



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 23 JANUARY 2017
1.00pm**

City of Launceston

COUNCIL AGENDA

Monday 23 January 2017

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

Date: 23 January 2017

Time: 1.00pm

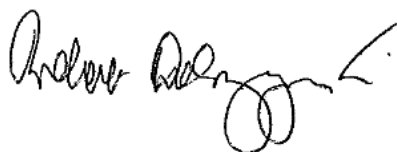
Section 65 Certificate of Qualified Advice

Background

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

Declaration

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



Robert Dobrzynski
General Manager

ORDER OF BUSINESS

Item No	Item	Page No
1	OPENING OF MEETING - ATTENDANCE AND APOLOGIES	1
2	DECLARATIONS OF INTEREST	1
3	CONFIRMATION OF MINUTES	1
4	DEPUTATIONS	1
	No Deputations have been identified as part of this Agenda	
5	PETITIONS	1
	No Petitions have been identified as part of this Agenda	
6	COMMUNITY REPORTS	2
6.1	Tennis Tasmania - Ms Nicky Ristrom	2
7	PUBLIC QUESTION TIME	2
7.1	Public Questions on Notice	2
7.1.1	Public Question on Notice - Code of Conduct Panel Costs - Mr B Fitch	3
7.2	Public Questions without Notice	4
8	PLANNING AUTHORITY	5
8.1	16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site	5
8.2	15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)	70

Item No	Item	Page No
8.3	1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-street Car Park Associated with the North Bank Recreation Precinct	119
9	ANNOUNCEMENTS BY THE MAYOR	145
9.1	Mayor's Announcements	145
10	ALDERMEN'S REPORTS	148
11	QUESTIONS BY ALDERMEN	148
11.1	Questions on Notice	148
	No Aldermen's Questions on Notice have been identified as part of this Agenda	
11.2	Questions without Notice	148
12	COMMITTEE REPORTS	149
12.1	Pedestrian and Bike Committee Meeting - 29 November 2016	149
12.2	Sister Cities Committee Meeting - 5 December 2016	153
12.3	Tender Review Committee - 28 November 2016	156
13	COUNCIL WORKSHOPS	158
	No Council Workshops have been conducted since the last Council Meeting	
14	NOTICES OF MOTION	158
	No Notices of Motion have been identified as part of this Agenda	
15	DEVELOPMENT SERVICES DIRECTORATE ITEMS	158
	No Items have been identified as part of this Agenda	

Item No	Item	Page No
16	FACILITIES MANAGEMENT DIRECTORATE ITEMS	158
	No Items have been identified as part of this Agenda	
17	QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS	159
17.1	Museum Governance Advisory Board Meeting - 16 December 2016	159
18	INFRASTRUCTURE SERVICES DIRECTORATE ITEMS	161
	No Items have been identified as part of this Agenda	
19	CORPORATE SERVICES DIRECTORATE ITEMS	162
19.1	Council Meetings (Frequency and Commencement Time) Policy	162
19.2	Action in Respect of the Economic Development Committee and the Street Tree Advisory Group	168
19.3	Council Appointments to Internal and External Committees	173
19.4	Delegation from Council to General Manager - <i>Building Act 2016 (Tas)</i> and <i>Building Regulations 2016</i>	182
20	GENERAL MANAGER'S DIRECTORATE ITEMS	190
	No Items have been identified as part of this Agenda	
21	URGENT BUSINESS	190
	No Urgent Items have been identified as part of this Agenda	
22	CLOSED COUNCIL	190
	No Closed Items have been identified as part of this Agenda	
23	MEETING CLOSURE	190

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 12 December 2016 be confirmed as a true and correct record.

4 DEPUTATIONS

No Deputations have been identified as part of this Agenda

5 PETITIONS

Local Government Act 1993 - Sections 57 and 58

No Petitions have been identified as part of this Agenda

6 COMMUNITY REPORTS

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

6.1 Tennis Tasmania - Ms Nicky Ristrom

Ms Ristrom will provide Council with an overview of planned activities for the 2017 Launceston International.

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions on Notice

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

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

7.1.1 Public Question on Notice - Code of Conduct Panel Costs - Mr B Fitch

FILE NO: SF6381

AUTHOR: Anthea Rooney (Committee Clerk)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

QUESTION and RESPONSE:

The following question was asked at the Council Meeting on Monday, 12 December 2016 by Mr Basil Fitch.

What was the cost to Council for the Code of Conduct matter discussed at the Council Meeting on Monday, 28 November 2016?

Response:

(Mr Robert Dobrzynski General Manager)

The costs have not yet been finalised by the Local Government Division of the State Government. Advice is currently being sought regarding whether the information is required to be kept confidential.

7.2 Public Questions without Notice

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

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

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

8 PLANNING AUTHORITY

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site

FILE NO: DA0590/2016

AUTHOR: Ashley Brook (Consultant Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Northern Outlet Developments
Property:	16-24 Charles Street and 9 Canal Street and adjoining road reserves
Zoning:	Urban Mixed Use
Receipt Date:	1/12/2016
Validity Date:	5/12/2016
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval	23/01/2017
Representations:	Eight

PREVIOUS COUNCIL CONSIDERATION:

DA0573/2014 Bulky Goods Sales - food services, educational and occasional care and vehicle parking - change of use; construction of a building; subdivision; development on Council land (Approved by Tasmanian Heritage Council 17 June 2015 and Council 22 June 2015).

DA0383/2014 Bulky Goods - showroom; Food Services - restaurant; Ancillary - facilities; demolition of the 'Cordial Factory' (Refused by Tasmanian Heritage Council 1/10/2014 and Council 13/10/2014).

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

DA0343/2011 Development and use involving the establishment of a new commercial and retail centre with multiple tenancies (Approved by Tasmanian Heritage Council 18/08/2011 and Council 19/09/2011).

DA0573/2004 Development and use including 149 residential apartments, 87 room hotel, exhibition space, retail outlets, gymnasium and pool, carpark, skybridge and ancillary works (Approval confirmed by Resource Management and Planning Appeal Tribunal 28/09/2005).

In accordance with Council Policy the assessment of this application has been outsourced to an independent consultant planner as it relates to development of land in which the City of Launceston has a pecuniary interest.

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 DA0590/2016 Business and Professional Services - offices; Vehicle Parking - car park; Food Services - café; Hotel Industry - bar; alterations to existing heritage-listed buildings to accommodate offices, café/bar and coffee shop; construction of a building extension to accommodate offices; construction of a single and multistorey car park; subdivision (consolidation of lots); construction of associated works involving the provision of site vehicular access, pedestrian access and landscaping off Canal Street in Charles Street, Canal Street, Cimitiere Street and Wellington Street at 16-24 Charles Street and 9 Canal Street, Launceston also known as "CH Smith Site", and adjoining land in the road reserves of Charles Street, Canal Street, Cimitiere Street and Wellington Street, in accordance with the endorsed plans and subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

The development and use must be carried out in accordance with the following endorsed plans and documents to the satisfaction of the Planning Authority except where modified by the other permit conditions below:

- a. Cover page, Prepared by Artas Architects, CH Smith Revitalisation Project, Project No. 161059, Drawing A0000-DA01.
 - b. Proposed Demolition Plan - Basement, Prepared by Artas Architects, CH Smith Revitalisation Project, Project No. 161059. Drawing A0001-DA01.
 - c. Site Plan - Basement, Prepared by Artas Architects, CH Smith Revitalisation Project, Project No. 161059. Drawing A0002-DA03.
 - d. Site Plan – Level 1, Prepared by Artas Architects, CH Smith Revitalisation Project, Project No. 161059. Drawing A0003-DA03.
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8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

- e. Site Plan – Level 2, Prepared by Artas Architects, CH Smith Revitalisation Project, Project No. 161059. Drawing A0004-DA02.
- f. Site Title Plan, Prepared by Artas Architects, CH Smith Revitalisation Project, Project No. 161059. Drawing A0005-DA01.
- g. Site Infrastructure Services Plan, Prepared by Artas Architects, CH Smith Revitalisation Project, Project No. 161059. Drawing A0006-DA01.
- h. Heritage Archaeological Overlay, Prepared by Artas Architects, CH Smith Revitalisation Project, Project No. 161059. Drawing A0007-DA01.
- i. Elevations, Prepared by Artas Architects, CH Smith Revitalisation Project, Project No. 161059. Drawing A2100-DA02.
- j. Building 1 Elevations, Prepared by Artas Architects, CH Smith Revitalisation Project, Project No. 161059. Drawing A2101-DA01.
- k. Building 2 and Bond Store Elevations, Prepared by Artas Architects, CH Smith Revitalisation Project, Project No. 161059. Drawing A2102-DA01.
- l. Sections, Prepared by Artas Architects, CH Smith Revitalisation Project, Project No. 161059. Drawing A2200-DA01.
- m. 'CH Smith Revitalisation Project, 16-24 Charles and 9 Canal Street, Launceston: Report to Support a Development Application', Prepared by Pitt & Sherry, Dated 1 December 2016.
- n. 'CH Smith Revitalisation Project, Traffic Impact Assessment' Prepared by GHD Pty Ltd, Dated 6 December 2016.
- o. 'Memo, Former CH Smith Site Environmental Site Assessment', Prepared by Jemrok Pty Ltd, Dated 6 December 2016

2. TASMANIAN HERITAGE COUNCIL

The development must be undertaken in accordance with the conditions included on the Tasmanian Heritage Council 'Notice of Heritage Decision' for THC Works Ref. 5208, endorsed as part of this permit.

3. TASWATER

The development must be undertaken in accordance with the conditions included on the TasWater Development Certificate of Consent TWDA 2016/01837-LCC, endorsed as part of this permit.

4. AMENDED PLANS REQUIRED

Prior to the commencement of any works and use, amended plans must be submitted to show:

- a. Modification of the works to the 1850s wall along the Canal Street frontage between 16-18 Charles Street and the Canal Street Warehouse, involving:
 - i. Retention of the wall along the frontage to its current height and the two existing openings in the wall;
 - ii. Demolition of the brick infill between the wall and the Canal Street Warehouse and
-

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

- iii. Creation of two new openings in the wall including:
 - An opening to the rear of 16-18 Charles Street having a width no greater than 3.7m and which encroaches no higher than 1.2m measured from the top of the wall and 0.6m from the eastern end of the wall; and
 - Re-opening of the bricked-up former opening in the wall which has a centre of approximately 6.3m measured from the western end of the wall.
 - b. Modification of the works involving two existing ground level door openings on the Charles Street frontage of the 1938 CH Smith Wool Store at 20 Charles Street in order to:
 - i. ensure the openings are represented as doorways rather than windows; and
 - ii. incorporate the existing sliding doors in the southern doorway into the design of both openings.
 - c. Modification of the provision of bicycle parking to include:
 - i. A minimum of four spaces within the site on the hardstand adjacent to the café/bar and a minimum of two spaces in the entry forecourt intended for the coffee shop, in addition to the 12 spaces currently shown on the plans (total provision of 18 spaces required); and
 - ii. At least one shower and change room facility accessible for employees associated with the larger office tenancy.
 - d. Provision of a minimum of two motorcycle parking spaces on site.
 - e. Modification of the lower level car park layout to eliminate blind aisles greater than 16m in length and to provide for boom gate controlled entry and exit from the car park.
 - f. Modification of the upper car park layout to eliminate blind aisles greater than 16m in length and to provide for boom gate controlled entry and exit from the car park.
 - g. Realignment of the upper deck stair access to Canal Street ground level so as to be completely contained within the property title.
 - h. Provision of an entry lane from Cimitiere Street to the lower car park of sufficient length to provide deceleration from 40km/hr to a car queuing at the entry boom gate. The entry lane is to be a single lane but to provide for over height vehicles to leave the queue and return to Cimitiere Street via an emergency driveway. A flexible striker bar structure is to be installed within the laneway to discourage access by over height vehicles.
 - i. Provision of an urban cul-de-sac turning head for Canal Street to provide for the car park entrance/exit and vehicle manoeuvring at the street end. The cul-de-sac is to generally comply with the LGAT-IPWEA standard drawing TSD-R08-v1.
 - j. Modification of the upper deck exit to Cimitiere Street so as increase the approach angle to a minimum of 70⁰ and clearly be marked as an exit only.
 - k. A lighting plan for both the car park levels to provide safe and convenient use of the site outside daylight hours. The lighting is to provide for both pedestrians and vehicles and is to be designed to minimize light spillage outside of the site.
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8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

- l. The provision of a signage plan for the car park and the approaches to the car park. The signage plan is to include variable message signs showing the current availability of car park spaces to the satisfaction of the Director Infrastructure Services and additional fixed signage showing height restrictions to the lower level, directions to exits (pedestrian and vehicular), the location of payment machines and the load limits for access to the upper level of car parking.
- m. A revised street parking plan showing the provision of two short stay car spaces and a loading zone on both the Charles Street and Canal Street frontages to the site.
- n. A kerbing and footpath plan showing the provision of a footpath for the Cimitiere Street frontage including relocating the kerb outstand on Charles Street to the intersection. The footpath is to extend from the Cimitiere Street entrance to the lower car park level to Charles Street and is to have a minimum width of 1.5m widening to 2.5m where possible.

