing No. A-DA-35, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - u. Townhouse 3A Elevations Sheet 2 prepared by Honed Architecture, Drawing No. A-DA-36, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - v. Townhouse 3A Private Open Space prepared by Honed Architecture, Drawing No. A-DA-37, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - w. Townhouse 3B Level 1 Plan prepared by Honed Architecture, Drawing No. A-DA-41, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - x. Townhouse 3B Level 2 Plan prepared by Honed Architecture, Drawing No. A-DA-42, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - y. Townhouse 3B Elevations Sheet 1 prepared by Honed Architecture, Drawing No. A-DA-44, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - z. Townhouse 3B Elevations Sheet 2 prepared by Honed Architecture, Drawing No. A-DA-45, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - aa. Townhouse 3B Private Open Space prepared by Honed Architecture, Drawing No. A-DA-46, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - ab. Townhouse 3C Level 1 Plan prepared by Honed Architecture, Drawing No. A-DA-50, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - ac. Townhouse 3C Level 2 Plan prepared by Honed Architecture, Drawing No. A-DA-51, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - ad. Townhouse 3C Elevations Sheet 1 prepared by Honed Architecture, Drawing No. A-DA-53, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - ae. Townhouse 3C Elevations Sheet 2 prepared by Honed Architecture, Drawing No. A-DA-54, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
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**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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- af. Townhouse 3C Private Open Space prepared by Honed Architecture, Drawing No. A-DA-55, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - ag. Townhouse 3D Level 1 Plan prepared by Honed Architecture, Drawing No. A-DA-59, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - ah. Townhouse 3D Level 2 Plan prepared by Honed Architecture, Drawing No. A-DA-60, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - ai. Townhouse 3D Elevations Sheet 1 prepared by Honed Architecture, Drawing No. A-DA-62, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - aj. Townhouse 3D Elevations Sheet 2 prepared by Honed Architecture, Drawing No. A-DA-63, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - ak. Townhouse 3D Private Open Space prepared by Honed Architecture, Drawing No. A-DA-64, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - al. Townhouse 4A Level 1 Plan prepared by Honed Architecture, Drawing No. A-DA-68, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - am. Townhouse 4A Elevations Sheet 1 prepared by Honed Architecture, Drawing No. A-DA-70, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - an. Townhouse 4A Elevations Sheet 2 prepared by Honed Architecture, Drawing No. A-DA-71, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - ao. Townhouse 4A Private Open Space prepared by Honed Architecture, Drawing No. A-DA-72, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - ap. Townhouse 4B Level 1 Plan prepared by Honed Architecture, Drawing No. A-DA-76, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - aq. Townhouse 4B Elevations Sheet 1 prepared by Honed Architecture, Drawing No. A-DA-78, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - ar. Townhouse 4B Elevations Sheet 2 prepared by Honed Architecture, Drawing No. A-DA-79, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
  - as. Townhouse 4B Private Open Space prepared by Honed Architecture, Drawing No. A-DA-80, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015;
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**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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- at. Strata Title Plan Sheet 1 prepared by Honed Architecture, Drawing No. A-DA-10, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015 (TO BE AMENDED);
- au. Strata Title Plan Sheet 2 prepared by Honed Architecture, Drawing No. A-DA-11, Rev. A, Project Name: Residential Development 25 Duke Street West Launceston, Dated: November 2015 (TO BE AMENDED).

**2. AMENDED PLANS REQUIRED**

Prior to building approval, amended plans must be submitted to the satisfaction of the Manager Planning Services to replace plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed and will then form part of the Permit. The amended Strata Title Plans (Drawing No. A-DA-10 and A-DA-11) must show:

- a. Townhouse 4A, Visitor Car Park, to be shown as part of the strata lot for Townhouse 4A (not in common property);
- b. Townhouse 4B, Visitor Car Park, to be shown as part of the strata lot for Townhouse 4B (not in common property).

**3. SITE LANDSCAPING**

Trees/shrubs which will grow to a height of 1.7m in the landscaped areas in front of windows to bedrooms 2 and 3 of Townhouses 4A and 4B.

Trees/shrubs which will grow to a height of at least 1m are to be planted in front of the fence across the frontage.

The on-site landscaping must be:

- a. Installed in accordance with the endorsed plan; and
- b. Completed within three months of the use commencing, or at a time agreed by the Manager Planning Services, and prior to the execution of the Strata Plan; and
- c. Maintained as part of residential development. It must not be removed, destroyed or lopped without the written consent of the Council.

**4. VISITOR PARKING SPACES**

The visitor parking spaces for Townhouses 4A and 4B are to be appropriately signed to the satisfaction Manager Planning Services.

**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. TASWATER**

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2015/01910-LCC) (attached).

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**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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**7. HOURS OF CONSTRUCTION**

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

Monday to Friday - 7.00am to 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:

- a. 1.2m within 4.5m of the frontage; and
- b. 1.8m-2.1m elsewhere when measured from the highest finished level on either side of the common boundaries.

**9. MULTIPLE DWELLINGS - SERVICE FACILITIES**

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

- a. Mail receptacles must be provided and appropriately numbered for each dwelling unit.
- b. Each multiple dwelling must be provided with a minimum 6m<sup>3</sup> exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
- c. Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Manager Planning Services.

**10. DRIVEWAY CONSTRUCTION**

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

- a. Be designed to comply with the following suite of Australian Standards: AS 2890.1 Off-street car parking,
- b. Be properly constructed to such levels that they can be used in accordance with the plans,
- c. Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers,
- d. Be adequately drained to prevent a drainage nuisance,
- e. Be provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas;

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

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**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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**11. DAMAGE TO COUNCIL INFRASTRUCTURE**

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

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

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

**13. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS**

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

**14. VEHICULAR CROSSINGS**

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

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

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**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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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.

**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.

**16. NO BURNING OF WASTE**

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

**17. 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.*

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**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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**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 DA0586/2015. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.*

*This permit takes effect after:*

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

*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.*

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**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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

**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. Strata Title Approval**

*The proposal may be Strata titled. If this is to be staged the Strata plan must be accompanied by a Disclosure Statement for a Staged Development Scheme.*

*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:*

<b>Dwelling No.</b>	<b>Street Address:</b>
Townhouse 1	8/25 Duke Street
Townhouse 2	7/25 Duke Street
Townhouse 4A	1/25 Duke Street
Townhouse 4B	2/25 Duke Street
Townhouse 3A	6/25 Duke Street
Townhouse 3B	5/25 Duke Street
Townhouse 3C	4/25 Duke Street
Townhouse 3D	3/25 Duke Street

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

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**REPORT:**

**1. THE PROPOSAL**

The applicant is seeking approval for the removal of an existing dwelling and the use and development of eight multiple dwellings (townhouses) and associated earthworks on the land situate and known as 25 Duke Street, West Launceston (the subject site). Each townhouse will have different external cladding and has been individually designed.

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## **8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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The development application comprises the following components:

### Generally:

- The applicant has advised that the existing dwelling on the site will be removed and relocated to a site elsewhere to be used as a 'shack'. It was initially proposed that the dwelling would be demolished;
- Driveway:
  - Vehicular access will be sealed concrete and appropriately drained to the public stormwater system;
  - The driveway will run parallel to the north eastern title boundary for the first section of the site past townhouses 1 and 2 and then through the middle of the remaining five townhouses to the rear;
  - 'Give way' bays which allow for two vehicles to be traversing the site simultaneously are also proposed;
  - The width of the driveway varies but has a minimum width of 3.6m;
- Each townhouse will have a visitor parking space on-site within their own strata lot (note that visitor parking spaces for townhouses 4A and 4B are currently shown to be in common property, however an amended plans condition has been recommended to locate these within their respective private strata lots);
- Bin collection will be undertaken by a private contractor to the site rather than kerbside collection;
- Feature tree to be planted between townhouse 1 and the frontage of the title in common property;
- Letterboxes for all townhouses located at the frontage in front of feature tree in common property.

### Townhouse 1:

- Located roughly in place of the existing dwelling on the site closest to the title frontage;
  - Constructed over two levels with a building footprint of approximately 149m<sup>2</sup> and total floor area of 229m<sup>2</sup>;
  - Maximum building height of 6.2m;
  - The ground floor (level 1) will comprise a double car garage and undercover visitor parking space, bin storage area, storage area and main entrance to the dwelling and staircase;
  - The upper floor (level 2) will comprise three bedrooms (master suite includes a walk-in-robe and ensuite), open plan kitchen and dining room with access into a courtyard between the dining room and living room, outdoor deck area off the living room, bathroom and laundry;
  - Access from upper floor deck down to balance private open space area to the north west (within the frontage);
  - Private open space area comprises 47m<sup>2</sup>;
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## **8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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- Landscaping is proposed primarily within the frontage associated with the private open space area, however some landscaping is also proposed along the south western title boundary and to the rear of the lot;
- Singular skillion roof with a 3° pitch falling to the south west in colour 'monument'.

### Townhouse 2:

- Located directly behind townhouse 1;
- Constructed over three levels with a building footprint of approximately 95m<sup>2</sup> and total floor area of 240m<sup>2</sup>;
- Maximum building height of 8.5m;
- The ground floor (level 1) will comprise a double car garage and undercover visitor parking space, bin storage area, storage area and main entrance to the dwelling and staircase;
- The upper floor (level 2) will comprise two bedrooms, open plan kitchen, dining and living room with access onto an outdoor deck area, bathroom and laundry;
- The top floor (level 3) is for the master bedroom suite with ensuite, walk-in-robe and access onto a north facing balcony;
- Private open space area comprises the level 2 deck and balance grassed area to the north west of the townhouse and occupies an area of 54m<sup>2</sup>;
- Landscaping is proposed associated with the ground level private open space area;
- Exterior cladding will be a combination of facebrick, cement sheeting with a painted finish and vertical aluminium sheeting in muted natural tones;
- Two skillion roofs with a 3° pitch falling to the south west in colour 'monument'.