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

5. PARKING AREAS

Areas set aside for vehicle parking and access on site as shown on the endorsed plans shall be designed to comply with the following:

- a. AS2890.1, Off-street car parking.
- b. AS 2890.3 – Bicycle parking facilities.
- c. AS2890.6 – Off-street parking for people with disabilities.
- d. Table 2.3 of AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.

6. SITE LANDSCAPE PLAN REQUIRED

Prior to the commencement of any works and use, a landscape plan must be submitted for approval by the Manager Planning Services. The plan must be prepared by a suitably qualified person, drawn to scale and include the following details:

- a. Major site features such as building footprints, topography, contours, existing vegetation and street boundaries.
 - b. Existing and proposed garden areas and plantings (including a schedule of all trees, shrubs and groundcover including common name, botanical name and size at maturity).
 - c. Any stabilisation works required as a result of tree or vegetation removal.
 - d. All proposed garden beds, retaining walls, lawn hard surfaces and pathways.
 - e. Suitable irrigation or a fixed sprinkler system for watering of all lawns and landscaped areas.
 - f. Landscaping shall to provide an effective screen of the ground and upper levels of the car park when viewed from Cimitiere Street and Wellington Street.
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8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

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

- a. Installed in accordance with the endorsed plan.
- b. Completed within three months of the use commencing.
- c. Maintained as part of the development. It must not be removed, destroyed or lopped without the written consent of the Manager Planning Services.

The developer must meet the costs of all landscaping works shown on the endorsed plans as being outside the land owned by the developer. Prior to commencement of any landscaping or works on land outside the ownership of the developer all necessary agreements must be in place with the relevant landowner or authority for final design, ongoing management and maintenance of these areas.

7. ENVIRONMENTAL SITE ASSESSMENT

The development must be carried out in accordance with the recommendations contained in the following reports:

- a. 'Environmental Site Assessment of CH Smith Site', Prepared by Coffey Environments, dated 26 June 2007.
- b. 'Memo, Former CH Smith Site Environmental Site Assessment', Prepared by Jemrok Pty Ltd, dated 6 December 2016, endorsed as part of this permit.

8. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN REQUIRED

An environmental management plan is to be prepared as recommended in the 'Memo, Former CH Smith Site Environmental Site Assessment', Prepared by Jemrok Pty Ltd, dated 6 December 2016, endorsed as part of this permit. It must detail management strategies during the bulk earthworks periods to mitigate potential environmental risks and strategies to reduce impacts during construction. It is to be prepared by a suitably qualified person. The report to be submitted to Environmental Health prior to any building works proceeding.

9. STORMWATER QUALITY MANAGEMENT PLAN

Provide a Storm Water Quality Management Plan, to be prepared by a suitably qualified person to address storm water emissions from the car park. The report to be submitted to Environmental Health prior to any building works proceeding.

10. WELLINGTON STREET OVERPASS

Prior to the commencement of works, physical works in the vicinity of the Wellington Street overpass bridge structure and piers must be assessed and accepted by the Department of State Growth. This shall involve the provision to State Growth of detailed engineering plans of any road widening works on Cimitiere Street inclusive of details for overhead clearance to the structure and associated signage, clearance to the bridge pier and requirements for a barrier protection system (type, design, extent and the like).

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

11. SUBMISSION AND APPROVAL OF PLANS

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

- a. Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - i. Electricity infrastructure including car park lighting, illuminated signage and within Canal Street, street lighting.
 - ii. A line marking plan for all entrances, parking aisles and parking spaces showing the direction of travel and the available turn options at intersections.
 - iii. A fire-fighting plan for the lower car park level including locations of sprinklers, hose reels and fire alarms.
 - iv. A pavement design for all trafficable areas including road extensions, car parking areas, aisles and footpaths.
 - v. A lower car park detail design showing a minimum clear height within trafficable aisles of 3.0m and 2.3m within individual car spaces.
 - vi. A stormwater plan showing the collection of stormwater from all buildings and paved areas and its conveyance to an approved point of discharge (See TasWater conditions).
 - vii. A design of the Cimitiere Street batter to the lower car park level so as to provide a stable and maintainable surface in accordance with the recommendations of a geotechnical assessment.
 - viii. A landscaping plan showing the planting of vegetation as shown on the endorsed plan, such plan is to show soil retaining structures, means of irrigation and a species list.
- b. Be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. Be prepared by a suitably qualified and experienced engineer or engineering consultancy.
- d. Be accompanied by:
 - i. An estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - ii. A fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion & Final inspections.

12 CONSTRUCTION OF WORKS

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

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

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

- a. Stormwater
 - i. Provision of a drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve including the car park surfaces.
- b. Roads
 - i. Provision of a fully constructed road cul-de-sac termination of Canal Street with a typical diameter of 19.0m wide (measured from the face of kerb to the face of kerb), complete with KC type kerb and channel.
 - ii. Provision of 1500mm (minimum) wide footpaths in accordance with the endorsed plans, including all necessary pedestrian kerb ramps.
 - iii. All necessary line marking, signage and other traffic control devices.
- c. Electricity, Communications & Other Utilities
 - i. An underground reticulated electricity system and public area lighting scheme must be provided to service footpaths and parking areas and be installed to the approval of the Responsible Authority.
 - ii. An underground telecommunications system must be provided to service remote signage and parking control equipment and installed to the approval of the Responsible Authority.
 - iii. Provision of fire fighting system installed to the approval of the Responsible Authority.

All construction works must be undertaken in accordance with the relevant Australian standards and the LGAT-IPWEA Standard Drawings where applicable.

These documents specify:

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

13. CONSTRUCTION DOCUMENTATION

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

- a. An "as constructed" plan in accordance with Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure Services Directorate.
-

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

- b. A Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.
- c. Compaction and soil test results for all earthworks or pavement works.
- d. An engineer's certificate that each component of the works complies with the approved engineering plans and Council standards.

14. COMPLETION OF WORKS

All works must be carried out to Council standards and to the satisfaction of the Director Infrastructure Services and under the direct supervision of a civil engineer engaged by the owner and approved by the Council. Certification that all works have been carried out in accordance with the approved engineering design plans and to Council standards will be required prior to issue of the Certificate of Practical Completion.

15. DELIVERY HOURS

Deliveries to and from the site by commercial vehicles (including trade waste collection) must only occur between 6.00am and 10.00pm, seven days a week.

16. AMENITY – COMMERCIAL/INDUSTRIAL USE

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

17. NOISE – COMMERCIAL/INDUSTRIAL

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

18. EXTERIOR AND SECURING LIGHTING PLANNING

Exterior Lighting and Security lighting to comply with the Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting".

19. SCREENING OF PLANT

Any plant and equipment proposed for the façades or roofs of the buildings must be screened in a manner to ensure they are not recognisable or visible from ground level public view points.

20. WASTE MANAGEMENT PLAN

Prior to the commencement of works on site the developer shall prepare a waste management plan for the site outlining provisions made for the collection and disposal of

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

garbage and recyclables from food services and other commercial uses on site. The plan must show:

- a. The methods of storage of garbage and recyclables, and collection including location of bins.
- b. Measures taken to minimise the amenity impacts of storage and disposal of garbage with consideration of issues including ventilation and control of noise, stormwater pollution and vermin.
- c. The storage area/s for garbage and recyclables must be located and/or screened so as not to be visible from public roads.

21. SOIL AND WATER MANAGEMENT PLAN

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

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

22. NO BURNING OF WASTE

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

23. 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.

24. COVENANTS ON SUBDIVISION

Covenants or similar restrictive controls must not be included on or otherwise imposed on the title to the lot create by the subdivision approved by this permit unless:

- a. Such covenants or controls are expressly authorised by the terms of this permit; or
 - b. Such covenants or similar controls are expressly authorised by the consent in writing of the Council; and
 - c. Such covenants or similar controls are submitted for and receive written approval by Council prior to the submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.
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8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

*Notes***A. Building Permit Required**

Prior to the commencement of any construction the applicant is required to attain a Building Permit pursuant to the Building Act 2016. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

B. Occupancy Permit Required

Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2016. 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 2016. 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. Food Premises

All Food Businesses must be registered with council in accordance with the Food Act 2003. Food Premises must comply with the National Construction Code TAS Part H102.

REPORT:**1. THE PROPOSAL**

The development application seeks approval to redevelop the subject site predominantly for offices and other uses including vehicle parking, a café/bar and coffee shop. The vehicle parking use includes areas that will be managed separately for parking associated with the proposed commercial tenancies, private parking or by Council for reserved and public parking. The application includes reuse of the existing heritage buildings involving restoration and alterations, along with the development of building additions and a multi-storey car park structure. The associated works within the site involve pedestrian and vehicular access, landscaping and consolidation of the titles for the subject site into a single lot. The application includes works in the surrounding road reserves and parcels, involving alteration and provision of vehicular and pedestrian accesses, alteration of on-street car parking and traffic control devices, reconfiguration of the end of Canal Street and landscaping.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

The major elements of the application are described below, as they relate to the existing buildings and other works proposed. The plans submitted with the application identify these elements however generally do not include more detailed works relevant to the building interiors such as counters, stairs, toilets and amenities.

24 Charles Street – c1850s Fry Residence

The existing building closest to the Cimitiere Street intersection will be opened up on the lower two levels to accommodate a proposed coffee shop with a floor area of 103 m². The third level of the building will be restored and used for storage by tenants on-site and the coffee shop. The internal stair between the upper two levels of the building only will be retained. Façade alterations include render repairs that will be repainted to match existing, new entry doors at ground level and repair and reinstatement of windows on the upper two levels. The existing skillion roof of the building will be demolished and replaced with a hipped roof to match the original with corrugated iron sheeting.

The application indicates that the south facing wall of the building facing Cimitiere Street is proposed to be repainted. However, this aspect of the proposal will be modified by Tasmania Heritage Council Works Permit which requires the retention of existing signs on the wall.

22 Charles Street – c1860s Grain Store and 20 Charles Street – c1938 CH Smith Wool Store***Building alterations***

The existing buildings will be extended at the rear to accommodate a large office tenancy over two levels with a floor area of 4846 m² (described further below). The upper two levels within 22 Charles Street are proposed to be mostly demolished. The ground floor level of this building will be reinstated and one new upper level will be added (in part). Both levels will match those of 20 Charles Street. The exception relates to the front bay behind the façade in each of the existing upper levels where the timber floors associated with these levels will be retained to avoid the need to encroach on window openings. The lifting wheel in this part of the building will also be retained, and two timber columns will be reinstated.

The proposed façade alterations include:

- 22 Charles Street – Render repairs repainted to match existing, new entry door, new window to match an existing infill wall panel at ground level and repair and reinstatement of windows on the upper two levels.
 - 20 Charles Street – repair façade where required, demolish existing shop front and separate door opening at ground level for new recessed windows with infill walls below, new narrow vertical windows in the upper level of the façade.
-

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

The existing roof of 22 Charles Street is proposed to be demolished and replaced with a hipped roof to match the original with corrugated iron sheeting.

Space within the undercroft of 20 Charles Street will be altered including demolition of existing blockwork and provision of new block work and provision of concrete to be used for storage by tenants on-site.

Building additions

The proposed major extension at the rear of the buildings, also extending to the rear of 24 Charles Street, will be built over two levels above the ground level of the car park. Its design is contemporary and responds to the major levels and building forms of 20-24 Charles Street. The rectangular form defined by portal frame construction will match the height of the north facing wall of 20 Charles Street. Its lower and upper levels will match those of the buildings at 20-24 Charles Street. The roof of the proposed extension reflects, though does not imitate, the saw-tooth roof form of that same building. It will extend 200 mm higher in elevation than the top of the proposed hipped roof of 24 Charles Street. The proposed extension and roof form will be visually separate from 20-24 Charles Street. Each façade will incorporate strong vertical windows and glazing lines, sections of raw brick, exposed concrete and aluminium composite cladding. The roof cladding will be Colorbond.

16-18 Charles Street – 1919 CH Smith Offices and elevated link*Building alterations*

The existing building located on the corner of Charles and Canal Street and the adjacent elevated link to 20 Charles Street will be retained and converted to a smaller office tenancy over three major levels with a floor area of 791m². The existing façades and roofs will be retained, repaired and repainted. Glazing is proposed to be installed in an existing doorway opening at ground level in the Canal Street façade.

Building addition

The rear wall of the building at 16-18 Charles Street is proposed to be demolished due to structural instability, as authorised by Heritage Tasmania under Exemption #1256. It is proposed to extend the building at the rear over all three levels to provide lift access. The rear wall section to be reinstated and the extension will comprise new brick rendered infill between concrete columns and will be painted. The works will incorporate aluminium framed glazed windows over each level and a decorative finial to the rear façade.

1850s façade of Victorian Warehouse on Canal Street frontage

The wall along Canal Street from the rear of 16-18 Charles Street to the Canal Street Warehouse is proposed to be partly demolished to open up the space between the buildings. It will be lowered to a height of 1500mm above the bluestone footing to the rear

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

of 16-18 Charles Street, increasing to 2200mm at the western end. Openings will be made at either end of the wall for pedestrian access whilst steel portals will be installed to replicate previous door openings. The full height of the internal, perpendicular wall is proposed to be demolished. The bricks within the wall will be salvaged for other work. The existing structural wall supports will also be removed.

This aspect of the proposal will be modified by Permit Condition 4(a) in the recommendation which requires the wall to be retained at its current height whilst allowing the creation of two new openings in the wall and demolition of the brick in fill to the west of the wall adjacent to the Canal Street Warehouse.

c1830s Canal Street Warehouse ('Cordial Factory' or 'Supply River Store')*Building alterations*

The existing building is proposed to be retained and reused as a café/bar with a floor area of 210 m². The existing structural wall supports will also be removed along with other works including:

- Repair of brickwork on each façade, repair of roof frame, provision of new corrugated iron steel sheeting and replacement of gutters and downpipes to match existing
- Western façade – Repair and reinstate timber door frames, install opening timber doors behind fixed glazing, repair of window bars on the ground floor level and reinstatement of timber louvres on the upper level windows.
- Eastern façade – Installation of vertical windows and new glazed entry door requiring new openings, and infill of two existing openings with glazing.

Building addition

A steel frame structure forming a series of mono-pitched roofs with transparent sheeting will be built to the east of the existing building. It will provide cover over an outdoor courtyard associated with the café/bar.

Subdivision

The titles for the subject site will be consolidated into a single lot. A separate future application would be lodged for strata subdivision.

Car parking

The proposed parking on-site includes spaces at ground and upper level in the multi-storey car park structure and at ground level to the north mostly between 16-18 Charles Street and the Canal Street Warehouse. The proposed parking for the tenancies and vehicle parking use class is identified in the following table.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

Use	Multi-storey car park		Other ground level parking	Totals
	Ground level	Upper level		
Tenancies				
Larger office		42 spaces		42 spaces
Smaller office		9 spaces	6 spaces	15 spaces
Café/bar			5 spaces	5 spaces
Coffee shop				0 spaces
Vehicle parking				
Private (client)		33 spaces		33 spaces
Council reserved	43 spaces	63 spaces		106 spaces
Council public	194 spaces			194 spaces
Totals	237 spaces	147 spaces	11 spaces	395 spaces

The proposed car parking includes accessible spaces for use by persons with a disability including two spaces at ground level to the north of the multi-store car park and six spaces on the upper level of the structure. Twelve bicycle hoops are also proposed within the ground level to the rear of the 16-18 Charles Street within the car park structure.

The upper level of the car park will be built at the same level of the lower floor level of the major extension and ground floor of 20-24 Charles Street. It will extend to the Cimitiere and Wellington Street frontages and to the lift extension at the rear of 16-18 Charles Street.

The application includes modifications to on-street car parking adjacent to 20-22 Charles Street including the provision of four short-term spaces and repair to the existing kerb. One of the short-term spaces is shown as accessible for use by persons with a disability. A loading bay is proposed on the western side of Canal Street partly in the Wellington Street road reserve.

Vehicular access

The application includes the provision of four accesses to the subject site including:

- Retention of the existing Charles Street two-way access, which according to the recommendations of the Traffic Impact Assessment (TIA) included with the application, will be restricted to left-in/left-out movements. It will provide entry and exit to the upper level of the car park, in conjunction with the Cimitiere Street exit.
- New Canal Street two-way access involving a reconfiguration of the end of the road. The access will provide an entry into the ground level parking areas and the sole exit.
- The new Cimitiere Street entry-only access will provide the second and only other entry to the ground level parking areas. The TIA recommends a number of works to be undertaken in constructing the driveway partly in the adjoining road reserves

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

including a speed hump to reduce speeds, and advance signage or additional space for over-size vehicles to turn and re-enter Cimitiere Street.

- The new Cimitiere Street exit-only access will provide the second and only other exit from the upper level car park. The TIA recommends a number of works to be undertaken in constructing the driveway partly in the adjoining road reserve including realignment closer to 90° and a speed hump to reduce speeds.

The application, therefore, does not include internal vehicular connection between the two levels of the car park.

Pedestrian access

The primary pedestrian access into the site will be through the entry forecourt adjacent to the intersection of Charles Street and Cimitiere Street. It will be at the same level as the upper level of the car park and lower level of the larger office tenancy. Two sliding glass doorways in the northern façade of the major extension will provide access into the tenancy. A path is also proposed around the perimeter of the extension to the marked zebra crossing on the Charles Street driveway providing a separate ramped access to the footpath in the road.

A lift and stair well will provide pedestrian access between the entry fore-court from the ground level car park. A stair is also proposed to provide access from the new footpath at the end of Canal Street to the upper level of the car park. The proposed new openings at either end of the heritage wall to be lowered in Canal Street will provide pedestrian access to the footpath at the end of Canal Street. The access from the café/bar courtyard will be at grade whilst the other access will have a series of low steps within the site adjacent to the footpath. The existing openings in the wall will be adjacent to proposed car parking spaces.

The application also includes a new footpath in the south west corner across the Cimitiere Street entry-only access, along the Wellington Street frontage within the road reserve and on the western side of Canal Street. A footpath will also extend along the end of Canal Street to a marked zebra crossing across the vehicular access. It is also proposed to install a kerb outstand in Charles Street adjacent to the site near the Cimitiere Street intersection, and raised footpath sections either side of the Charles Street vehicular access. The independent infrastructure assessment recommends provision of a footpath along the Cimitiere Street frontage within the road reserve.

Landscaping

The application shows plantings within and outside the site in the adjoining road reserves including:

- Tree planting in the widened footpath in front of 24 Canal Street.
 - Plantings at the end of Canal Street within the site to the north of the ground level car park extending into the adjoining road reserve.
-

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

- Plantings along the western edge of the café/bar courtyard and pedestrian access to the rear of 16-18 Charles Street.
- Plantings within the entry forecourt along the Cimitiere Street frontage.
- Plantings in the south west corner across either side of the Cimitiere Street entry-only access.
- Plantings in the upper level car park along the Cimitiere Street and Wellington Street frontages, at the northern end of the central aisle of the Council reserved parking area and adjacent to the north east entry of the major office tenancy.

Specific landscaping details including a planting schedule are not included in the application.

2. LOCATION AND NEIGHBOURHOOD CHARACTER**2.1 Subject Site**

The subject site is the land at 16-24 Charles Street and 9 Canal Street, Launceston. It is comprised of six titles (CT 123357/4, CT 219736/1, CT 41792/1, CT 41793/1, CT 246269/1 and CT 61902/1) and has an approximately area of 1ha. The subject site has frontages of approximately 89m to Charles Street, 106m to Canal Street, 133m to Cimitiere Street and 85m to Wellington Street.

The subject site contains a number of existing buildings built up to the Charles and Canal Street frontages listed below and identified in Figure 1.

- 24 Charles Street – c1850s Fry Residence
 - 22 Charles Street – c1860s Grain Store
 - 20 Charles Street – c1938 CH Smith Wool Store
 - Elevated link between CH Smith Wool Store and Offices
 - 16-18 Charles Street – 1919 CH Smith Offices
 - 1850s façade of Victorian Warehouse on Canal Street frontage
 - c1830s Canal Street Warehouse ('Cordial Factory' or 'Supply River Store')
-

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)



Figure 1: Existing buildings and structures

The Development Application also includes land within the adjoining road reserves and parcels of Charles Street, Canal Street, Cimitiere Street and Wellington Street for the purpose of undertaking associated works including access, alteration of on-street parking and traffic control, reconfiguration in Canal Street and landscaping. Land owner consent to lodge the application as it relates to this land has been given by Crown Land Services and Council. The site currently has accesses constructed in Charles Street and at the end of Canal Street.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

The subject site slopes down to the north and west from the corner of Charles and Cimitiere Streets. The fall is approximately 7.5m. The subject site is located in the combined sewerage district of Launceston. It is fully serviced by sewer, stormwater and water.

The subject site is located between the Launceston CBD, Royal Park and Seaport. It is located on the fringe of the CBD and is also in the transition area between the higher ground in the city and the floodplain. The subject site is located adjacent to major arterial roads including Wellington Street and Bathurst Street that pass through the nearby parkland. It is, therefore, in a high profile location though has been partially dilapidated and under developed for a considerable period of time and presents an unattractive view on the northern entrance to the CBD.

2.2 Surrounding Area

The surrounding area comprises a mixture of historic, contemporary and functional civic buildings of varying scale and heights. The land to the north and east includes surrounding commercial uses including the former AAMI building on the opposite side of Canal Street and Harvey Norman, offices and the Tasmanian Farmers and Graziers Association on the opposite side of Charles Street. The land to the south and east includes the Launceston Magistrates Court, Launceston Supreme Court, TasWater and a mix of uses in Cameron Street including offices and residences.

2.3 Approval History

Several development applications for major redevelopments of the site have been approved in the past though have not progressed for various reasons including economic factors. The most recent approvals were those issued by Council and the Tasmanian Heritage Council in 2011 and 2015.

The permit issued in 2011 (DA0343/2011) was commenced with site works including archaeological excavations and some demolition works completed.

The permit issued in 2015 (DA0573/2014) also included approval for partial demolition and restoration works of the heritage buildings within the site. There are works in the current application that are generally consistent with that approval including removal of internal walls and replacement of floors in 24 Charles Street. The current proposed works not included in the previous approval involve the partial demolition of the 1850s wall of the Victorian Warehouse on the Canal Street frontage and demolition of the upper floors within 22 Charles Street (to the rear of the front bay).

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

15.0 Urban Mixed Use Zone

15.1.1 Zone Purpose Statements

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

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

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

15.1.1.4 To create:

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

Consistent

The zone seeks to provide for integration of residential, retail, community services and commercial activities across urban locations. The application will broaden the commercial choice available in this inner urban location by providing large tenancy office space, along with other uses including vehicle parking that will service the CBD generally, and a café/bar and coffee shop that have the potential to increase activity outside normal business hours. The redevelopment will activate an underutilised site in a manner that is sympathetic to the heritage values of the site and create a more attractive environment for pedestrians.

15.3 Use Standards

15.3.1 Hours of operation

Objective:

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

Consistent

The acceptable solution is satisfied.

A1 Commercial vehicles must only operate between 6.00am and 10.00pm.

Complies

Commercial vehicles are not proposed to operate outside the hours allowed for in the acceptable solution. A permit condition is included in the recommendation to ensure compliance.

15.3.2 Mechanical plant and equipment

Objective:

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

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

<p>Consistent The acceptable solution is satisfied.</p>
<p>A1 Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining or immediately opposite sensitive uses.</p>
<p>Complies There are no sensitive uses adjoining or immediately opposite the subject site. A general permit condition relevant to amenity as recommended by Environmental Health is included in the recommendation.</p>
<p>15.3.3 Light spill and illumination</p>
<p>Objective: To ensure that light spill and levels of illumination from external lighting does not cause unreasonable loss of amenity to sensitive uses.</p>
<p>Consistent External lighting is a capable of being designed to control its potential obtrusive effects.</p>
<p>A1 The use must:</p> <ul style="list-style-type: none"> (a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the General Residential, Inner Residential, and Low Density Residential zones; and (b) contain direct light from external light sources within the boundaries of the site.
<p>Relies on Performance Criteria The subject site does not adjoin a boundary with the General Residential, Inner Residential and Low Density Residential zones. However, the application indicates that external lighting of the café/bar and car park will be provided. The extent of external lighting and any measures to contain direct light within the site boundaries are not detailed in the application.</p>
<p>P1 Floodlighting or other external lighting used on the site must not cause an unreasonable loss of amenity to nearby sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) the number of light sources and their intensity; (b) the proximity of the proposed light sources to nearby sensitive uses; (c) the topography of the site; (d) the landscaping of the site; (e) the degree of screening between the light source and the sensitive uses; and (f) existing light sources nearby.
<p>Complies There are sensitive uses nearby including Cameron Street, St John Street, Home Point Parade and Seaport. External lighting associated with the application is unlikely to have an unreasonable impact on the amenity of these nearby sensitive uses given the available separation, screening provided by the topography, existing buildings, existing or proposed landscaping and existence of existing light sources including street lighting in this inner city location. External lighting has the potential to create visual interest for evening and night time visitors to the CBD and increase the visual security of the area</p>

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

generally. A permit condition is included in the recommendation to ensure external lighting complies with the Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting".