### Townhouse 3A:

- Located to the south west of townhouse 2;
  - Constructed over two levels with a building footprint of 145m<sup>2</sup> and total floor area of 220m<sup>2</sup>;
  - Maximum building height of 7m;
  - The ground floor (level 1) will comprise a double car garage and undercover visitor parking space, bin storage area, storage area and main entrance to the dwelling and staircase;
  - The upper floor (level 2) will comprise three bedrooms (master suite includes a walk-in-robe and ensuite), open plan kitchen, dining and living room with access onto an outdoor deck area, bathroom and laundry;
  - Private open space area is separated between the level 2 deck (17m<sup>2</sup>) and a ground level landscaped area (23m<sup>2</sup>) to the north west of the townhouse - total area is 40m<sup>2</sup>;
  - Landscaping is proposed associated with the ground level private open space area;
  - Exterior cladding will be a combination of facebrick, cement sheeting with a painted finish and vertical aluminium sheeting in muted natural tones;
  - Singular skillion roof with a 3° pitch falling to the south west in colour 'monument'.
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**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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Townhouse 3B:

- Located directly behind townhouse 3A;
- Constructed over two levels with a building footprint of 145m<sup>2</sup> and total floor area of 220m<sup>2</sup>;
- Maximum building height of 6.4m;
- The ground floor (level 1) will comprise a double car garage and undercover visitor parking space, bin storage area, storage area and main entrance to the dwelling and staircase;
- The upper floor (level 2) will comprise three bedrooms (master suite includes a walk-in-robe and ensuite), open plan kitchen, dining and living room with access onto an outdoor deck area, bathroom and laundry;
- Private open space area is separated between the level 2 deck (17m<sup>2</sup>) and a ground level landscaped area (32m<sup>2</sup>) to the north west of the townhouse - total area is 49m<sup>2</sup>;
- Landscaping is proposed associated with the ground level private open space area;
- Exterior cladding will be a combination of facebrick, cement sheeting with a painted finish and vertical aluminium sheeting in muted natural tones;
- Singular skillion roof with a 3° pitch falling to the south west in colour 'monument'.

Townhouse 3C:

- Located directly behind townhouse 3B;
- Constructed over two levels with a building footprint of 145m<sup>2</sup> and total floor area of 220m<sup>2</sup>;
- Maximum building height of 5.8m;
- The ground floor (level 1) will comprise a double car garage and undercover visitor parking space, bin storage area, storage area and main entrance to the dwelling and staircase;
- The upper floor (level 2) will comprise three bedrooms (master suite includes a walk-in-robe and ensuite), open plan kitchen, dining and living room with access onto an outdoor deck area, bathroom and laundry;
- Private open space area is separated between the level 2 deck (17m<sup>2</sup>) and a ground level landscaped area (32m<sup>2</sup>) to the north west of the townhouse - total area is 49m<sup>2</sup>;
- Landscaping is proposed associated with the ground level private open space area;
- Exterior cladding will be a combination of facebrick, cement sheeting with a painted finish and vertical aluminium sheeting in muted natural tones;
- Singular skillion roof with a 3° pitch falling to the south west in colour 'monument'.

Townhouse 3D:

- Located directly behind townhouse 3C;
  - Constructed over two levels with a building footprint of 147m<sup>2</sup> and total floor area of 222m<sup>2</sup>;
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## **8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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- Maximum building height of 6.2m;
- The ground floor (level 1) will comprise a double car garage and undercover visitor parking space, bin storage area, storage area and main entrance to the dwelling and staircase;
- The upper floor (level 2) will comprise three bedrooms (master suite includes a walk-in-robe and ensuite), open plan kitchen, dining and living room with access onto an outdoor deck area, bathroom and laundry;
- Private open space area is separated between the level 2 deck (17m<sup>2</sup>) and a ground level landscaped area (33m<sup>2</sup>) to the north west of the townhouse - total area is 50m<sup>2</sup>;
- Landscaping is proposed associated with the ground level private open space area;
- Exterior cladding will be a combination of facebrick, cement sheeting with a painted finish and vertical aluminium sheeting in muted natural tones;
- Singular skillion roof with a 3° pitch falling to the south west in colour 'monument'.

### Townhouse 4A:

- Located to the south east of townhouse 2 to the east of townhouses 3A and 3B;
- Single storey construction with a building footprint and floor area of 180m<sup>2</sup>;
- The townhouse will be constructed on piers and will have a maximum building height of 7.1m to the east due to the slope of the site.
- The townhouse will comprise three bedrooms (master suite includes a walk-in-robe and ensuite), open plan kitchen, dining and living room with access onto an outdoor deck area, bathroom and laundry. A double car garage with storage area is located under the roofline of the townhouse with internal access into the central hallway;
- Private open space area comprises the deck and balance grassed area to the north west of the townhouse and occupies an area of 39m<sup>2</sup>;
- Landscaping is proposed in the private open space area;
- Visitor parking for this townhouse is located opposite the townhouse between townhouses 3A and 3B;
- Exterior cladding will be a combination of facebrick, cement sheeting with a painted finish and vertical aluminium sheeting in muted natural tones;
- Two skillion roofs with a 3° pitch falling to the north east in colour 'monument'.

### Townhouse 4B:

- Located immediately behind townhouse 4A to the east of townhouses 3C and 3D;
  - Single storey construction with a building footprint and floor area of 181m<sup>2</sup>;
  - The townhouse will be constructed on piers and will have a maximum building height of 4.9m;
  - The townhouse will comprise three bedrooms (master suite includes a walk-in-robe and ensuite), open plan kitchen, dining and living room with access onto an outdoor deck area, bathroom and laundry. A double car garage with storage area is located under the roofline of the townhouse with internal access into the central hallway;
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## **8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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- Private open space area comprises the deck and balance grassed area to the north west of the townhouse and occupies an area of 39m<sup>2</sup>;
- Landscaping is proposed in the private open space area;
- Visitor parking for this townhouse is located opposite the townhouse between townhouses 3C and 3D;
- Exterior cladding will be a combination of facebrick, cement sheeting with a painted finish and vertical aluminium sheeting in muted natural tones;
- Singular skillion roof with a 3° pitch falling to the north east in colour 'monument'.

The use and development is categorised as Residential (multiple dwellings) which is a Permitted use in the General Residential Zone. However, due to the siting and design of the proposed development, the application relies on the assessment against a number of performance criteria and is therefore Discretionary pursuant to clause 8.8.1(b) of the Scheme.

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

The site is located on the southern and lower side of Duke Street accessible off Neika Avenue to the west of Connaught Crescent to the north east. The neighbouring properties are primarily developed with single and multiple dwellings of single and double storey construction. The property is located in a residential area to the west of Launceston CBD. The subject site runs roughly north south and slopes away from the street, the property also falls away to the south. The site has a gradual slope of approximately 11% from north-west to south-east. There is an 11m height difference from 70m AHD at the frontage to 59m AHD to the rear of the site. The site is sparsely vegetated and contains blackberries along the eastern and rear boundaries. Any vegetation on the site is proposed for removal, which can be undertaken without a planning permit in this area.

The property is formally described in Certificate of Title Volume 26568 Folio 2. The 2765m<sup>2</sup> lot appears like an oversized hatchet-shaped internal lot as it gains access via a 44 metre long x 15 metre wide strip which widens to 35 metres wide and extends for a further 57 metres long.

The site is bordered by four properties to the west and two properties to the east ranging in size from 860m<sup>2</sup> to 1330m<sup>2</sup>. Each of the directly neighbouring properties has been developed with single dwellings. The site and immediate surrounds is zoned General Residential with areas closer to the city centre to the north and north east zoned Inner Residential. There are also pockets of Low Density Residential zoned land to the south and west further up the hill.

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## **8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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To the south lies a private right of way which spans from Merrys Lane through to Neika Avenue. The general locality to the east and west is characterised by large lots that are located on slopes of a similar gradient to that of the subject site. Properties to the south are less steep than the subject site. The locality to the north of the site is characterised by properties that contain single dwellings on lots smaller than the subject site.

The site is not located within 100m of bushfire prone vegetation and is not mapped as being subject to landslip. There are no uses in the area which may cause environmental harm or potential contamination. The site is not within 50m of a wetland or watercourse.

The site contains an existing single dwelling on the site which is unoccupied and in a state of disrepair. The driveway access which is located to the east of the site via a sealed concrete crossover will be widened to 5.5m to allow for an increased number of movements and safe access and egress of vehicles.

Duke Street is a two way street which has been altered in relatively recent times to include a nature strip on the southern side hence narrowing the street. The street is sealed with bitumen and drained to Council's public stormwater system with kerb and guttering on either side of the street. The site is located within the combined drainage area (sewer and stormwater) managed by Council. A TasWater sewer main transects the site approximately 30m from the frontage and also runs parallel to the western boundary to the south of 29 Duke Street.

### **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.

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**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

**Consistent**

The proposed multiple dwelling development is located in an area which is of mixed character. This area of West Launceston is developed with predominantly single and double storey dwellings which try to maximise city views and northerly sunlight. The proposed townhouses are of modern architectural design to respond to the topography of the site and not detract from the established character of the area. Exterior finishes will be a combination of facebrick, panted render and steel sheeting in natural tones. The site is connected to full infrastructure services. The proposal is consistent with the zone purpose statements of the zone,

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

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

**10.3 Use Standards - N/A**

**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 proposed townhouse development is of an appropriate scale and density for the site. The development seeks to make efficient use of the site for housing which is of a high density, but will also afford a high degree of amenity for future residents and neighbours. Assessment against the standards below demonstrates that the proposal is consistent with the objective.

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

- (a) 325m<sup>2</sup> or
- (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.

**Complies**

The proposed multiple dwelling development occupying an area of 2765m<sup>2</sup>, will create nine strata lots (eight private lots and one common property lot for the driveway). Compliance with A1 is achieved by dividing the title area by the 325m<sup>2</sup> minimum lot area. The proposal complies with the acceptable solution as the site can accommodate 8.5 dwellings and meet the acceptable solution.

It is noted that the number of townhouses is of concern for many representors, however compliance with the acceptable solution means that consideration of the performance

**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

criteria is not required. Notwithstanding, the number of multiple dwelling developments in the surrounding area is not considered to be excessive. The properties identified in pink below are the sites which are mapped as multiple dwellings, units and body corporates on Council's internal GIS mapping system.



**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 building heights and setbacks of the townhouses are considered appropriate for the area and consistent with other similar development in the immediate area. Assessment against the standards below demonstrates that the proposal is consistent with the objective.



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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 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 existing dwelling on the site will be demolished (relocated) which will create a vacant lot. The property is therefore considered to be an infill lot in terms of A1(c). The proposed frontage setback of townhouse 1 is 6.4m measured from the frontage of the lot to the staircase of proposed townhouse 1. 'Setback' is defined in clause 4.1.3 of the planning scheme as: 'means the distance from any lot boundary to a building on a lot'. 'Building' is as defined in the Act.

*Section 3(1) states that a 'building' includes:*

- a) a structure and part of a building or structure; and*
- b) fences, walls, out- buildings , service installations and other appurtenances of a building; and*
- c) a boat or a pontoon which is permanently moored or fixed to land'.*

Therefore the frontage setback is taken from the staircase rather than the front wall of the dwelling at a setback of 7.5m.

The frontage setbacks of the neighbouring dwellings at 23 and 29 Duke Street are approximately 11.5m and 3.2m respectively. The proposed frontage setback of townhouse 1 at 6.4m complies with A1(c).

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.

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**Complies**

The proposed development does not include any garages or carports which directly face the frontage to Duke Street. The garage for townhouse 1 which is closest to the frontage is in excess of 12m and perpendicular to the driveway.

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).

**Relies on Performance Criteria**

Townhouse 1:

Proposed townhouse 1 will be double storey. A narrow wedge of the south western corner of proposed townhouse 1 protrudes from the building envelope. The height of the building at this point is 4.6m at a side setback of approximately 1m (note that there is a slight discrepancy between the side setback shown on the Site Plan at 1.1m and the Southern Elevation Plan for Townhouse 1 at 0.9m).

Assessment against the performance criterion is required to demonstrate compliance.

Townhouse 2:

This is the only townhouse with a third storey component. The footprint of this townhouse is relatively small, however it will have a maximum building height of 8m. The third storey is "L" shaped and only a 2.285m (parallel to side boundary) and 3m long section of the third storey protrudes from the building envelope. A narrow wedge of the south western corner of the second storey also protrudes from the building envelope similarly to proposed townhouse 1. The building height of the second storey at this point is 4.7m at a setback of 1.1m. This is a variation of 0.4m. The building height shown on the Western Elevation Plan indicates that the height is 5.3m, however the parapet component of the wall is considered to be a minor protrusion pursuant to the definitions in clause 4.1.3 of the planning scheme.

Assessment against the performance criterion is required to demonstrate compliance.

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Townhouse 3A:

Proposed townhouse 3A will be double storey. The northern wall of the townhouse will have a side setback of 3m and a maximum building height of 5.1m and fits within the building envelope on this elevation. Note that building height is defined as measured from natural ground level excluding minor protrusions so although on the Northern Elevation Plan this portion of the building appears to have a building height of 6.3m, this is taken from the excavated ground level not the existing ground level.

The western wall of the townhouse will have a side setback of 3m and a maximum building height of 4m and fits within the building envelope on this elevation.

Compliance with A3(a) is achieved.

Townhouse 3B:

Proposed townhouse 3B will be double storey. The western wall of the townhouse will have a side setback of 3m and a maximum building height of 2.2m and fits within the building envelope.

Compliance with A3(a) is achieved.

Townhouse 3C:

Proposed townhouse 3C will be double storey. The western wall of the townhouse will have a side setback of 3m and a maximum building height of 2.2m and fits within the building envelope.

Compliance with A3(a) is achieved.

Townhouse 3D:

Proposed townhouse 3D will be double storey. The townhouse is located to the south west of the site and seeks a significant rear boundary setback variation. The townhouse is proposed to have a rear setback of 1m at a height of 5.2m. To meet the acceptable solution, a 3m high wall would need to be setback 4m from the rear boundary. The variation sought is for the entire portion of the building within 4m of the rear boundary and a wedge which cuts through roughly where the kitchen bench is illustrated on the Level 2 Plan.

Assessment against the performance criterion is required to demonstrate compliance.

Townhouse 4A:

Proposed townhouse 4A will be single storey however will be constructed on stilts to the east due to the slope of the land so appears in height as if it were double storey on the eastern elevation. The eastern wall of the townhouse will have a side setback of 1.5m and a building height of 5.4m at the south eastern corner of the garage, 6.2m above the

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laundry door on the eastern elevation and 4m at the northern corner of the living room. The acceptable height at a setback of 1.5m is 4.5m to fit within the building envelope.

Assessment against the performance criterion is required to demonstrate compliance.

Townhouse 4B:

Proposed townhouse 4A will be single storey however will be constructed on stilts to the east due to the slope of the land so appears in height as if it were double storey on the eastern elevation. This townhouse is located in the south eastern rear corner of the site and seeks a significant rear boundary setback variation (similarly to townhouse 3D). The eastern wall of the townhouse will have a side setback of 1.5m and a building height of 4.9m at the south eastern corner, 4m above the laundry door on the eastern elevation and 3.3m at the northern corner of the living room. At a small wedge of the south eastern corner of the building protrudes from the building envelope by 0.4m.

Assessment against the performance criterion is required to demonstrate compliance.

**P3 The siting and scale of a dwelling must:**

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

**Complies**

A 3D animated model has been prepared by Council's Urban Design Planner to assist with the assessment of the application against this clause.

Townhouse 1:

The encroachment is to the east of the dwelling on the site at 29 Duke Street. There is an existing garage which has been constructed to the shared boundary. The encroachment of the proposed townhouse outside of the building envelope roughly aligns with the existing garage wall on the boundary. Shadow diagrams provided for townhouse 1 indicate that there will be a degree of overshadowing at 9.00am on 21 June of 29 Duke Street, however by 12.00pm this shadow will have receded to a distance of approximately 3.4m from the boundary into 29 Duke Street. This dwelling on the neighbouring property is setback approximately 8m from the shared side boundary with the driveway along the eastern boundary.

Given the location of the existing garage on 29 Duke Street, the 60cm encroachment is not anticipated to be visually obtrusive.

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Compliance with P1 is achieved.

### Townhouse 2:

Similarly to townhouse 1, the degree of encroachment for this townhouse is approximately 40cm. Overshadowing as a consequence affects proposed townhouse 3A. At 9.00am on 21 June, the northern elevation of the townhouse will be shaded. The windows on this elevation are to the living room, two bedrooms and a bathroom. It is noted that the windows on the eastern elevation, living room, dining room, kitchen and deck will receive morning sun. As the sun moves around, at midday the windows on the northern elevation will receive sunlight and the windows to the east will be shaded; this shading has passed by 3.00pm.

The visual impact of the three storey component of the townhouse is not considered to be excessive. The "L" shaped third storey is substantially located within the building envelope at a setback of 5.4m from the side boundary. Visually, the portion of the building which is outside of the envelope when viewed from neighbouring properties to the west will be a cube shaped portion which measures 2.7m high x 2.7m wide x 3m deep. The separation distance between the dwelling at 29 Duke Street and this encroachment is in excess of 26m. It is also noted that this townhouse will be located at approximately 66.5 AHD compared to the south eastern corner of the dwelling at 29 Duke Street at 71.5 AHD, meaning that notwithstanding that the dwelling at 29 Duke Street is double storey, there is a height difference of 5m.

Compliance with P1 is achieved.

### Townhouse 3D:

The subject site backs onto a 3m wide right of way. The lots in Duke Street and Thistle Street West to the south are characterised by relatively narrow frontages compared to their length i.e. 20m wide x 100m long. The properties immediately south of the subject site are developed with single dwellings with one title currently vacant. The vacant title, 78 Thistle Street West is similarly located in the General Residential Zone like the subject site and could potentially be developed with townhouses. Otherwise, a single dwelling could be constructed on the site and based on the character of the northern side of the street would be constructed relatively close to the frontage with a substantial backyard area. If the site were to be developed for high density townhouses, and assuming a rear setback of 1-4m (depending upon whether performance criteria is relied upon) the relative levels of the land are important to consider.