15.3.4 Noise level

<p>Objective: To ensure that noise levels from uses do not unreasonably impact on the amenity of nearby sensitive uses.</p>
<p>Consistent The acceptable solution is satisfied.</p>
<p>A1 Noise generated by a use on the site must:</p> <ul style="list-style-type: none"> (a) not exceed a time average A-weighted sound pressure level (L_{aeq}) of 5 dB(a) above background during operating hours when measured at the boundary of an existing sensitive use adjoining or immediately opposite the site; or (b) be in accordance with any permit conditions required by the Environment Protection Authority or an environmental protection notice issued by the Director of the Environment Protection Authority.
<p>Complies There are no sensitive uses adjoining or immediately opposite the subject site. There is no relevant permit or environmental protection notice issued by the Environment Protection Authority. A permit condition is included in the recommendation generally to ensure that noise emissions do not unreasonably impact the amenity of sensitive uses in the surrounding area.</p>

15.3.5 Retail impact

<p>Objective: To ensure that the economic, social and environmental impact of significant new retail use and development is consistent with the activity centre hierarchy.</p>
<p>Consistent The application does not involve a significant new retail use having the potential to impact the viability of the activity centre hierarchy. It will have a positive impact on the activity centre hierarchy specifically by broadening the commercial choice in an inner city location by providing large tenancy office space, activating an underutilised site in a manner that is sympathetic to the heritage values of the site and creation of a more attractive environment for pedestrians.</p>
<p>A1 If for no permit required or permitted use class.</p>
<p>Relies on Performance Criteria The application includes uses within the food services (café, coffee shop) and hotel industry (bar) use classes which are no permit required and permitted respectively. It also includes business and professional services and vehicle parking uses which are discretionary and require consideration against the performance criteria.</p>
<p>P1 Uses must have acceptable impacts on the viability of the activity centre hierarchy, having regard to the extent that the proposed use:</p>

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

- (a) improves and broadens the commercial or retail choice within the area;
- (b) improves the urban design outcome for an activity centre including its amenity;
- (c) contributes to an attractive environment for pedestrians;
- (d) contributes to loss of investment, blight or disinvestment for a particular centre;
- (e) includes environmentally sustainable design principles; and
- (f) is accessible by public transport.

Complies

The application will improve and broaden the commercial choice within the city and activate a site that has been underutilised for a number of years. It will make provision for additional office space specifically for large tenancies, and also involves provision of public parking which will support other uses and activities within the CBD and its surrounds. The restoration and reuse of the existing heritage buildings and most façades, and development of sympathetic additions and new building forms will deliver a positive urban design outcome and improve the amenity of the area. The building development along with the creation of a large forecourt adjacent to Cimitiere Street, activation along the Canal Street frontage and improvement of the footpaths and connectivity in Cimitiere Street, Wellington Street road reserve and Canal Street will contribute to an attractive environment for pedestrians. The site is close to the CBD and is well served by public transport, and alternative transport options including cycling. Having regard to these matters, the application will have a positive impact on the viability of the Launceston CBD activity centre.

15.4 Development Standards

15.4.1 Building height, setback and siting

Objective:
 To ensure that building bulk and form, and siting:

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

Consistent

The bulk, form and siting of the proposed building development is compatible with the streetscape and character of the site and surrounding area. The proposed extension to the rear of 20-24 Charles Street has been designed to generally follow the major building lines and levels of those buildings. The application complies with the relevant acceptable solutions relating to setbacks. The application will improve the public interaction of the site and will not unreasonably impact the amenity of adjoining lots.

A1 Building height must be no greater than:

- (a) 12m; or
- (b) 1m greater than the average of the building heights on the site or adjoining lots; whichever is higher.

Relies on Performance Criteria

The height of the proposed major extension to the rear of the buildings at 20-24 Charles Street has a maximum vertical dimension of 12.028m measured from its lower floor level

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

the top of the roof. Building height is required to be measured from natural ground level for the purposes of the planning scheme, which is difficult to determine accurately within the site given previous excavations. The batters adjacent to Cimitiere Street and Charles Street indicate that the current ground level within the proposed extension footprint is lower than natural ground level. The lower floor level of the extension will mostly be below the level of the road when viewed from Cimitiere Street however the major slope to the north and west indicates that it would be above natural ground level. The proposed building height is therefore greater than 12m.

The building height of proposed building extensions involving 16-18 Charles Street, the Canal Street Warehouse and the car park structure will be less than 12m and therefore complies with the acceptable solution.

P1 Building height must be compatible with the streetscape and character of the surrounding area, having regard to:

- (a) the topography of the site;
- (b) the height of buildings on the site, adjoining lots and adjacent lots;
- (c) the bulk and form of existing and proposed buildings;
- (d) the apparent height when viewed from roads and public places; and
- (e) any overshadowing of adjoining lots or public places.

Complies

The site topography is characterised by an apparent natural slope which generally falls away from Cimitiere Street and Charles Street to the north west. It has also been lowered through the centre of the site by excavations. The effect of these excavations is that the building height for the purposes of the planning scheme at the rear of 20 Charles Street is lower than its apparent height, although it is greater than 12m. Further, the ground level within the footprints of 22-24 Charles Street, have been lowered to a lesser degree (minimal excavations in the case of 24 Charles Street). Therefore, although the proposed hipped roofs associated with these buildings will be higher in elevation than the roof of 20 Charles Street, their building height will be relatively lower (approximately 12.2m).

The building height of the proposed major extension will follow the levels of the major building forms associated with 20-24 Charles Street. In particular:

- The proposed roof reflects, though does not imitate, the saw-tooth roof form of the CH Smith Wool Store building at 20 Charles Street. It comprises two parallel series of three mono-pitched roof forms that will extend up to 1.3m higher in elevation than the roof of that existing building, though will be lower than the central part of its Charles Street façade.
- The rectangular form defined by the portal frame and therefore the north facing wall will have a maximum vertical dimension of 8m measured from the lower floor level. This level around the perimeter of the extension corresponds with top of the north facing wall of 20 Charles Street.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

- The level of the top of the portal frame will also extend between the two glazed entries on both sides of the extension to separate the bulk of the new roof forms from the heritage buildings at 20-24 Charles Street, and between each series across the centre of the extension. A new mono-pitched roof section, having walls clad in aluminium composite panel above the portal frame level, will connect to the rear of 24 Charles Street corresponding with the rear of the buildings at 20-22 Charles Street to reinforce the visual separation provided over the adjacent entry.
- The top of the aluminium framed highlight windows below the roof in the southern façade of the extension facing Cimitiere Street corresponds with the top of the south facing wall of 24 Charles Street. The roof of the proposed extension will only extend 200 mm higher in elevation than the top of the proposed hipped roof associated with that building.

The height of the proposed extension will not be apparent in Charles Street when the development is viewed from the road directly adjacent to the buildings at 20-24 Charles Street. This is because the façade of those existing buildings will screen the view to the extent that the extension will not be seen.

The apparent height of the proposed major extension when viewed from Cimitiere Street and the Wellington Street overpass will be reduced by the upper level of the multi-storey car park and entry forecourt. The car park structure will be built across much of the site area obscuring ground level. The effect is that the full building height of the proposed extension will not be seen. The extension will generally appear as a two-storey building built above the upper level of the car park.

The scale and bulk of the building will be reduced when viewed from Canal Street by the roof form which decreases in height towards the north, the stepping down of the development onto the car park and screening which will be provided by the buildings and structures along the frontage.

The overshadowing impact of the proposed development will be minimal given that the adjoining land is within road reserves. The closest building is located to the north in Canal Street and will not be impacted. The buildings to the south are located upslope from the site which reduces any potential overshadowing.

A2 Setback from a frontage:

- (a) must be built to the frontage at ground level; or
- (b) be setback a distance that is not more or less than the maximum and minimum setbacks of the buildings on adjoining lots.

Complies

The application involves buildings or structures that will be built to each frontage at ground level including the existing buildings to be retained in Charles Street and Canal Street and the multi-storey car park and entry forecourt which will be constructed to the Cimitiere Street and Wellington Street frontages.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

It is noted that the proposed major extension will be setback from the Cimitiere Street frontage to follow the southern building line associated with 24 Charles Street and to allow the creation of the entry forecourt. Further, the proposed development along the Cimitiere Street and Wellington Street frontages includes landscaping which will soften the visual impact of the concrete pavement surrounding the extension.

- A3 Setback from a side boundary:
- (a) must be built to the side boundaries at ground level; or
 - (b) be setback a distance that is not more or less than the maximum and minimum setbacks of the buildings on adjoining lots.

Not applicable
 The titles associated with the subject site are proposed to be consolidated into a single lot. Each of the boundaries of the site will, therefore, have a frontage to Charles Street, Canal Street, Cimitiere Street and Wellington Street. Therefore, there are no side boundaries associated with the site.

15.4.2 Location of car parking

- Objective:
 To ensure that car parking:
- (a) does not detract from the streetscape; and
 - (b) provides for vehicle and pedestrian safety.

Consistent
 The proposed car parking associated with the multi-storey car park structure complies with the acceptable solution. The proposed car parking that will be located outside the structure to the north, requiring assessment against the performance criteria, will be visible either from Canal Street or Wellington Street however will be screened to minimise its visual impact.

- A1 Car parking must be located:
- (a) within the building structure; or
 - (b) behind the building.

Relies on Performance Criteria
 Most of the proposed car parking will be located within the multi-storey car park structure and therefore complies with the acceptable solution A1(a). It is noted that landscaping is proposed along the Cimitiere Street and Wellington Street frontages of the upper level of the car park and adjacent to the Wellington Street frontage at ground level which will soften its visual impact. Permit conditions included in the recommendation require specific landscaping details to be provided.

The proposed car parking between 16-18 Charles Street the Canal Street Warehouse will not be located behind a building when viewed from Canal Street. Similarly, the proposed car parking (nine spaces) to the north to the multi-storey car parking structure will not be located behind a building when viewed from Canal Street and Wellington Street. These elements of the proposed car parking therefore require assessment against the performance criteria.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

P1 Car parking must be located to minimise its visibility from a road, mall, laneway or arcade, having regard to:

- (a) the existing streetscape;
- (b) the location of the car parking;
- (c) vehicle and pedestrian traffic safety;
- (d) measures to screen parking; and
- (e) any landscaping proposed.

Complies

The proposed car parking that will be located outside the multi-storey car park structure will be screened either by the section of the Victorian Warehouse façade to be retained in Canal Street and ground level landscaping to the north of the car park, which will minimise its visibility from Canal Street and Wellington Street.

15.4.3 Active ground floors

Objective:

To ensure that building facades promote and maintain high levels of pedestrian interaction and amenity.

Consistent

The proposed façades will promote and maintain high levels of pedestrian interaction and amenity. The primary pedestrian access for the proposed development will be on the corner of Charles Street and Cimitiere Street through the entry forecourt. The Cimitiere Street façade incorporates extensive glazing providing high levels of pedestrian interaction. Pedestrian accesses for the major extension will also be provided in the north facing façade and from Charles Street. The coffee shop, office tenancy within 16-18 Charles Street and café/bar will have a direct pedestrian access either from Charles or Canal Street.

A1 New buildings with non-residential uses on ground floors must:

- (a) have clear glazing, display windows or glass doorways for a minimum of 80% of all ground floor facades to, roads, malls, laneways or arcades;
- (b) not have security grilles or screens that obscure the ground floor facades to roads, malls, laneways or arcades;
- (c) not have mechanical plant or equipment, such as air conditioning units or heat pumps located on the facade; and
- (d) not have blank walls, signage panels or blocked out windows, wider than 2m on ground floor facades to roads, malls, laneways or arcades.

Relies on Performance Criteria

The application involves a car parking structure at ground level that will not include glazing and which includes vertical screens along part of the Cimitiere Street and Wellington Street frontages. The application does include glazing in the ground floor level of the major extension and extension of 16-18 Charles Street, however, it will represent less than 80% of the façade area.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

The application complies with (c) and (d) as follows:

- (c) The application indicates that plant and equipment will not be located on the existing or proposed building façades. Permit conditions included in the recommendation generally ensure any plant or equipment on the building facades or roofs will not be recognisable or visible from ground level public view points.
- (d) The application does not include any new or additional blank walls, signage panels or blocked out windows.

P1 New buildings must be designed to maximise interaction between the use of the building and pedestrians, having regard to:

- (a) an adequate level of glazing, openness and transparency on the ground floor facades to roads, malls, laneways or arcades;
- (b) the potential for security grills or screens to reduce the amenity of the building or reduce levels of interaction with the public;
- (c) screening or obscuring all mechanical plant or equipment such as air conditioning units or heat pumps so they are not recognisable or visible from ground level public view points; and
- (d) minimising the area of all blank walls, signage panels or blocked out windows on ground floor facades to roads, malls, laneways or arcades

Complies

The lower floor of the major extension will appear mostly below or at a similar level as the road when the extension is viewed from Cimitiere Street. The entry forecourt to the south, at the same level will be accessed by steps at the corner of Cimitiere Street and Charles Street to be the major pedestrian access from the street. A lift and stair well will provide pedestrian access to the entry forecourt from the ground level car park. The proposed development has been designed to maximise interaction between the building and pedestrians taking account of the following:

- (a) The façade associated with the lower and upper levels of the proposed extension adjacent to the entry forecourt facing Cimitiere Street contains extensive glazing including two sliding glass doorways. Whilst representing less than 80% of the area of the ground floor façade due to the incorporation of raw brick to tie in within the heritage buildings, the glazing will provide for high levels of pedestrian interaction.

Pedestrian access to the north from the street and car park will be provided by two glass doorways in the northern elevation of the extension providing a similar level of glazing over both levels. Extensive glazing is also proposed in the western elevation facing Wellington Street which will further contribute to openness and transparency associated with the proposed extension.