The south eastern corner of townhouse 3D will be constructed at approximately 61m AHD and the land to the south east of this continues to fall to an AHD level of approximately 59m AHD at the north western rear corner of the 78 Thistle Street West title. It would be anticipated that any future design would be oriented to take in the view of the city to the north east. On this basis, although the variation sought is significant,

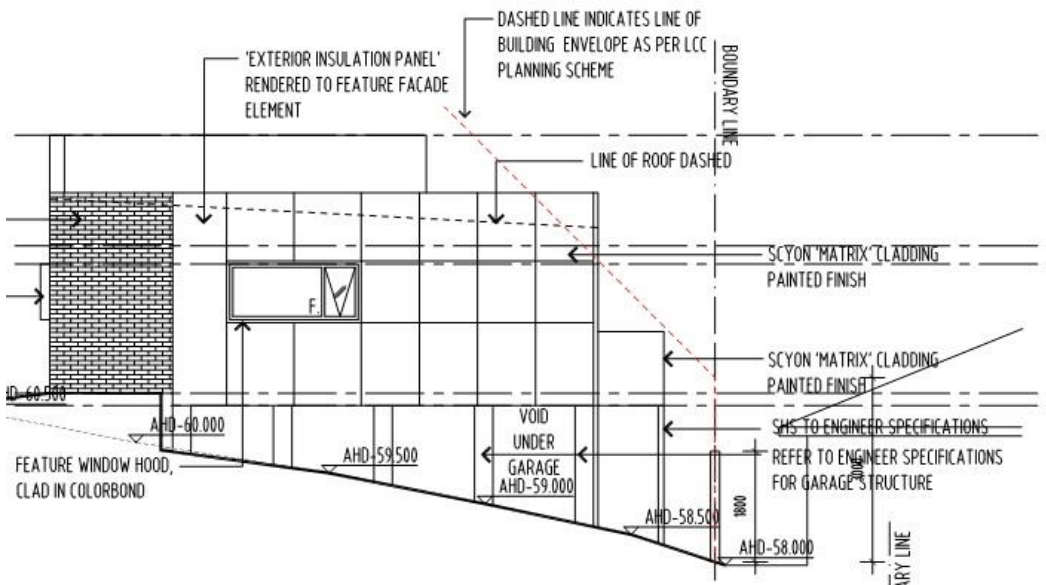
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the topography of the land in this area and consideration of future development of neighbouring properties means that the impacts will not be considered unreasonable. In residential areas, a degree of passive overlooking and some shading during winter months is generally accepted and is a reality for residential areas where higher density housing is encouraged.

Compliance with P1 is achieved.

Townhouses 4A and 4B:

The encroachment of the eastern walls of these townhouses is not anticipated to have a detrimental impact upon the neighbouring property at 21A Duke Street. The relative levels of the land mean that the dwelling at 21A Duke Street is located at a lower level than the proposed townhouses. The applicant provided a section drawing indicating the relationship between townhouse 4B and 21A Duke Street which clearly shows that given the changes in slope that only a small wedge of the dwelling protrudes from the building envelope (noting that the parapet about the roof is considered to be a minor protrusion).



A degree of shading to the west occurs at 9.00am on 21 June towards east facing windows of townhouses 3B, 3C and 3D however this has passed by midday.

Compliance with P1 is achieved.

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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"> <li>(a) for outdoor recreation and the operational needs of the residents; and</li> <li>(b) opportunities for the planting of gardens and landscaping; and</li> <li>(c) private open space that is integrated with the living areas of the dwelling; and</li> <li>(d) private open space that has access to sunlight.</li> </ul>
<p><b>Consistent</b> Each townhouse will be provided with well-designed and usable private open space areas to suit the operational needs of future residents. There will be sufficient opportunity for landscaping of private areas. Each townhouse will have an outdoor private open space areas with access off a dining/living room. Assessment against the standards below demonstrates that the proposal is consistent with the objective.</p>
<p>A1 Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</li> <li>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</li> <li>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</li> </ul>
<p><b>Complies</b> Site coverage means the proportion of the site (excluding any access strip) covered by roofed buildings in clause 4.1.3 of the planning scheme.</p> <p>Total title area - 2765m<sup>2</sup> Total concrete/sealed area - 847m<sup>2</sup> Total site coverage = 1214m<sup>2</sup> (44%)</p> <p>The private open space areas for each of the townhouses is set out below:</p> <p>Townhouse 1: 47m<sup>2</sup> (grassed area &amp; deck) + 38m<sup>2</sup> (balance areas) = 85m<sup>2</sup> Townhouse 2: 54m<sup>2</sup> (grassed area &amp; deck) + 8.6m<sup>2</sup> (balance areas) = 62.6m<sup>2</sup> Townhouse 3A: 23m<sup>2</sup> (grassed area) + 17m<sup>2</sup> (deck) + 44m<sup>2</sup> (balance areas) = 84m<sup>2</sup> Townhouse 3B: 32m<sup>2</sup> (grassed area) + 17m<sup>2</sup> (deck) + 34m<sup>2</sup> (balance areas) = 83m<sup>2</sup> Townhouse 3C: 32m<sup>2</sup> (grassed area) + 17m<sup>2</sup> (deck) + 34m<sup>2</sup> (balance areas) = 83m<sup>2</sup> Townhouse 3D: 33m<sup>2</sup> (grassed area) + 17m<sup>2</sup> (deck) + 42m<sup>2</sup> (balance areas) = 92m<sup>2</sup> Townhouse 4A: 39m<sup>2</sup> (grassed area &amp; deck) + 77m<sup>2</sup> (balance areas) = 116m<sup>2</sup> Townhouse 4B: 39m<sup>2</sup> (grassed area &amp; deck) + 90m<sup>2</sup> (balance areas) = 129m<sup>2</sup></p> <p>Area of the site free from impervious surfaces = 704m<sup>2</sup> (26%)</p>

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

- (a) is in one location and is at least:
  - (i) 24m<sup>2</sup>; or
  - (ii) 12m<sup>2</sup>, 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:
  - (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.

**Complies**

The delineated private open space areas for each of the townhouse is set out below:

- Townhouse 1: 47m<sup>2</sup> (grassed area & deck)
- Townhouse 2: 54m<sup>2</sup> (grassed area & deck)
- Townhouse 3A: 23m<sup>2</sup> (grassed area) + 17m<sup>2</sup> (deck)
- Townhouse 3B: 32m<sup>2</sup> (grassed area) + 17m<sup>2</sup> (deck)
- Townhouse 3C: 32m<sup>2</sup> (grassed area) + 17m<sup>2</sup> (deck)
- Townhouse 3D: 33m<sup>2</sup> (grassed area) + 17m<sup>2</sup> (deck)
- Townhouse 4A: 39m<sup>2</sup> (grassed area & deck)
- Townhouse 4B: 39m<sup>2</sup> (grassed area & deck)

Each of the private open space areas above have a minimum horizontal dimension of 4m and are accessible from, and adjacent to, a habitable room. Each of the private open space areas is oriented to the north or north west. The private open space area for townhouse 1 is located within the frontage, however is oriented within 30 degrees west of north. The gradient of the private open space areas is less than 1 in 10 and is not used for vehicle access or parking.



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10.4.4 Sunlight and overshadowing for all dwellings

<p>Objective: To provide:</p> <ul style="list-style-type: none"> <li>(a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and</li> <li>(b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.</li> </ul>
<p><b>Consistent</b> The townhouses have been designed to receive sunlight to habitable rooms and private open space areas. Assessment against the standards below demonstrates that the proposal is consistent with the objective.</p>
<p>A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>
<p><b>Complies</b> Each of the eight townhouses have been designed with living areas oriented to the north between north and 30 degrees east of north.</p>
<p>A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <ul style="list-style-type: none"> <li>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):             <ul style="list-style-type: none"> <li>(i) at a distance of 3m from the window; and</li> <li>(ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal.</li> </ul> </li> <li>(b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</li> <li>(c) That part, of a multiple dwelling, consisting of:             <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height no more than 2.4m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.</li> </ul> </li> </ul>
<p><b>Complies</b> The separation distance between townhouses 1 and 2 is approximately 5m, the distance between 3A, 3B, 3C and 3D is at least 4m and the distance between 4A and 4B is at least 3.2m. These distances and positioning of townhouses on the site means that no one habitable room window receives less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p>

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

- (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):
  - (i) at a distance of 3m from the northern edge of the private open space; and
  - (ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal.
- (b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.
- (c) That part, of a multiple dwelling, consisting of:
  - (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.

**Relies on Performance Criteria**

Similarly to the assessment for A2, the private open space areas for townhouses 2, 3B, 3C, 3D and 4B receive at least 3 hours of sunlight to at least 50% of the private open space area between 9.00am and 3.00pm on 21 June. Townhouses 3B, 3C and 3D have east facing decks comprising 17m<sup>2</sup> which equates to approximately 34% of their delineated private open space areas. These decks are not located to the south of another townhouse on the site (or meet the requirements of A3(a)) so are unobscured for the purpose of assessment of this standard. Shadow diagrams indicate that the grassed areas to the north of townhouses 3B, 3C and 3D is shaded at midday through to 3.00pm. Assessment against the performance criterion is required to demonstrate compliance.

The deck and grassed private open space of townhouse 2 will receive full sun at 9.00am, be partially shaded (less than 50%) at midday, and fully shaded at 3.00pm. The private open space area receives more than three hours of sunlight to at least 50% of the area on 21 June.

The terrace area and grassed private open space of townhouse 4B will receive full sun at 9.00am, be partially shaded (less than 50%) at midday, and fully shaded at 3.00pm. The private open space area receives more than three hours of sunlight to at least 50% of the area on 21 June.

P3 A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3.

**Complies**

The relationship of the townhouses on the site and the design of the private open space areas to both the east and north of townhouses 3B, 3C and 3D means that at 9.00am the east facing decks of townhouses 3B, 3C and 3D are shaded by townhouses 4A and 4B while north facing grassed private open space areas of 3B, 3C and 3D receive full sun. By midday, the sun has moved around to the north and the east facing deck areas

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of 3B, 3C and 3D receive full sun till 3.00pm while the grassed open space areas are shaded. It is noted that this is the worst case scenario depicted on 21 June and that in summer when the sun is higher that both areas will receive concurrent sunlight at times.

10.4.5 Width of openings for garages and carports for all dwellings

Objective:

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

**Not Applicable**

The proposed development does not include any garages or carport openings which face the frontage.

10.4.6 Privacy for all dwellings

Objective:

To provide reasonable opportunity for privacy for dwellings.

**Consistent**

The proposed townhouses have been designed to provide a reasonable opportunity for privacy between dwellings. Assessment against the standards below demonstrates that the proposal is consistent with the objective.

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.

**Relies on Performance Criteria**

The proposed decks for each of the townhouses (except for townhouse 3D) are not located within 3m of a side boundary or 4m from the rear boundary. The proposed deck for townhouse 3D is within 4m of the rear boundary with a floor level of approximately 2.7m above ground level. The deck is setback 2.5m from the rear boundary and has a 1.4m high solid balustrade on the southern elevation. Assessment against the performance criterion is required to demonstrate compliance with this standard.

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

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

**Complies**

The deck for townhouse 3D is located in the southern rear corner of the site. A 3m wide right of way is located parallel to the rear title boundary and extends from Neika Avenue to Merrys Lane. It is considered that a horizontal separation distance of 2.5m (plus the 3m wide right of way) is a sufficient separation distance even if the properties at 78 or 80 Thistle St West were developed with multiple dwellings towards their rear boundaries in the future. The land where the deck of townhouse 3D will be approximately 62m AHD. Even if screening were required to portions of the deck which are within 4m of the rear boundary, there would still be a degree of passive overlooking to the east due to the slope of the land, orientation of the lots in the street in a north south direction and the layout of the townhouses on the site.

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%.

**Relies on Performance Criteria**

Townhouses 3A, 3B and 3C have side boundary setbacks of at least 3m and therefore do not require assessment against A2.

The windows on the western elevation of townhouses 1 and 2 are located at a side setback distance of 1m. The southern wall of townhouse 3D has a rear setback of 1-2m. Upper level windows on this elevation trigger discretion. Upper level windows on the eastern elevation of townhouses 4A and 4B are within 2m of the side boundary and trigger discretion. Assessment against the performance criteria is required to demonstrate compliance.

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

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

**Complies**

Townhouse 1:

The applicant has advised that the windows of the master bedroom ensuite will be frosted glass as will be standard in all bathrooms on site. Bedroom 2 window will be a slim 900mm high level window with a finished floor level of 900mm above natural ground so meets the acceptable solution. Bedroom 3 window is also a 900mm high level skinny window, however floor level is more than 1m above natural ground. The window and laundry door have been deliberately positioned behind the existing concrete garage constructed on the boundary with 29 Duke Street. This means that overlooking is constrained and minimised. It is also noted that the separation distance between the windows and deck of 29 Duke Street are setback in excess of 7.5m from the boundary.

Townhouse 2:

There is one habitable room window on the western elevation to bedroom 2 which faces the rear yard of 29 Duke Street within 3m of the side boundary. The window will have a sill height of 1.3m from floor level however will be located approximately 3-4m from the rear boundary of 29 Duke Street. 29 Duke Street contains a deck extension to the rear of the dwelling and backyard private open space area to the south. There is a significant tree on 29 Duke Street roughly in this location which overhangs the boundary. Although this may need to be pruned during development, this tree will provide screening of the bedroom window. Notwithstanding, the degree of passive overlooking which may occur to the rear 3m of the neighbouring property which has in excess of 370m<sup>2</sup> of private open space is not considered to be unreasonable.

Townhouse 3D:

As previously discussed, the rear property boundary backs onto a 3m wide right of way. It is also noted that the properties to the south with frontage to Thistle Street West which have been developed with single dwellings are located close to the frontage with extensive backyards due to the length of the titles in excess of 100m. The master bedroom window on the southern elevation will have a sill height of 1.2m and a floor level which is 1.4-1.8m above natural ground level. Given the difference in relative levels between the subject site and the property to the south, coupled with the degree of overlooking from a bedroom window compared to a living room window, the proposed window is not considered to result in an unreasonable loss of privacy or overlooking.

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Townhouse 4A:

The eastern elevation shows that there will be a living room window and a window to the master bedroom with sill heights of 1m at least 1.5m above natural ground level at a setback of 1.5m. These windows align with the rear yard of 23 Duke Street where there is significant vegetation. Given that this rear section of the yard would not be considered to be the prime private open space area for 23 Duke Street which has an extensive rear yard which occupies an area of approximately 480m<sup>2</sup>, direct loss of privacy which is unreasonable is unlikely to occur. A degree of passive overlooking may result, however this is not considered to be unreasonable given the extensive backyard and the anticipated private open space area used by the residents which would be closer to the dwelling.

Townhouse 4B:

Similarly to townhouse 4A, the eastern elevation shows that the living room and master bedroom windows are within 1.5m of the boundary. The living room window will have a sill height of 1m at is between 900mm and 1m above natural ground level. The master bedroom window will be approximately 1.2m above natural ground level. The section drawing contained in the assessment against clause 10.4.2 P3 illustrates the relationship between townhouse 4B and 21A Duke Street and the angles which would prohibit direct overlooking into windows and private open space areas.

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) 1m 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.

**Relies on Performance Criteria**

Landscaping areas in front of each of the townhouses allows for separation between the shared driveway and any windows or glazed doors. The landscaped beds for townhouses 1 and 2 are 1m wide however there are no habitable rooms on the ground floor. Townhouses 3A, 3B, 3C and 3D do not have habitable rooms on the ground floor.

The landscaped beds are 2m wide for townhouses 4A and 4B. Assessment against the performance criterion is required to demonstrate compliance.

P3 A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.

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**Complies**

The windows on the western elevation of townhouses 4A and 4B are to two bedrooms behind 2m of garden bed. Although the landscaping does not extend for 2.5m as required by the acceptable solution, given that these windows are to bedrooms, it is anticipated that window furnishings would minimise vehicle light intrusion in the evenings. It is also noted that the driveway will be low speed and not significantly noisy. The 0.5m variation sought in this circumstance is not considered to be significant.

Notwithstanding, it is recommended that vegetation screening to a height of at least 1.7m could minimise the visual impact of the driveway. A permit condition to this effect has been recommended.

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 frontage fence is appropriate for the site to provide privacy and security for proposed townhouse 1 whilst allowing for mutual passive surveillance. Assessment against the standards below demonstrates that the proposal is consistent with the objective.

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

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

**Relies on Performance Criteria**

It is proposed to have a 1.8m high solid fence 0.5m from the front boundary between two feature trees associated with proposed townhouse 1. Assessment against the performance criterion is required.

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

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

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**Complies**

Townhouse 1 will have some of its private open space within the frontage and as a consequence a 1.8m high fence is proposed to afford some privacy. The impact of this fence upon the streetscape will be softened by a common area which will contain a feature tree and letterboxes at the frontage of the lot to the west of the shared driveway. The 0.5m frontage setback of the fence will also minimise its visual impact as this will allow for planting across the front of the fence. A permit condition has been recommended to require this landscaped area to be planted in front of the fence to a height of at least 1m.

10.4.8 Waste storage for multiple dwellings

**Objective:**

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

**Consistent**

Waste storage areas are identified on the proposal plans in discrete locations. Assessment against the standards below demonstrates that the proposal is consistent with the objective.

A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m<sup>2</sup> per dwelling and is within one of the following locations:

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

**Complies**

Each townhouse has a designated area for bin storage which is at least 1.5m<sup>2</sup>. These storage areas are not located within the front setback.

10.4.9 Site facilities for multiple dwellings

**Objective:**

To provide adequate site and storage facilities for multiple dwellings.

**Consistent**

Each townhouse will be provided with adequate site and storage facilities to meet the acceptable solutions. Assessment against the standards below demonstrates that the proposal is consistent with the objective.

A1 Each multiple dwelling must have access to 6m<sup>3</sup> of secure storage space not located between the primary frontage and the facade of a dwelling.

**Complies**

Each townhouse has 6m<sup>3</sup> of storage identified in its garage.

A2 Mailboxes must be provided at the frontage.



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**Complies**

The mailboxes for the townhouses are located within common property at the frontage.

10.4.10 Common property for multiple dwellings

**Objective:**

To ensure that common areas are easily identified.

**Consistent**

The common property and private areas are clearly identified on the proposal plans. Assessment against the standards below demonstrates that the proposal is consistent with the objective.

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.

**Complies**

The Strata Title Plans clearly delineate the private and common areas. Given that each townhouse has its own visitor parking space, it is recommended that the visitor parking spaces for townhouses 4A and 4B be identified within their private strata lots rather than in common property. An amended plans condition to this effect has been recommended.

10.4.11 Outbuildings, swimming pools and fences

**Objective:**

To ensure that:

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

**Not Applicable**

No outbuildings, swimming pools or high side boundary fences are proposed. Assessment against the standards below demonstrates that the proposal is consistent with the objective.

A1.1 The combined gross floor area of outbuildings must be no greater than 45m<sup>2</sup>; and  
 A1.2 Outbuildings (other than for single or multiple dwellings) must meet the setback and building envelope acceptable solutions of Clause 10.4.2, as if the development were for a dwelling.

**Not Applicable**

No outbuildings are proposed.