The level of glazing at ground level within the proposed building extension of 16-18 Charles Street is consistent with the existing level of glazing associated with the existing heritage building. The extension will provide lift access to the rear of the building with primary access from Charles Street proposed to be retained.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

(b) Security grills or screens are not proposed in the façades of the major extension. However, the lower level of the proposed car park will include vertical screens along part of the Cimitiere Street and Wellington Street frontages west of the major extension, where its upper level extends above the level of the adjacent road. These will screen car parking and will not detract from pedestrian interaction.

A2 Alterations to ground floor facades of non-residential buildings must not:

- (a) reduce the level of glazing on a facade to a road, mall, laneway or arcade that is present prior to alterations;
- (b) have security grilles or screens that obscure the ground floor facade;
- (c) introduce new or additional mechanical plant or equipment such as air-conditioning units or heat pumps located on the facade; and
- (d) increase blank walls, signage panels or blocked out windows, wider than 2m on ground floor facades to roads, malls, laneways or arcades.

Complies

- (a) The proposed alterations to the existing ground floor façades will not reduce the level of glazing to Charles Street and Canal Street. The works will involve the reinstatement of doorways and windows at ground level and will result in additional areas of glazing. It is also noted that windows in upper level façades will also be reinstated and some additional glazing will be provided.
- (b) New security grills or screens are not proposed in the existing façades. It is noted that window bars on the ground floor level of the Canal Street Warehouse will be repaired, and timber louvres to upper level windows will be reinstated.
- (c) See assessment of Clause 15.4.3 Acceptable Solution A1(c).
- (d) See assessment of Clause 15.4.3 Acceptable Solution A1(d).

A3 The building must:

- (a) provide a direct access for pedestrians from the road or publicly accessible areas; and
- (b) be orientated to face a road, mall, laneway or arcade, except where the development is not visible from these locations.

Complies

The proposed major extension includes a main entrance (two entries) adjacent to the entry forecourt on the corner of Charles Street and Cimitiere Street. Entries are also provided in the northern elevation for pedestrians accessing the site from the north utilising existing or new footpaths in the surrounding streets, and the new stair access from Canal Street and ramped access from Charles Street. The major extension is orientated to present façades with visual interest to Cimitiere Street, Canal Street and Wellington Street.

The existing buildings on the site are orientated with entries that face Charles Street or Canal Street. The larger office use associated with the major extension will have a secondary pedestrian access through new entry doors in 22 Charles Street. The office tenancy within 16-18 Charles Street will have direct pedestrian access to the Charles Street and secondary (lift) access from Canal Street. The coffee shop and café/bar will

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

have a direct pedestrian access to Charles Street and Canal Street respectively.
A4 The total width of the door or doors on a garage facing a frontage must be no wider than 6m.
Not applicable No garages are proposed.

15.4.10 Lot size and dimensions

Objective: To ensure: (a) the area and dimensions of lots are appropriate for the zone; and (b) adjoining land, especially residential zones, is protected from adverse impacts on amenity.
Consistent The acceptable solutions are satisfied.
A1.1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have a minimum area of no less than 100m ² ; and (b) be able to contain 5m diameter circle with the centre of the circle no more than 5m from the frontage; or A1.2 Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or (b) be required for the provision of public utilities; or (c) for the consolidation of a lot with another lot, provided each lot is within the same zone; and A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.
Complies A1.1 The application involves the consolidation of the titles associated with the subject site (except the surrounding road reserves) into a single lot that will be larger than 100m ² and capable of containing a 5m diameter circle no more than 5m from the frontage. A1.2 Given that the application involves consolidation of titles, it complies with A1.2(c). A1.3 The acceptable solutions for setbacks in the zone require buildings to be built to the frontage and side boundaries at ground level. The existing buildings are already built to the Charles and Canal Street frontage of the relevant lots and the location of the frontage boundaries will not be altered by the proposed consolidation. The only changes are that the frontage boundaries will now be associated with a single lot, and each boundary of the new lot will abut a road. The site will therefore have no side boundaries, and the relevant setback requirements no longer apply.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

A2 Subdivision must not be located on the boundary of the General Residential or Inner Residential zones.

Complies

The proposed lot will not have a boundary with the General Residential and Inner Residential zones.

15.4.11 Frontage and access

Objective:

To ensure that lots:

- (a) provide appropriate frontage to a road; and
- (b) maintain laneway and rear access patterns; and
- (c) provide safe and appropriate access suitable for the intended use.

Consistent

The proposed lot has substantial road frontages providing multiple opportunities for the provision of vehicular access, including existing access locations.

A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 5m.

Complies

Each of the frontages of the proposed lot to Charles Street, Canal Street, Cimitiere Street and Wellington Street has a minimum width of 5m.

A2 No acceptable solution.

Relies on Performance Criteria

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

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

Complies with Performance Criteria

The proposed lot has substantial road frontages although the site has some constraints on the provision of suitable vehicular access taking account of the embankments along the Cimitiere Street and part of Charles Street, elevation of Wellington Street relative to the proposed lot and location of existing buildings in particular. All of the existing lots have a road frontage, although not all have a vehicular access. The application will improve this situation since it will consolidate the land into a single lot which will be legally capable of utilising the existing vehicular accesses. Further, the assessment of the Roads and Railway Assets Code demonstrates that the relevant site constraints are able to be overcome to provide new separate entry and exit vehicular accesses in Cimitiere Street.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

15.4.12 Discharge of stormwater

Objective: To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.
Consistent The acceptable solutions are satisfied.
A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.
Complies The TasWater Development Certificate of Consent TWDA 2016/01837-LCC indicates that the proposed lot is capable of connecting to the combined sewerage system.
A2 The Council's General Manager has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.
Not applicable Stormwater will connect to the combined sewerage system operated by TasWater.

15.4.13 Water and sewerage services

Objective: To ensure each lot provides for appropriate water supply and wastewater disposal.
Consistent The acceptable solutions are satisfied.
A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.
Complies The TasWater Development Certificate of Consent TWDA 2016/01837-LCC indicates that the proposed lot is capable of being provided with a water connection.
A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.
Complies The TasWater Development Certificate of Consent TWDA 2016/01837-LCC indicates that the proposed lot is capable of being provided with a sewer connection.

E2.0 Potentially Contaminated Land Code

E2.1 The purpose of this provision is to: (a) ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.
Consistent The subject site is identified as potentially contaminated land due to previous uses including a transport depot, garage and possible fuel tanks. The application includes advice demonstrating that the use and development of the site will not adversely impact on human health or the environment.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

E2.6 Development Standards

E2.6.1 Subdivision

<p>Objective: To ensure that subdivision of potentially contaminated land does not adversely impact on human health or the environment and is suitable for its intended use.</p>
<p>Consistent The application includes advice demonstrating that the development of the site presents a low risk to human health and the environment.</p>
<p>A1 For subdivision of land, the Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment, that will ensure the subdivision does not adversely impact on health or the environment and is suitable for its intended use.</p>
<p>Relies on Performance Criteria The Director (Environment Protection Authority) has not provided advice in relation to the proposed subdivision.</p>
<p>P1 Subdivision does not adversely impact on health and the environment and is suitable for its intended use, having regard to: (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health and the environment that includes: (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before any use or development commences; and (iii) a statement that the land is suitable for the intended use or development.</p>
<p>Complies with (b) An environmental site assessment (ESA) prepared in 2007 has been submitted with previous applications relevant to the subject site. Based on the concentration of contaminants recorded in soil and groundwater and its recommendations, it concluded that the risk to commercial users of the site and the environment would be low. The application includes further advice from a different suitably qualified person prepared in 2016 to review the ESA in light of current standards and the recommendations therein. It confirms that the conclusions of the ESA remain valid. Permit conditions included in the recommendation ensure the development is undertaken in accordance with the ESA and current contamination advice.</p>

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

E2.6.2 Excavation

<p>Objective: To ensure that works involving excavation of potentially contaminated land does not adversely impact on human health or the environment.</p>
<p>Consistent The application includes advice demonstrating that the development of the site presents a low risk to human health and the environment.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria The Director (Environment Protection Authority) has not provided advice in relation to the proposed development.</p>
<p>P1 Excavation does not adversely impact on health and the environment, having regard to:</p> <ul style="list-style-type: none"> (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health and the environment that includes: <ul style="list-style-type: none"> (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before excavation commences; and (iii) a statement that the excavation does not adversely impact on human health or the environment.
<p>Complies with (c) Further to the assessment of Clause E2.6.1 Performance Criteria P1, the 2016 review concludes that the proposed redevelopment presents limited opportunity for users to interact with existing soils noting that imported fill will be placed on site in conjunction with the sealing of the ground level car park. Further, landscaping will use imported topsoil in raised garden beds. Permit conditions included in the recommendation ensure the development is undertaken in accordance with the ESA and current contamination advice.</p> <p>Further, the current contamination advice recommends that a construction environmental management plan should be prepared to include measures to mitigate potential construction risks. A permit condition includes this recommendation as a requirement.</p>

E4.0 Road and Railway Assets Code

<p>E4.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (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.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

Consistent

The application includes a traffic impact assessment (TIA) relevant to the proposed use and development. The TIA provides an assessment of the relevant standards of the Code and makes a number of recommendations. An independent infrastructure assessment has also been undertaken which makes a number of alternate and additional recommendations, which are also identified in the discussion below.

The assessments demonstrate that the proposal, which includes modifications to existing accesses and new accesses both involving works within the road reservation, will protect the safety and efficiency of the road network. The application will not affect the railway network and does not involve a sensitive use or major road as defined by the planning scheme.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

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

Consistent

The TIA demonstrates that the application will not reduce the safety and efficiency of the surrounding road network.

A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.

Not applicable

The application does not include access onto a category 1 or 2 road.

A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.

Not applicable

The application does not involve land in an area subject to a speed limit of more than 60 km/h.

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 application includes a traffic impact assessment (TIA) which indicates that the proposed use and development is expected to generate up to 1,712 vehicle movements per day. Traffic generation during peak periods will be increased by more than 20%. Traffic will utilise an existing access to be reconfigured for left-in/left-out movements to

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

<p>Charles Street. Assessment against the performance criteria is, therefore, required.</p>
<p>P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.
<p>Complies</p> <p>The TIA assesses the impact of the expected traffic generation upon the efficiency and safety of the road network during the morning and evening peak periods. The proposal is expected to generate up to 316 vehicles per hour during the morning peak and 305 during the evening peak. Modelling has been undertaken to assess the impact of these additional movements and the adopted traffic access distribution on nearby intersections. The TIA concludes that the surrounding road network is capable of absorbing the expected traffic generation under current conditions and considering future changes particularly for Charles Street and Cimitiere Street intersection due to the implementation of the Launceston City Heart Project. No significant road safety impacts are expected as a result of the proposal.</p>

E4.6 Development Standards

E4.6.2 Road accesses and junctions

<p>Objective:</p> <p>To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.</p>
<p>Consistent</p> <p>The TIA demonstrates that the proposed access arrangements will not reduce the safety and efficiency of the surrounding road network.</p>
<p>A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h.</p>
<p>Not applicable</p> <p>The application does not involve land in an area subject to a speed limit of more than 60 km/h.</p>
<p>A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>
<p>Relies on Performance Criteria</p> <p>The application includes modifications to the crossover Charles Street (left-in/left-out access), a new two-way access in Canal Street and two accesses providing separate</p>

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

entry and exit vehicular accesses in Cimitiere Street. Assessment against the performance criteria is required given that multiple accesses to roads are proposed in an area subject to a speed limit of 60km/h or less.

P2 For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:

- (a) the nature and frequency of the traffic generated by the use;
- (b) the nature of the road;
- (c) the speed limit and traffic flow of the road;
- (d) any alternative access to a road;
- (e) the need for the access or junction;
- (f) any traffic impact assessment; and
- (g) any written advice received from the road authority.

Complies

The TIA assesses the impact of proposed accesses arrangements upon the efficiency of the road network during the morning and evening peak periods and concludes the following:

- The Charles Street access is recommended to be restricted to left-in/left-out along with centre-line requiring marking on the driveway and a narrow median in Charles Street for delineation and enforcement. The restriction of right turns will remove several potential conflict points between the access, Canal Street junction and Harvey Norman site access. Provision of a speed hump on the exit lane is also recommended to reduce vehicle speeds before entering the road reserve.
- The Canal Street site access is assessed as acceptable notwithstanding that the available sight distance requires assessment of the relevant performance criteria (see Clause E4.6.4 below).
- The Cimitiere Street entry-only access will slow vehicles in the left-lane of the road however the impact is assessed as negligible given that capacity is dependent on the Charles Street traffic signals. The TIA includes recommendations relating to provision in the driveway to reduce vehicle speeds and to enable over-size vehicles to turn and re-enter Cimitiere Street.

The independent infrastructure assessment recommends an alternate and additional permit condition relating to this access including provision for vehicles to decelerate to 40km/h, over-size vehicles to re-enter Cimitiere Street, flexible striker bar and advisory signage. These are included in the recommendation.

- The Cimitiere Street exit-only access will increase traffic volumes through the Charles Street and Cimitiere Street intersection however this will largely be during the evening peak when eastbound traffic volumes in Cimitiere Street are relatively low compared to the morning peak. The TIA recommends the provision of a speed hump to reduce vehicle speeds upon exiting the site and that the access be realigned to as close to 90° as possible to improve sight angles.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

The independent infrastructure assessment recommends a minor alteration which would require the access to be realigned to 90°. This is included in the recommendation in this report.

A further permit condition is included in the recommendation to ensure the development is undertaken in accordance with the TIA recommendations, except where modified by permit conditions recommended by the independent infrastructure assessment.

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

Objective:

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

Consistent

The TIA demonstrates that the adequate sight distance will be provided at the proposed access locations.

A1 Sight distances at:

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

Relies on Performance Criteria

The Canal Street access does not comply with the sight distance requirement in Table E4.6.4 and therefore requires assessment against the performance criteria. The Cimitiere Street exit-only access complies with Table E4.6.4. The Charles Street access complies subject to the restriction of on-street parking adjacent to the access to provide sight distance for exiting vehicles in accordance with Table E4.6.4.

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

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

Complies

The access to Canal Street will have the maximum sight distance available with respect to the configuration of the road which includes a 90° bend to the west of the Canal Street Warehouse. The TIA demonstrates that the available sight distance will provide for the safe movement of vehicles from the site. Given the alignment of the access, entering and exiting vehicles will not cross paths. Vehicles turning around at the end of the street are a potential source of conflict however these movements would occur at

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

relatively low speeds.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent
 The proposed use and development will be provided with an appropriate amount of parking which, subject to relevant conditions, will be appropriately designed.

E6.5 Use Standards

E6.5.1 Car parking numbers

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

Consistent
 The subject site is located in the Launceston Central Business District Parking Precinct Plan area and the application will provide an appropriate level of car parking.

A1 The number of car parking spaces must:

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

Relies on Performance Criteria
 Acceptable Solution A1(d) is relevant because the subject site is within a parking precinct plan area. The application does not comply with the acceptable solution for the parking precinct plan because on-site car parking is proposed which will increase existing parking numbers. Assessment of the performance criteria is, therefore, required.

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

- (a) the availability of off-road public car parking spaces within reasonable walking

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

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

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

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

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

Complies
 Performance Criteria P1.3 is relevant because the subject site is within the Launceston Central Business District Parking Precinct Plan area. See assessment of Clause E6.7.1.3 Performance Criteria P1 below which demonstrates compliance with the parking precinct plan requirements.

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

Complies
 The TIA demonstrates that the six accessible car parking spaces for use by persons with a disability are required for the development. Eight spaces are proposed.

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

Complies
 The acceptable solution is capable of being satisfied.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

A1 The number of bicycle parking spaces must be provided on either the site or within 50m of the site in accordance with the requirements of Table E6.1.			
Complies			
The minimum provision required by Table E6.1 is quantified below.			
Use	Table E6.1 Rate	Units proposed	Minimum provision required
Office	1 space per 500m ² GFA	5,637m ² GFA (combined larger and smaller tenancies)	12 spaces
Vehicle parking	No requirement set	Not applicable	Not applicable
Food services	1 space per 75m ² GFA	313m ² (combined café and coffee shop)	4 spaces
Hotel industry	1 space per 100m ² floor area available to public	200m ² (bar)	2 spaces
Total			18 spaces
<p>Twelve bicycle parking spaces are proposed on the ground level of the multi-storey car park to the rear of 16-18 Charles Street. The TIA recommends that additional bicycle parking be provided to comply with the acceptable solution. It identifies that the additional spaces should be provided in the entry forecourt. However, additional parking ought to be provided on the hardstand within the site adjacent to the café/bar in accordance with the requirements determined in the table above. The Table E6.1 rates relevant to the café/bar require four bicycle parking spaces.</p> <p>Permit conditions included in the recommendation require the provision of bicycle parking in addition to the 12 spaces proposed, including a minimum of four spaces within the site on the hardstand adjacent to the café/bar and a minimum of two spaces in the entry forecourt intended for the coffee shop.</p>			

E6.5.3 Taxi spaces

Objective: To ensure that access for taxis is provided to meet the needs of the use.
Consistent The application does not include dedicated taxi parking however it is expected that on and off street parking spaces will be able to be utilised on a short-term basis by taxis.
A1 Except for dwellings in the General Residential zone, uses that require greater than 50 car spaces by Table E6.1 must provide one parking space for a taxi on site, with one additional taxi parking space provided for each additional 50 car parking spaces required.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

Relies on Performance Criteria

The only use that generates a requirement for more than 50 car spaces under Table E6.1 is the offices. It requires 463 car spaces and therefore nine taxi parking spaces to comply with the acceptable solution. Dedicated taxi parking is not proposed.

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

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

Complies

The TIA indicates that taxis will likely require short-term parking, and will be able to utilise the short-term on-street car parking on both sides of Charles Street and any vacant spaces within the office tenancy car parking areas. The independent infrastructure assessment recommends further modifications to short-term on street car parking arrangement, including provision of spaces in Canal Street. This will not alter the number which would be provided.

It is noted that the application proposes to provide a significant shortfall in car parking when assessed against Table E6.1. For the office use, although 463 spaces are required only 57 car spaces are proposed. Using this measure for comparison, only one taxi parking space would be required.

Taking account of the nature of the proposed use and development and the availability of short-term on street car parking, adequate taxi parking will be available.

E6.5.4 Motorcycle parking

Objective:

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

Consistent

The application does not include motorcycle parking however it is recommended that two spaces be required to meet the reasonable parking needs of the use.

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

Relies on Performance Criteria

The office and food services uses each require more than 20 car spaces under Table E6.1. The combined car parking requirement associated with both uses is 484 spaces. This generates a requirement for 24 motorcycle parking spaces on-site to comply with the acceptable solution. Dedicated motorcycle parking is not proposed.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

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

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

Complies

The TIA recommends that two motorcycle parking spaces should be provided on the basis that this is the number which would be required if calculated using the number of parking spaces to be provided as a measure, rather than the number required by Table E6.1. Similar to the approach taken in relation to taxi parking spaces, this is considered appropriate due to the significant shortfall in car parking proposed to be provided for the tenancies taking account of the provisions for the parking precinct plan area. Taking account of the nature of the proposed use and development will provide adequate motorcycle parking provision.

Permit conditions included in the recommendation require the provision of two motorcycle parking spaces on site.

E6.5.5 Loading bays

Objective:

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

Consistent

The acceptable solution is satisfied.

A1 A loading bay must be provided for uses with a gross floor area greater than 1000m² in a single occupancy.

Complies

The only use with a gross floor area greater than 1000m² is the large office tenancy within the major extension. A loading bay is proposed on the western side of Canal Street partly in the Wellington Street road reserve.

The independent infrastructure assessment recommends alterations to the proposal in this regard which would require provision of a loading bay on both the Charles Street and Canal Street frontages of the site. Permit conditions require this alteration.

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective:

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

Consistent

The acceptable solution capable of being satisfied.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

- A1 All parking, access ways, manoeuvring and circulation spaces must:
- (a) have a gradient of 10% or less;
 - (b) be formed and paved;
 - (c) be drained to the public stormwater system, or contain stormwater on the site;
 - (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and
 - (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.

Complies

The proposed parking areas will have a gradient less than 10% and will be formed and sealed. Requirements in recommended permit conditions will ensure the requirements of the acceptable solution are complied with.

E6.6.2 Design and layout of parking areas

Objective:

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

Consistent

The acceptable solution is satisfied.

- A1.1 Car parking, access ways, manoeuvring and circulation spaces must:
- (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than 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.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

Complies

The application indicates that the access and car parking areas have been designed to satisfy the required dimensions and manoeuvring space requirements. The application indicates that the requirements of A1.2 and A1.3 will be satisfied. Permit conditions are included in the recommendation to ensure compliance with A1.4.

The TIA includes a recommendation intended to minimise access of two vehicle parking areas on the ground and upper level that are accessed by dead end aisles, and provision of a boom gate and card reader to restrict access to the reserved car park at ground level. The independent infrastructure assessment recommends an alternate condition which would require dead end aisles greater than 16m to be eliminated and provision of boom gate controlled entry and exit from the ground and upper level car parks. These requirements are included in the recommendations in this report.

E6.6.3 Pedestrian access

Objective:

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

Consistent

The acceptable solution is satisfied.

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

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

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

Complies

The TIA demonstrates that the requirements of A1.1 are satisfied with primary pedestrian access to be provided by way of the entry forecourt, and additional access comprising a 1.4m footpath extending from the Charles Street vehicular access. The latter will include separation from the driveway provided by columns and a marked pedestrian (zebra) crossing on the driveway. The footpath around the major extension at Level 1 is 2m wide.

The accessible parking shown in the application is located at grade on upper level of the multi-storey car park near the entry to the office tenancy and at ground level to the north of the structure near the rear entry to 16-18 Charles Street and the café/bar.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

E6.6.4 Loading bays

Objective:

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

Consistent

The TIA demonstrates that the access for delivery vehicles using the proposed loading bay will be satisfactory.

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

Relies on Performance Criteria

An off-street loading bay is not proposed.

P1 Loading bays must have area and dimensions suitable for the use, having regard to:

- (a) the types of vehicles likely to use the site;
- (b) the nature of the use;
- (c) the frequency of loading and unloading;
- (d) the area and dimensions of the site; and
- (e) the location of the site and nature of traffic.

Complies

As identified in the assessment of Clause E6.5.5 Acceptable Solution A1, the only use that requires a loading bay under the planning scheme is the larger office tenancy. The proposed office use is unlikely to require deliveries by vehicles larger than standard vans. These will be capable of being accommodated within the on-street loading bays included in the recommendation in accordance with the independent infrastructure assessment.

A2 It must be demonstrated that the type of vehicles likely to use the site can enter, park and exit the site in a forward direction, without impact or conflicting with areas set aside for parking or landscaping, in accordance with AS2890.2 - 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.

Relies on Performance Criteria

On-street loading bays are proposed and their usage will therefore involve vehicular access outside the site.

P2 Access for vehicles commercial vehicles to and from the site must be safe, having regard to:

- (a) the types of vehicles associated with the use;
- (b) the nature of the use;
- (c) the frequency of loading and unloading;
- (d) the area and dimensions of the site;
- (e) the location of the site and nature of traffic;
- (f) the effectiveness or efficiency of the surrounding road network; and
- (g) site constraints such as existing buildings, slope, drainage, vegetation, parking and landscaping.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

Complies

The loading bays will be provided on-street in accordance with recommendations arising from the independent infrastructure assessment. Access movements into and out of the loading bays will therefore be undertaken in the road. The independent infrastructure assessment also recommends that the reconfiguration of end of Canal Street include a cul-de-sac turning head. This will provide improved vehicle manoeuvring including delivery vehicles.

E6.6.5 Bicycle facilities

Objective:

To ensure that cyclists are provided with adequate facilities.

Consistent

Adequate facilities are capable of being provided for cyclists.

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

Relies on Performance Criteria

The only use that requires five or more bicycle spaces by Table E6.1 is the offices. Twelve bicycle spaces are required. one shower and change room facility is required to be provided on site to comply with the acceptable solution.

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

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

Complies

A permit condition is included in the recommendation to require provision of at least one shower and change room facility accessible for employees of the offices.

E6.6.6 Bicycle parking and storage facilities

Objective:

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

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

- (a) be accessible from a road, cycle path, bicycle lane, shared path or access way;
- (b) be located within 50m from the main entrance;

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

- (c) be visible from the main entrance or otherwise signed; and
- (d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.

Complies

The offices require provision of more than five bicycle parking spaces. The bicycle parking area will be suitably accessible and located on site relevant to the use. A permit condition is included in the recommendation to ensure that bicycle parking spaces are provided in accordance with the Australian Standard referred to above.

A2 Bicycle parking spaces must:

- (a) have minimum dimensions of:
 - (i) 1.7m in length; and
 - (ii) 1.2m in height; and
 - (iii) 0.7m in width at the handlebars;
- (b) have unobstructed access with a width of at least 2m and a gradient of no more 5% from a road, cycle path, bicycle lane, shared path or access way; and
- (c) include a rail or hoop to lock a bicycle to that meets AS 2890.3 1993 Parking facilities - Bicycle parking facilities.

Complies

A permit condition is included in the recommendation to ensure that bicycle parking spaces are provided in accordance with the Australian Standard referred to above.

E6.7 Parking Precinct Plans

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

E6.7.1.3 Local area provisions

Objective:

To limit on-site car parking within the Launceston Central Business District Parking Exemption Area.

Consistent

The provision of on-site parking relies on assessment against the performance criteria. However, the application limits parking for the tenancies proposed on-site to 12.5% of the minimum provision ordinarily required by Table E6.1.

The parking associated with the vehicle parking use class, for which no requirement is set in Table E6.1, will offset this undersupply though not entirely. Adding this parking to the total proposed parking supply, the application provides 80% of the minimum provision ordinarily required by Table E6.1 for the tenancies proposed on-site.

A1 On-site car parking is:

- (a) not provided; or
- (b) not increased above existing parking numbers.

Relies on Performance Criteria

On-site car parking is proposed which will increase existing parking numbers.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

P1 On-site car parking must demonstrate:
 (a) that it is necessary for the operation of the use; and
 (b) parking must not exceed the minimum provision required by Table E6.1.