A2 A swimming pool must be located:

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

**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

<p><b>Not Applicable</b> No swimming pools are proposed.</p>
<p>A3 Fences must be no higher than 2.1m on a side or rear boundary adjoining a public reserve.</p>
<p><b>Complies</b> Side and rear boundary fences will be 1.8-2.1m high.</p>

10.4.12 Earthworks and retaining walls

<p><b>Objective:</b> To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.</p>
<p><b>Consistent</b> The proposed retaining walls are appropriate for the site to retain the differences in ground level. Assessment against the standards below demonstrates that the proposal is consistent with the objective.</p>
<p>A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must:</p> <ul style="list-style-type: none"> <li>(a) be located no less than 900mm from each lot boundary;</li> <li>(b) be no higher than 1m (including the height of any batters) above existing ground level;</li> <li>(c) not require cut or fill more than 1m below or above existing ground level;</li> <li>(d) not concentrate the flow of surface water onto an adjoining lot; and</li> <li>(e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.</li> </ul>
<p><b>Relies on Performance Criteria</b> There are a number of retaining walls proposed associated with the development of the site. In areas these are within 900mm and are higher or lower than 600mm. Assessment against the performance criterion is required.</p>
<p>P1 Earthworks and retaining walls must be designed and located so as not to have an unreasonable impact on the amenity of adjoining lots, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the appearance, scale and extent of the works;</li> <li>(c) overlooking and overshadowing of adjoining lots;</li> <li>(d) the type of construction of the works;</li> <li>(e) the need for the works;</li> <li>(f) any impact on adjoining structures;</li> <li>(g) the management of groundwater and stormwater; and</li> <li>(h) the potential for loss of topsoil or soil erosion.</li> </ul>
<p><b>Complies</b> The proposed retaining walls will be appropriately engineered as part of the building application process. The retaining walls will be required to be drained to the public stormwater system to ensure that runoff onto neighbouring properties does not occur. The retaining walls proposed are mainly associated with excavation works and as a consequence the impact of the townhouses is reduced as their height is lowered into the site.</p>

**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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.
<b>Consistent</b> On-site car parking is proposed in convenient and safe locations to service the proposed development. On-site parking will not be visible from the frontage with most parking spaces within garages and carports. Assessment against the standards below demonstrates that the proposal is consistent with the objective.
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.
<b>Complies</b> Refer to assessment against clause 10.4.6 P3. Landscaped beds in front of windows on the western elevations of townhouses 4A and 4B are 2m wide. A permit condition requiring landscaping has been recommended.
A2.1 Car parking must not be located in the primary front setback, unless it is a tandem car parking space in a driveway located within the setback from the frontage. A2.2 Turning areas for vehicles must not be located within the primary front setback.
<b>Complies</b> The proposed development does not include parking or turning within the front setback.

**E4.0 Road and Railway Assets Code**

E4.1 The purpose of this provision is to: (a) protect the safety and efficiency of the road and railway networks; and (b) reduce conflicts between sensitive uses and major roads and the rail network.
<b>Consistent</b> The proposed access off Duke Street is appropriate to manage the anticipated traffic movements to the site. The proposal is consistent with the purpose statements of the Code. Further assessment is conducted against individual standards of the Code below.

**E4.5 Use Standards**

E4.5.1 Existing road accesses and junctions

Objective: To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.
<b>Consistent</b> The anticipated usage of the driveway to 25 Duke Street is unlikely to overwhelm the road network and is appropriate for the area. Assessment against the standards below demonstrates that the proposal is consistent with the objective.

**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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

**Relies on Performance Criteria**

The vehicle movements to the site will exceed 40 movements per day on the basis that each three bedroom townhouse would produce nine movements per day. Assessment against the performance criterion is required.

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:

- (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.

**Complies**

It is generally understood that a three bedroom dwelling would produce nine vehicular movements per day. This means that for the eight dwellings proposed, there could be approximately 72 movements per day. Although this may initially seem significant, it must be understood that the site occupies an area of 2765m<sup>2</sup> and could accommodate six residential Torrens titles if subdivided. This would mean that if each title were developed with a 3-4 bedroom dwelling which produced nine-ten movements per day, then approximately 60 vehicular movements per day would be anticipated and considered reasonable. The difference between 60 movements and 72 movements is therefore the key issue.

It is also relevant to consider that the density standards for the zone allow for eight multiple dwellings to be developed on the site and comply with the acceptable solution. On this basis it should be accepted that an associated number of vehicle movements for this use would be appropriate.

The driveway has been designed to accommodate the anticipated number of vehicular movements and the application was internally referred to Council's Roads and Hydraulics Department for consideration who have provided conditional consent for the application and advised that a Traffic Impact Assessment would not be required (in their view) for this proposal. The driveway is proposed to be widened to allow for a give way areas for vehicles travelling in opposite directions. The nature of the traffic accessing the site is residential in nature and is likely to be concentrated to before and after work times. The speed limit of the residential streets in the immediate surrounds is 50km/h.

**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

**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**  
 An appropriate level of parking is proposed for the eight townhouses within walking distance of the main services of the city. The proposal is consistent with the purpose statements of the Code. Further assessment is conducted against individual standards of the Code below.

**E6.5 Use Standards**

**E6.5.1 Car parking numbers**

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

**Consistent**  
 An appropriate level of parking is proposed. Assessment against the standards below demonstrates that the proposal is consistent with the objective.

A1 The number of car parking spaces must:

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

**Complies**  
 Table E6.1 requires two spaces for residential uses with more than two bedrooms and one dedicated space per four dwellings (rounded up to the nearest whole number). Each of the eight townhouses has three bedrooms and a double car garage for parking of its residents. Each townhouse also has its own dedicated visitor parking space on-site. This exceeds the requirement for visitor parking which requires only two shared visitor parking spaces. By providing three parking spaces per dwelling somewhat negates the possibility of on-street parking congestion.

**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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.

**Not Applicable**

There is no requirement for delineated accessible parking spaces for a Class 1 building.

**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.

**Not Applicable**

There is no requirement for bicycle parking for a Residential multiple dwelling development. Notwithstanding, bicycle parking and storage can be accommodated in each garage.

**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 areas will be constructed to an appropriate standard to service the use and development. Assessment against the standards below demonstrates that the proposal is consistent with the objective.

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**

9% for first 43m section of driveway, then approximately 10% for the 48m long section of driveway through the middle of the lot. The driveway will be sealed concrete and appropriate drained to manage stormwater runoff. The visitor parking spaces for townhouses 4A and 4B which are located opposite will be appropriately signed. A permit condition to this effect has been recommended.

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

**Objective:**

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

**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

**Consistent**

The proposed parking areas have been designed and laid out to provide convenient, safe and efficient parking options for residents and visitors to the site. Assessment against the standards below demonstrates that the proposal is consistent with the objective.

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

- (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than 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 driveway will be sealed concrete and appropriately drained. Vehicles will be able to enter and exit the site in a forward direction. No accessible parking spaces are proposed. The width of the driveway substantially meets the requirements of Table E6.2 however there are some sections of the driveway which are less than 4m wide. Assessment against the performance criterion is required.

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;
- (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.

**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

**Complies**

The proposed driveway has been reviewed by Council's Roads and Hydraulics Department who have provided conditional consent for its design. The layout allows for on-site turning with give way areas if necessary. The vehicles accessing the site will be residents or visitors and the proposed 3.6m wide driveway which runs through the middle of the site to the rear is considered appropriate for the 'average' car.

**E6.6.3 Pedestrian access**

**Objective:**

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

**Consistent**

Pedestrian access to the site is considered appropriate to service the use. Assessment against the standards below demonstrates that the proposal is consistent with the objective.

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

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

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

**Relies on Performance Criteria**

More than ten on-site parking spaces are required by Table E6.1. Separate pedestrian access is not proposed. Assessment against the performance criterion is required to demonstrate compliance.

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

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



**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

**Complies**

Although the number of vehicle parking spaces triggers assessment against P1, the nature of the use is residential and the necessity for separate pedestrian pathways is not considered to be required. Vehicle movements will be associated with each individual dwelling with movements to and from a particular dwelling. Each dwelling also has its own double garage and visitor parking space. The site is not anticipated to be congested and vehicles will be travelling very slowly.

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Roads and Hydraulics	Road owners consent to lodge the application provided on 1 December 2015 Application referred Consent provided with recommended conditions
Environmental Services	Consent provided with recommended conditions
Parks and Recreation	No referral required
Heritage/Urban Design	No referral required
Building and Plumbing	Building, Plumbing and Occupancy permits will be required following planning approval
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater on 2 December 2015 Further information requested on 7 December 2015 Conditional consent provided on 19 February 2016 TasWater has issued a Submission to Planning Authority Notice TWDA 2015/01910-LCC
Department of State Growth	No referral required
TasFire	No referral required
Tasmanian Heritage Council	No referral required
Crown Land	No referral required
TasRail	No referral required
EPA	No referral required
Tas Networks	No referral required

**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

**5. REPRESENTATIONS**

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 24 February 2016 to 9 March 2016. Notification of neighbours was undertaken pursuant to the Act by a site notice at the frontage, notification cards posted to residents and owners of neighbouring properties and an advertisement in *The Examiner*. The following neighbours were sent notification cards: 19A, 21A, 23, 24, 26, 28, 29 & 31 Duke St and 49, 51, 53 & 55 Neika Avenue and 76, 78 & 80 Thistle Street West. Regulation 9(1)(c) of the *Land Use Planning and Approvals Regulation 2014* requires notification of immediate neighbours, however in the interests of neighbourhood awareness, the Planning Department generally notifies more broadly.

Eight formal representations were received. Two additional letters were received outside of the statutory process and were responded to.

Richard Jamieson, Manager Planning Services, and Claire Fawdry, Town Planner, met with representors on-site on 7 April 2016 to better understand the concerns of representors. The process was explained and each person in attendance had the opportunity to voice their concerns and ask questions.