Complies

The proposed on-site car parking will not exceed the minimum provision required by Table E6.1, which are quantified below:

Use	Table E6.1 Rate	Units proposed	Minimum provision required	Parking supply proposed
Office	1 space per employee, plus 1 space per 50m ² GFA	350 employees 5,637m ² GFA (combined larger and smaller tenancies)	463 spaces	57 spaces
Vehicle parking	No requirement set	Not applicable	Not applicable	333 spaces
Food services	1 space per 15m ² GFA	313m ² (combined café and coffee shop)	21 spaces	0 spaces
Hotel industry	1 space per 20m ² GFA	210m ² (bar)	11 spaces	5 spaces
Total			495 spaces	395 spaces

Excluding the vehicle parking use for which no requirement is set by the table, the parking supply proposed for the tenancies is 62 spaces compared to a requirement for 495 spaces. The application demonstrates that the parking supply proposed is necessary for the operation of the use of these tenancies. The proposed parking supply of 57 spaces for the office uses will be for fleet and visitor parking, and is relatively small taking account that the Table E65.1 would ordinarily require 463 spaces. The application indicates that the parking allocated for the bar will also be for the café, and primarily for staff with one accessible parking space. The proposed supply is for five spaces compared to a requirement for 25 spaces (including the rate relevant to the café). No car parking supply for the coffee shop is proposed.

In relation to the vehicle parking use class, Table E6.1 identifies that the number of parking spaces required is subject to a general discretion of the Planning Authority. In accordance with the provisions of Clause 8.10.2 relevant to determining discretionary applications, the proposal is consistent with the purpose of the Code. The parking associated with the vehicle parking use class represents an appropriate level of parking that will primarily service uses in the CBD external to the site. It will offset the undersupply of parking to be provided for the tenancies for which a requirement is set in Table E6.1, though not entirely. Adding the vehicle parking use class to the calculation

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

of total proposed parking supply, the application provides 100 spaces less than the requirement set by Table E6.1.

E13.0 Local Historic Cultural Heritage Code

E13.1 The purpose of this provision is to:

- (a) protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts;
- (b) encourage and facilitate the continued use of these places;
- (c) encourage the maintenance and retention of buildings and places of assessed historic cultural heritage significance; and
- (d) ensure that development is undertaken in a manner that is sympathetic to, and does not detract from, the historic cultural heritage significance of the places and their settings.

Consistent

All of the existing buildings at the subject site are of heritage significance and subject to the Code provisions. The application achieves a reasonable balance between preservation of heritage fabric with the practical realities of a redevelopment involving alterations and additions of the heritage buildings which will provide for their reuse.

E13.6 Development Standards

E13.6.1 Demolition

Objective:

To ensure that the demolition or removal of buildings and structures does not impact on the historic cultural heritage significance of local heritage places and their setting.

Consistent

The proposed demolition of parts of buildings and structures will not unreasonably impact upon the historic cultural heritage significance of the site.

A1 No acceptable solution.

Relies on Performance Criteria

P1 Buildings or parts of buildings and structures may be demolished, provided there is no unreasonable impact on the historic cultural heritage significance of the local heritage place and setting, having regard to:

- (a) the physical condition of the local heritage place;
- (b) the extent and rate of deterioration of the building or structure;
- (c) the safety of the building or structure;
- (d) the streetscape or setting in which the building or structure is located;
- (e) the cultural heritage values of the local heritage place;
- (f) the need for the development;
- (g) any options to reduce or mitigate deterioration;
- (h) whether demolition is the most reasonable option to secure the long-term future of a building or structure; and
- (i) any overriding economic considerations.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

Complies

The application includes partial demolition of the c1850s Victorian Warehouse walls between 16-18 Charles Street and the Canal Street Warehouse. It included lowering the height of the wall along the frontage, however that aspect of the application has been modified in response to an issue raised in a representation. The wall is now proposed to be retained at its current height, with a lesser amount of demolition involved in creating two new openings in the wall and removal of the brick infill to the west of the wall adjacent to the Canal Street Warehouse. The full height of the internal, perpendicular wall also adjacent to the Canal Street Warehouse is also proposed to be removed. The demolition works will open up the space between the buildings and, in part, the view into the redevelopment which will accommodate contemporary office accommodation and involve preservation and reuse of other heritage buildings in the site. It provides a reasonable balance between heritage preservation and the practical realities of the proposed development.

It is noted that the Tasmanian Heritage Council (THC) has recommended that the space within the site adjacent to the c1850s Victorian Warehouse façade should be landscaped as a pedestrian plaza to provide a more appropriate setting for the two adjoining buildings. The recommendation is included as advice in the permit conditions provided by the THC, and has been supported by Council's Urban Design and Heritage Planner. It will be open for the applicant to consider this recommendation of the THC and seek any modifications to the development if approved.

The application also includes demolition of the brick wall to the rear of the building at 16-18 Charles Street due to structural instability, which have been authorised by Heritage Tasmania under Exemption #1256, internal demolition works which have been considered by the Tasmanian Heritage Council and other external demolition works associated with new building elements which are considered elsewhere.

E13.6.2 Maintenance and repair

Objective:

To ensure that maintenance and repair of heritage buildings are constructed and undertaken to be sympathetic to, and not detract from the historic cultural heritage significance of local heritage places.

Consistent

The proposed maintenance and repair works are sympathetic with the historic cultural heritage significance of the site.

A1 New materials and finishes match or are similar to the materials and finishes that are being replaced.

Complies

The application indicates that the proposed works will generally match the existing materials and finishes. It is noted that Tasmanian Heritage Council. Permit Condition 6 requires an architect and heritage consultant to ensure appropriate skills and knowledge

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

is brought to the oversight and direction of the conservation works.

E13.6.3 Lot size and dimensions and frontage

Objective: To ensure that subdivision does not impact on the historic cultural heritage significance of local heritage places and their settings.
Consistent The proposed subdivision (consolidation) is compatible with the historic cultural heritage significance of the site.
A1 No acceptable solution.
Relies on Performance Criteria
P1 Subdivision must not unreasonably impact on the historic cultural heritage significance of local heritage places or their settings, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the historic development pattern of the area; (c) the separation of buildings or structures from their original setting; (d) the lot sizes, dimensions, frontage, access and orientation; (e) the suitability of the proposed lots for their intended uses; and (f) the removal of vegetation, significant trees or garden settings.
Complies The proposed subdivision will consolidate land containing the heritage buildings at the site into a single lot, which is primarily required to ensure that the new building works do not cross title boundaries. It is, therefore, required to facilitate the proposed redevelopment, which includes a range of works to the heritage buildings including maintenance and repair. The subdivision (consolidation) will not alter the external boundaries of the site.

E13.6.4 Site coverage

Objective: To ensure that site coverage is compatible with the historic cultural heritage significance of local heritage places.
Consistent The proposed site coverage is compatible with the historic cultural heritage significance of the site.
A1 No acceptable solution.
Relies on Performance Criteria
P1 The site coverage is compatible with the historic cultural heritage significance of local heritage places or their settings, having regard to: (a) the topography of the site; (b) the cultural heritage values of the local heritage place and setting; (c) the site coverage of buildings on sites in the surrounding area; and (d) the pattern of development in the surrounding area.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

Complies

The majority of the site will be covered by a major building extension and car parking that is generally sympathetic with the major building lines and levels of the heritage buildings fronting Charles and Canal Streets. The existing site coverage is relatively small for a site in an inner city location. The proposed site coverage is compatible with the heritage values of the site and the pattern of development in the surrounding area.

E13.6.5 Height and bulk of buildings

Objective:

To ensure that the height and bulk of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.

Consistent

The proposed height of the proposed building is compatible with the historic cultural heritage significance of the site.

A1 No acceptable solution.

Relies on Performance Criteria

P1 The height and bulk of buildings are compatible with the historic cultural heritage significance of a place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the character and appearance of the existing building or place;
- (c) the height and bulk of other buildings in the surrounding area;
- (d) the historic cultural heritage significance of adjacent places; and
- (e) the streetscape.

Complies

See assessment of Clause 15.4.1 Performance Criteria P1 which indicates that height of the proposed building extension to the rear of 20-24 Charles Street has been designed to generally follow the major building lines and levels of those heritage buildings.

E13.6.6 Site of buildings and structure

Objective:

To ensure that the siting of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.

Consistent

The proposed setback of new building works is compatible with the historic cultural heritage significance of the site.

A1 No acceptable solution.

Relies on Performance Criteria

P1 The front, side and rear setbacks must be compatible with the historic cultural heritage significance of a local heritage place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the topography of the site;
- (c) the size, shape, and orientation of the lot;

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

- (d) the setbacks of other buildings in the surrounding area;
- (e) the historic cultural heritage significance of adjacent places; and
- (f) the streetscape.

Complies

Further to the assessment of Clause 15.4.1 'Building height, setback and siting', the proposed setback and siting of new building works is compatible with the historic cultural heritage significance of the site. The major extension will follow the major building lines of associated buildings including the northern building line of 20 Charles Street and southern building line of 24 Charles Street. The multi-storey car park structure will be constructed to the Cimitiere Street and Wellington Street frontages in accordance with the building setback requirements for the zone. The upper level of the car park structure and major extension will appear mostly below or at a similar level as the road when viewed directly adjacent in Cimitiere Street, and will contain the entry forecourt and landscaping. The car park structure will therefore not be apparent in the frontage setback of the extension. It will be provided with landscaping for screening purposes around Cimitiere Street and Wellington Street, where the upper level will extend above the level of the road. The major extension and car park will mostly be sited to the rear of the buildings along Canal Street when viewed from this location.

The extension to the rear of 16-18 Charles Street when viewed from this location will be to the rear of the building line along the Canal Street frontage. It will partly infill a wall that is being demolished due to structural instability. It is a relatively smaller addition that will utilise similar forms and materials as the existing building. Its siting is, therefore, acceptable within the context of the performance criteria.

The proposed Canal Street Warehouse addition comprises a steel frame roof structure that has been designed to match the original roof line. It will also provide structural bracing of the eastern wall of the building. It will be setback slightly behind the building line defined by the northern façade adjacent to the Canal Street frontage. Its siting is also acceptable within the context of the performance criteria.

E13.6.8 Roof form and materials

Objective:

To ensure that roof form and materials are compatible with the historic cultural heritage significance of local heritage places and their settings.

Consistent

The proposed new roof forms and works are compatible with the historic cultural heritage significance of the site.

A1 No acceptable solution.

Relies on Performance criteria

P1 Roof form and materials are compatible with the historic cultural heritage significance of a place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

- (b) the design, period of construction and materials of the dominant building on the site;
- (c) the dominant roofing style and materials in the setting; and
- (d) the streetscape.

Complies

The proposed major extension comprises of two parallel series of three mono-pitched roof forms constructed of Colorbond. It reflects, though does not imitate, the saw-tooth roof form of the CH Smith Wool Store building at 20 Charles Street. The application also involves demolition of the existing temporary roof of 22 Charles Street and reinstatement of the original hipped roof form, and demolition of the existing skillion roof of 24 Charles Street and provision of a new hipped roof similar to 22 Charles Street. The roof material will comprise corrugated galvanised iron. The roof of the Canal Street Warehouse will be replaced with corrugated galvanised iron. The transparent roofing associated with the proposed adjacent extension will contrast with the heritage fabric of the existing heritage building. The extension to the rear of 16-18 Charles Street has been designed to follow the roof form of the existing building. The proposed roof form and materials are compatible with the historic cultural heritage significance of the site.

E13.6.9 Wall materials

Objective:

To ensure that wall materials are compatible with the historic cultural heritage significance of local heritage places and their settings.

Consistent

The proposed new wall materials are compatible with the historic cultural heritage significance of the site.

A1 No acceptable solution.

Relies on Performance Criteria

P1 Wall material for buildings and structures must be compatible with the historic cultural heritage significance of a place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the design, period of construction and materials of the dominant building on the site;
- (c) the dominant wall materials in the setting; and
- (d) the streetscape.