The issues raised in representations 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
Density of development is too high	The proposal for eight townhouses on a 2765m <sup>2</sup> lot meets the acceptable solution for clause 10.4.1 which reads: Multiple dwellings must have a site area per dwelling of not less than 325m <sup>2</sup> . Therefore $2765 \div 325 = 8.5$ dwellings. Refer to mapping of multiple dwellings in the surrounding area provided in assessment against clause 10.4.1.
Increased traffic movements and congestion in the street	It was noted that the acceptable solution minimum lot size for subdivision in the zone for this area is 500m <sup>2</sup> however there is no absolute minimum in the performance criteria. This means that a subdivision application could be lodged which proposes six new lots (each with 4 bedrooms possibly). The difference in traffic generation between six and eight dwellings is therefore relevant. It is also relevant to consider that the density standards for the zone allow for

**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

	eight multiple dwellings to be developed. On this basis it would be accepted that an associated number of increased vehicle movements would not contravene the density standards.
Loss of view	The planning scheme does not regulate loss of view.
Devaluation of the area and neighbouring properties	The planning scheme does not regulate house prices. It was noted however that the proposed townhouses have been individually designed by a registered architect and are intended to provide high quality housing.
Increased noise	There may be an increase in residential noise as a result of the development, however this is principally because at the moment the land is vacant. The 'use' of multiple dwellings on the site is Permitted in the zone which means that we do not have capacity to refuse the use of eight townhouses on the site. The reason that this proposal has been advertised is because the applicant has sought discretion on a few of the 'development' standards. This means that the noise from eight townhouses is not a matter which we consider.
Increased runoff from hard surfaces	The proposed development will need to be appropriately drained to the public stormwater system.
Loss of privacy/overlooking	Where a discretion is triggered in terms of privacy, assessment has been undertaken against the performance criterion in clause 10.4.6. The topography of the site and neighbouring properties is relevant and generally the design of the townhouses on the site will not directly overlook into neighbouring habitable room windows or private open space areas.
Too many multiple dwelling developments in the area	There are no controls in the General Residential Zone which limit the number of lots in a street which can be developed for multiple dwellings. The Residential (multiple dwelling) use class is Permitted in the zone.

**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

Site notice not displayed on the site	The site notice was displayed at the frontage of the lot as required under Section 57 of the <i>Land Use Planning and Approvals Act 1993</i> . The A3 sign was affixed to the existing Honed Architecture sign constructed at the frontage of the lot. A notice was also placed in The Examiner and adjoining neighbours were notified by post.
Concerns regarding potential damage as a result of this development	This is something which is dealt with at building approval stage.

**6. CONCLUSION**

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

**ECONOMIC IMPACT:**

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

**ENVIRONMENTAL IMPACT:**

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

**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015  
 Land Use Planning and Approvals Act 1993  
 Land Use Planning and Approvals Regulations 2014

**8.2 25 Duke Street, West Launceston - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings...(Cont'd)**

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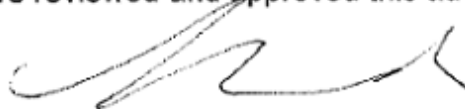
**BUDGET & FINANCIAL ASPECTS:**

Not 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. Advertised Plans (distributed electronically)
  3. Representations (distributed electronically)
  4. Plans to be Endorsed (distributed electronically)
  5. Plans to be Amended (distributed electronically)
  6. TasWater Submission to Planning Authority Notice (distributed electronically)
-

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

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**Monday 11 April 2016**

- Accompanied Her Excellency, Professor the Honourable Kate Warner, Governor of Tasmania and Mr Warner on their visit to Launceston
- Officiated at the official welcome reception for Her Excellency, Professor the Honourable Kate Warner, Governor of Tasmania and Mr Warner

**Thursday 14 April 2016**

- Acting Mayor Alderman Rob Soward attended the 2016 Vinnies CEO Sleepout Launch at City Park

**Tuesday 19 April 2016**

- Attended the Red Shield Appeal Launch Breakfast at the Salvation Army headquarters in Elizabeth Street

**Wednesday 20 April 2016**

- Attended the ASID Scientific Meeting and Welcome Reception at Josef Chromy Winery

**Thursday 21 April 2016**

- Attended the Mayor's Professional Development Day at the City Park Grand in Launceston

**Monday 25 April 2016**

- Officiated at the 2016 ANZAC Day Service
  - Attended the 2016 ANZAC Service at Nunamara
-

**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.)*

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**11.1.1 Aldermen's Question on Notice - Council Meeting - 11 April 2016****FILE NO:** SF2375**AUTHOR:** Tegan West (Committee Clerk)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**QUESTION and RESPONSE:**

Alderman D C Gibson asked the following question.

1. *When will we expect to see a first version of the Events Sponsorship Policy?*

***Response***

*(Mrs L Hurst - Director Development Services)*

It is anticipated that a first draft of the Policy will be considered at a workshop with Aldermen in early to mid-October.

There are several key elements of the Action Plan which need delivery prior to drafting the Policy, including developing the Launceston brand, to which the Events Sponsorship Policy must align.

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**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**

**No Committee Reports have been identified as part of this Agenda**

**13 COUNCIL WORKSHOPS**

Council Workshops conducted on 18 April 2016 were:

- Lighting up Town Hall
  - Ross Hart (Labor Candidate for Bass) Presentation
  - CoL Tourism Update
  - Rating Structure for the Year Ending 30 June 2017
  - Tasmanian Planning Scheme
-

**14 NOTICES OF MOTION**

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

**14.1 Notice of Motion - Alderman R L McKendrick - AFL Football in Launceston**

**FILE NO:** SF5547/S5883

**AUTHOR:** R L McKendrick (Alderman)

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

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**DECISION STATEMENT:**

To consider the Council's position regarding the future of AFL football in Launceston.

**RECOMMENDATION:**

That, in light of the recent Garlick Report into AFL football in Tasmania and the importance of AFL matches in Launceston from an economic, tourism and social perspective, the Council engage with the State Government and other key partners to advocate priority issues for the city and region, including:

- (i) The return to the local economy from current AFL games calculated at \$28million per annum by PricewaterhouseCoopers (November 2014).
  - (ii) Content must be maintained at current levels as a minimum.
  - (iii) Any move to a "one team model" for AFL football in Tasmania must not come at the cost of economic loss to the city's or northern economy.
  - (iv) As the owner and provider of an international standard AFL facility, the Council must be engaged in discussions on AFL football in Tasmania involving:
    - AFL content and scheduling;
    - Growth of AFL football in the state; and
    - Location of an AFL Academy at Launceston.
- 

**REPORT:**

General Manager to develop a strategy for the future of AFL in Launceston as the Hawthorn arrangements may be in doubt past the existing contract.

The renewal of the North Melbourne Football Club contract is also a factor that may have an impact on football in the State.

In any discussion we need to be involved now with Government and AFL as our content of games must be maintained or increased for the economy/benefit of \$28 million for Launceston.

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## **14.1 Notice of Motion - Alderman R L McKendrick - AFL Football in Launceston...(Cont'd)**

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Also, we must be pro-active for any AFL style academy that may be established that it be in Launceston.

### **OFFICER COMMENTS:**

*Mr Robert Dobrzynski (General Manager)*

Council would be aware that the current agreement between the Hawthorn Football Club, the State Government and the AFL expires in October 2016.

A successor five-year agreement with Hawthorn commences in 2017 and concludes in 2021.

The AFL commissioned a comprehensive review of AFL football in Tasmania, culminating in a report undertaken by Simon Garlick. While the report has not been publically released, it is understood that a summary of the report findings will be made public.

Notwithstanding the Garlick report summary has not been publically released, there have been "selective leaks" made public.

The most concerning of these relate to the preference by the AFL for one team to play regular AFL matches in Tasmania, split between Launceston and Hobart.

This statement has potentially massive implications for Launceston, which require strong advocacy to ensure the interests of the city and region are well represented in negotiations and agreed outcomes on the future of AFL matches in Tasmania past the next Hawthorn deal.

By all objective measures of success, the Hawthorn Football Club has been a magnificent acquisition to Launceston and the State.

Over the past 16 years of playing regular matches in Launceston, Hawthorn has embraced the community at all levels. They are a part of the cultural fabric of the city and State and a case study on how to successfully embed the ethos of a sporting club within a new market.

The PricewaterhouseCoopers report of November 2014 indicated the total contribution to the local economy of Hawthorn games in Launceston at \$28million per annum.

The AFL has previously indicated they believe North Melbourne should be the sole team playing regular home games in Tasmania and that games should be played in Launceston and Hobart.

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**14.1 Notice of Motion - Alderman R L McKendrick - AFL Football in Launceston...(Cont'd)**

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There are significant potential consequences for Launceston in the event this situation prevails. Some of these are:

- (i) The North Melbourne AFL model is an immature one in the Northern Tasmania market. The Hawthorn model is mature after 16 years and embedded in the community. This would be expected to be reflected in attendances at matches in Launceston.
- (ii) North Melbourne has around half the membership base of Hawthorn and evidence from Hobart matches suggest that less numbers of North Melbourne members travel from the mainland to Tasmania than Hawthorn members. This has major economic implications.
- (iii) The number of games played in Launceston becomes a crucial factor in light of the foregoing. If the matches are equally split between each venue - three each, the impacts financially on the local economy would be dramatic. The Council must ensure a minimum of four matches and one preseason game at Launceston each year and at least two "tier one" AFL sides (Richmond, Collingwood, Essendon, Carlton) playing matches at Launceston within the four matches.
- (iv) The cumulative outcome of the above potential ramifications for Launceston and Northern Tasmania include:
  - Underutilised tourism infrastructure in Launceston during the challenging winter months.
  - Loss of jobs and employment opportunities in the part-time job market which is so invaluable in increasing household disposable income in a currently difficult job market.
  - Drop in tourism numbers and economic yield and the ability to market the brand of Launceston and Tasmania to primary markets.
  - A significant drop in the level of economic activity.

It is imperative that the Council obtains a commitment from the State Government that the Council will be engaged in negotiations which determine the outcomes of the future model for AFL matches in Tasmania.

**ECONOMIC IMPACT:**

Contained within this report.

**ENVIRONMENTAL IMPACT:**

Contained within this report.

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**14.1 Notice of Motion - Alderman R L McKendrick - AFL Football in Launceston...(Cont'd)**

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**SOCIAL IMPACT:**

Contained within this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2015

Priority Area 7 - A city that stimulates economic activity and vibrancy

Ten-year goal - To develop a strategic and dedicated approach to securing economic investment in Launceston

Key Direction -

4. To promote and attract national and international events and support the sector to ensure a diverse annual events calendar

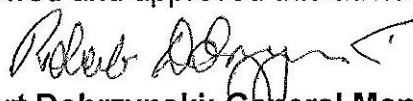
**BUDGET & FINANCIAL ASPECTS:**

Contained within 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**

**ATTACHMENTS:**

1. Notice of Motion - Alderman R L McKendrick - AFL football in Launceston
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## CITY OF LAUNCESTON

### MEMORANDUM

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AFILE NO: SF5547 / SF5883  
RLMc  
DATE: 14 April 2016

TO: Robert Dobrzynski                      General Manager  
Cc    Committee Clerks

FROM: Robin McKendrick                      Alderman

**SUBJECT: Notice of Motion - AFL in Launceston**

In accordance with Clause 16 (5) of the Local Government Regulations 2015 (Meeting Procedures) please accept this Notice of Motion for placement on the agenda of the Meeting of Council to be held on Tuesday 26 April 2016.

#### **Motion**

That, in light of the recent Garlick Report into AFL football in Tasmania and the importance of AFL matches in Launceston from an economic, tourism and social perspective, the Council engage with the State Government and other key partners to advocate priority issues for the city and region, including:

- (i) The return to the local economy from current AFL games calculated at \$28million per annum by Price Waterhouse Coopers (November 2014).
- (ii) Content must be maintained at current levels as a minimum.
- (iii) Any move to a "one team model" for AFL football in Tasmania must not come at the cost of economic loss to the city's or northern economy.
- (iv) As the owner and provider of an international standard AFL facility, the Council must be engaged in discussions on AFL football in Tasmania involving:
  - AFL content and scheduling;
  - Growth of AFL football in the state; and
  - Location of an AFL Academy at Launceston.

#### **Background**

General Manager to develop a strategy for the future of AFL in Launceston as the Hawthorn arrangements may be in doubt past the existing contract.

The renewal of the North Melbourne Football Club contract is also a factor that may have an impact on football in the State.

In any discussion we need to be involved now with Government and AFL as our content of games must be maintained or increased for the economy/benefit of \$28 million for Launceston.

## CITY OF LAUNCESTON

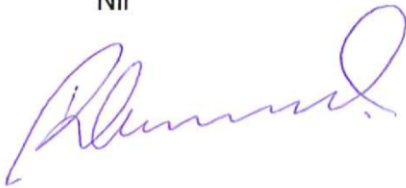
### MEMORANDUM

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Also we must be pro-active for any AFL style academy that may be established that it be in Launceston.

#### Attachments

Nil



**Alderman Robin McKendrick**

**15 DEVELOPMENT SERVICES DIRECTORATE ITEMS****15.1 New Year's Eve Event 2016****FILE NO:** SF5791**AUTHOR:** Eve Gibbons (Grants and Sponsorship Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To respond to expressions of interest received to host the 2016 New Year's Eve event.

**PREVIOUS COUNCIL CONSIDERATION:**

Council Meeting - 25 January 2016 - Agenda Item 15.2 - Signature Event and Signature Celebration Events Sponsorship - endorsed an Expressions of Interest process for a 2016 New Year's Eve Event.

Council Meeting - 15 March 2016 - Notice of Motion - Alderman D C Gibson - Signature Events Sponsorship 2016/2017, the Council endorsed a notice of motion to increase the pre-committed amount to up to \$40,000.

**RECOMMENDATION:**

1. That Council endorses the recommendation of the Event Sponsorship Committee to provide \$40,000 sponsorship to Vibestown Productions Pty Ltd, for the 'NYE Party in the Park' event 2016.
  2. That the funding be provided for the event as outlined in the Expression of Interest Application received for the 'NYE Party in the Park' 2016.
- 

**REPORT:**

An Expressions of Interest process was endorsed by the Council on 25 January 2016 for an event organiser with proven, successful events experience to coordinate the 2016 New Year's Eve event, with a pre-commitment of up to \$20,000 in sponsorship.

Applications opened 27 January 2016 and closed 19 February 2016. No applications were received.

On 15 March 2016, the Council approved a pre-commitment of up to \$40,000 in event sponsorship funding for the event. The Expressions of Interest process was re-opened with applications closing on 8 April 2016.

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## 15.1 New Year's Eve Event 2016...(Cont'd)

Four Expressions of Interest applications were received, as listed below.

Organisation	Event Name	Page #
Cityprom Ltd	'New Year's On Royal'	3-34
Apex Club of Tamar Inc.	'Launceston City New Year Eve Celebrations'	35-53
Foxx and Hound	'New Year in the Streets'	54-63
Vibestown Productions Pty Ltd	'NYE Party in the Park'	66-88

Expressions of Interest applications were assessed by the nine member Event Sponsorship Assessment Panel, comprising of Alderman Gibson, Alderman Stojansek and Alderman Williams and Council officers. The panel used the assessment criteria detailed below.

### Mandatory

- Event is unique to Launceston;
- Event is held in the City of Launceston Municipality and delivers a memorable community experience resulting in social, economic, environmental and city image outcomes;
- Event organiser has proven, successful event experience;
- Responds to one or more priorities identified in the City of Launceston Council Event Strategy 2012-2015 (Goal 1 - Lifestyle and Goal 4 - Investment);
- Demonstrates how the event will appeal to and attract significant local, regional, state and/or national patrons/visitor numbers;
- Demonstrates (intrastate as a minimum) media exposure;
- Alignment with destination brand;
- A detailed budget must be included with the application, demonstrating sound financial planning; and
- A risk management plan (for the event) must be included with the application.

### Assessment points

- Demonstrates community involvement;
- Event complements and diversifies the events calendar;
- Demonstrates benefits to Launceston's event portfolio, profile and economy;
- Budget for the event is realistic and includes evidence of other support (i.e. fundraising, sponsorship, use of volunteers, in-kind support etc.) equal to or greater than the requested contribution from Council; and
- Environmentally sustainable practices for the event have been adequately addressed.

Following the assessment process the application with the highest score was the event submitted by Vibestown Productions for 'NYE Party in the Park'. It is therefore recommended that Council approve event sponsorship of \$40,000 for the 2016 'NYE Party in the Park' New Year's Eve event. Standard event sponsorship funding agreement conditions will apply.

**15.1 New Year's Eve Event 2016...(Cont'd)**

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**ECONOMIC IMPACT:**

Approval of the recommended event sponsorship will result in a positive economic impact to the Launceston community.

**ENVIRONMENTAL IMPACT:**

Approval of the recommended event sponsorship will have minimal impact on the environment.

**SOCIAL IMPACT:**

Approval of the recommended event sponsorship will provide a number of valuable social impacts for our 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 Direction -

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 -

4. To promote Launceston's rich heritage and natural environment

5. To plan for better connections between the river and Launceston

Priority Area 4 - A diverse and welcoming city

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

Key Directions -

6. To support the delivery of program and events for people to connect with each other through participation in community activities and civic life

Priority Area 7 - A city that stimulates economic activity and vibrancy

Ten-year goal - To develop a strategic and dedicated approach to securing economic investment in Launceston

Key Directions -

3. To promote tourism and a quality Launceston tourism offering

6. To facilitate direct investment in the local economy to support its growth

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**15.1 New Year's Eve Event 2016...(Cont'd)**

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**BUDGET & FINANCIAL ASPECTS:**

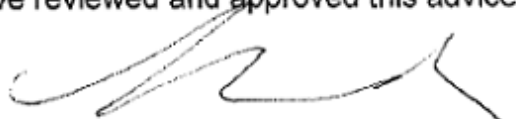
Council pre-committed up to \$40,000 from the Signature Event Sponsorship Budget 2016/2017 at its Meeting on 15 March 2016, to fund a 2016 New Year's Eve event.

Available Funds	\$40,000
Amount recommended	\$40,000
Balance	\$0

**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**

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**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**

No Items have been identified as part of this Agenda

**19 CORPORATE SERVICES DIRECTORATE ITEMS**

No Items have been identified as part of this Agenda

**20 GENERAL MANAGER'S DIRECTORATE ITEMS**

No Items have been identified as part of this Agenda

**21 URGENT BUSINESS**

*Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, states that a council, by absolute majority at an ordinary council meeting, may decide to deal with a matter that is not on the Agenda.*

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

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**22 CLOSED COUNCIL**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 15(2)*

**22.1 Confirmation of the Minutes****DECISION STATEMENT:**

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 Aldermen's Leave of Absence****RECOMMENDATION:**

That Agenda Item 22.2 be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(h) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

15(2)(h) applications by councillors for a leave of absence

**23 MEETING CLOSURE**

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