Complies

The wall materials of the new building works involving the rear of 20-24 Charles Street and the Canal Street Warehouse will use contrasting materials to assist in providing a clear distinction between the old and new work. The relatively smaller extension to the rear of 16-18 Charles Street will utilise similar forms and materials as the existing building and will, therefore, be more discreet. The major heritage streetscape in Charles Street will be retained. The proposed new wall materials are therefore compatible with the historic cultural heritage significance of the site.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

E13.6.11 Driveways and parking

<p>Objective: To ensure that driveways and parking are compatible with the historic heritage significance of local heritage places and their settings.</p>
<p>Consistent The proposed new wall materials are compatible with the historic cultural heritage significance of the site.</p>
<p>A1 Car parking areas for non-residential purposes must be located behind the primary buildings on the site.</p>
<p>Relies on Performance Criteria The parking areas will not be located to the rear of the primary buildings on site when viewed from Cimitiere Street, Wellington Street and the end of Canal Street.</p>
<p>P1 Driveways and car parking areas for non-residential purposes must be compatible with the historic cultural heritage significance of a local heritage place and its setting, having regard to:</p> <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the loss of any building fabric; (c) the removal of gardens or vegetated areas; (d) parking availability in the surrounding area; (e) vehicle and pedestrian traffic safety; and (f) the streetscape.
<p>Complies Further to the assessment of Clause E13.6.6 'Site of buildings and structure' Performance Criteria P1, the proposed car parking and access will not involve the removal of gardens or vegetated areas. Landscaping is proposed along the Cimitiere Street and Wellington Street frontages of the upper level of the car park and adjacent to the Wellington Street frontage at ground level. Specific landscaping details are not included in the application and recommended permit conditions, therefore, require that a site landscaping plan including a planting schedule provision for maintenance be provided. The landscaping will be required to provide an effective screen of the ground and upper levels of the car park when viewed from Cimitiere Street and Wellington street.</p>

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	<p>Independent infrastructure assessment undertaken with conditional consent provided. Conditions recommended in relation to:</p> <ul style="list-style-type: none"> • Elimination of blind aisles in car park structure. • Modify to contain the stair to the upper level of the car park from Canal Street within the site boundaries. • Provision for over-size vehicles to exit the Cimitiere Street entry-only access, and a flexible striker bar. • Provision of an urban cul-de-sac turning head at the end of Canal Street. • Realignment of the Cimitiere Street exit-only exit to a minimum of 70° to the road. • Lighting plan for the car park structure including provision to minimise light spill. • Advisory signage associated with the vehicle parking to provide notification on parking availability. • Alteration of the on-street delivery vehicle arrangements including loading bays in Charles Street and Canal Street. • Provision of a footpath along Cimitiere Street.
Environmental Health	<p>Conditional consent provided. Conditions recommended in relation to:</p> <ul style="list-style-type: none"> • Amenity • Stormwater quality management plan • Environmental management plan • Lighting • Noise • No burning of waste • Demolition • Waste management • Food premises to register (advisory noted)

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

Parks and Recreation	N/A
Heritage/Urban Design	<p>Agreement with the conditions required by the Tasmanian Heritage Council, specifically including Conditions 1, 2, 3, 4 and 8 summarised below, and the advice in relation to the remnant wall between 16-18 Charles Street and the Canal Street Warehouse.</p> <p>Permit conditions are recommended to require an increase in landscaping provision associated with the car park, and recommendation that the development should utilise Water Sensitive Urban Design.</p>
Building and Plumbing	N/A
EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2016/01837-LCC.
State Growth	Comments were provided in relation to the traffic impact assessment which have been considered in the independent infrastructure assessment. State Growth requested a permit condition requiring detailed plans of the works in the vicinity of the Wellington Street overpass to be assessed and accepted by the department.
TasFire	N/A
Tasmanian Heritage Council (THC)	<p>The Tasmanian Heritage Council issued a decision on 21 December 2016 consenting to the works subject to a number of conditions general requiring:</p> <ol style="list-style-type: none"> 1. Retention of the old signage painted on the southern wall of 24 Charles Street, except the lower section of the wall below the word 'Blue'. 2. Provision of construction documentation for the approved heritage works to the Canal Street Warehouse, 3. Provision of construction documentation for the approved heritage works to 24 Charles Street. 4. New structures or hard surfaces to minimise damage and enable the on-going maintenance of the fabric of abutting

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

	<p>heritage buildings and structures of interest to THC, with particular consideration of rising damp.</p> <ol style="list-style-type: none"> 5. Building approval drawings to be provided to Heritage Tasmania which reflect the design changes requires by the THC. 6. An architect and heritage consultant accepted by Heritage Tasmania to be appointed to provide oversight and direction. 7. Development of a communication protocol relevant to all persons working on site to be implemented under the supervision of a heritage consultant. 8. An interpretation plan to be submitted to the satisfaction of Heritage Tasmania to recognise the public benefit opportunity associated with the heritage values of the site. 9. Any Archaeological features and/or deposits revealed during ground disturbance to be properly assessed, and investigated and managed if necessary. 10. An extent record of the interiors of the 22 Charles Street and 24 Charles Street to be completed by an architect or heritage consultant. <p>The THC also recommended that the space adjacent to the remnant wall between 16-18 Charles Street and the Canal Street Warehouse should be kept free of car parking and landscaped as a pedestrian plaza which would provide a more appropriate setting for the two retained warehouse buildings.</p>
Crown Land	Crown Land Services granted landowner permission for the application to be lodged as it relates to Crown land within the surrounding road reserves.
TasRail	N/A
EPA	N/A
Aurora	N/A

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993* (the Act), the application was advertised for a 14 day period from 7 December 2016 to 20 December 2016 (extended to 21 December 2016). Eight representations were received.

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

ISSUE	COMMENTS
The 'Recketts Blue' advertising sign should be restored because it is heritage artwork.	Retention of the sign is required in accordance with the Tasmanian Heritage Council Permit Condition 1.
Concern with the introduction of windows on the upper level of the façade of 20 Charles Street.	The proposed works are alterations involved in the reuse of the building and will provide sunlight access.
Request for street view drawings for the north, west and south facing aspects of the redevelopment.	These drawings were not required for the purpose of public exhibition of the planning application. It is noted that the applicant has prepared an animation that has been made publicly available outside of the planning approval process.
Query about whether the hoist will be replaced above the Bond Store door.	These works are not identified as forming part of the application.
Query about whether the interpretive floor will display artefacts retrieved from the previous archaeological survey.	These works are not identified as forming part of the application.
Additional bike parking required in public areas including adjacent to the café/bar, and concern about whether the proposed bike parking will be in the right location.	See assessment of E6.5.2 'Bicycle parking numbers' and permit conditions which require provision of additional bicycle parking including a minimum of four spaces within the site on the hardstand adjacent to the café/bar and a minimum of two spaces in the entry forecourt intended for the coffee shop.
Request for the guttering, downpipes, hoist, slate roof and the like of the Canal Street Warehouse to be replaced to maintain the heritage values of the building.	The application includes a range of restoration works to the building including replacement of gutters and downpipes to match existing and provision of new corrugated iron roof sheeting.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

<p>The application is rushed and ill conceived, and little community consultation has occurred.</p>	<p>The application is required to be processed and assessed by the Planning Authority on its planning merits. The public have been notified of the application as required by the Act.</p>
<p>Independent planning assessment should be undertaken.</p>	<p>The assessment of the application has been outsourced to an independent consultant planner in accordance with Council Policy. An independent infrastructure assessment has also been undertaken.</p>
<p>Council should insist that the application make inclusions for a greater mix and diversity of use. Office is the predominant use proposed. The proposed office use has not been appropriately categorised as being for Government Services, which is understood to be the intention. There is no residential use, hotel, visitor accommodation or tourist operation uses and the application, therefore, does not comply with the Urban Mixed Use Zone Purpose.</p>	<p>The Urban Mixed Use Zone Purpose seeks to provide for the integration of residential, retail, community services and commercial activities across the zone, though not specifically on individual sites. The office and other proposed uses are allowable under the zone provisions and can therefore be considered, noting that food services is ordinarily a no permit required use and hotel industry is permitted. The specific nature of the office use is not described in the application however it is noted that Government Services offices would be categorised under the same business and professional services use class as the proposed offices. The proposed office use is assessed as consistent with the zone purpose because it will broaden the commercial choice available in this inner urban location by providing large tenancy office space. It will also provide other uses car parking that will service the CBD generally, and a café/bar and coffee shop that have the potential to increase activity outside normal business hours.</p>
<p>The application does not demonstrate active road frontages offering interest and engagement on the site boundaries. It includes a car park along at least 50% of the road frontages surrounding the site. The application therefore has not appropriately considered the streetscape or urban design.</p>	<p>The application is assessed as compliant with the planning scheme standards relevant to this issue including Clause 15.4.1 'Building height, setback and siting' Acceptable Solution A1, Clause 15.4.2 'Location of car parking' Performance Criteria P2, Clause 15.4.3 'Active ground frontages' and Clause E13.6.6 'Site of buildings and structure' Performance Criteria P1 in the Local Historic Cultural Heritage Code. The majority of the car parking will be located within the multi-storey car park structure which</p>

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

	<p>complies with Clause 15.4.2 'Location of car parking' Acceptable Solution A1. The application includes landscaping which will soften the visual impact of the multi-storey car park. A permit condition is recommended to require further landscaping details including a planting schedule and maintenance arrangements.</p>
<p>Insufficient documentation to demonstrate that safe pedestrian and vehicular movements will be ensured.</p>	<p>The application and supporting traffic impact assessment demonstrates compliance with the relevant planning scheme standards including Clause E4.5.1 'Existing road access and junctions' Performance Criteria P3 relating to traffic generation and impacts on the road network, Clause E4.6.2 'Road accesses and junctions' Performance Criteria P2, Clause E4.6.4 relating to sight distances and Clause E6.6.3 'Pedestrian access'.</p>
<p>References to 'future detail' for new window/door joinery and infill works to existing openings in the Charles Street facades and the Canal Street Warehouse should be resolved prior to issuing of any permit.</p>	<p>See assessment of Clause E13.6.2 Acceptable Solution A1.</p>
<p>Any permits should be conditioned to require exterior works to be undertaken to stabilise and in the first instance protect the interior fabric of remaining heritage structures before other major new construction is undertaken.</p>	<p>These works are not specifically required to comply with the planning scheme and have not been required by the Tasmanian Heritage Council. THC Permit Condition 6 requires an architect and heritage consultant to provide oversight and direction to all works. The developer has a general legislative responsibility to provide appropriate protection of the historic cultural heritage significance of the place whilst works are being undertaken.</p>
<p>The height of the remnant wall in Canal Street between 16-18 Charles Street and the Canal Street Warehouse should be retained, which could be undertaken with a concrete bond beam/coping whilst opening the two arched openings and central doorway and removal of the latter infill at the western end.</p>	<p>The applicant has proposed modifications to the application in response to this issue. This involves retaining the wall at its current height, along with creation of two new openings and demolition of the brick infill to the west of the wall adjacent to the Canal Street Warehouse. These modifications are reflected in Permit Condition 4(a) in the recommendation.</p>

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

<p>All extant heritage fabric including the internal walls and layout of 24 Charles Street and remaining structure at 22 Charles Street should be retained.</p>	<p>These internal works have been approved by the Tasmanian Heritage Council, and are subject to a THC condition requiring an extant record of the interiors to be completed by an architect or heritage consultant. The works will retain 24 Charles Street as a separate building tenancy. The works involving 22 Charles Street will enable the property to form part of the larger office tenancy occupying 20 Charles Street and the proposed major extension. They will retain the timber floors over two levels behind the building façade whilst two timber columns will be reinstated. The proposed works provide a reasonable balance between the preservation of the heritage buildings within the site and the practical realities of the proposed development</p>
<p>The two former door openings of 20 Charles Street should be redesigned to better represent them as doorways rather than blocked up windows.</p>	<p>The applicant has proposed modifications to represent these openings as doorways, which would involve conservation and modification of the sliding doors in the southern doorway to be incorporated into both openings. These modifications are reflected in Permit Condition 4(b) in the recommendation..</p>
<p>The application will provide a utilitarian private office space with ancillary parking facilities. The car park should be reimagined as an accessible public space to promote cultural tourism, when it is not being used for parking.</p>	<p>These activities are not identified as forming part of the application and are not required to comply with the planning scheme.</p>
<p>There are opportunities for cultural installations produced by artists and designers to be integrated with the internal and external built fabric, including landscaping or the proposed ingress and egress locations.</p>	<p>These works are not identified as forming part of the application and are not required in order to comply with the planning scheme.</p>
<p>Opportunities to provide Water Sensitive Urban Design and solar energy collection.</p>	<p>As acknowledged in the representation, these are issues which are not specifically required by the relevant planning scheme requirements. Permit conditions recommended by Environmental Health requires preparation of a stormwater quality management plan relevant to the emissions from the car park which could</p>

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

	involve a consideration of WSUD considerations.
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6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

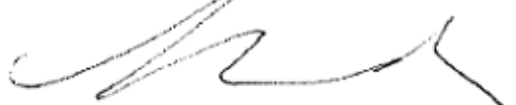
Not considered relevant to this report.

8.1 16-24 Charles Street, Canal Street and Adjoining Road Reserves - CH Smith Site...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. 16-24 Charles Street and 9 Canal Street, Launceston - Locality Map - CH Smith Site(distributed electronically)
 2. 16-24 Charles Street and 9 Canal Street, Launceston - Development Application - CH Smith Site (distributed electronically)
 3. 16-24 Charles Street and 9 Canal Street, Launceston - Independent Infrastructure Assessment - CH Smith Site (distributed electronically)
 4. 16-24 Charles Street and 9 Canal Street, Launceston - Tasmanian Heritage Council Notice of Heritage Decision - CH Smith Site (distributed electronically)
 5. 16-24 Charles Street and 9 Canal Street, Launceston - TasWater Development Certificate of Consent - CH Smith Site (distributed electronically)
 6. 16-24 Charles Street and 9 Canal Street, Launceston - Representations - CH Smith Site (distributed electronically)
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8.2 15 Atratus Rise Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)

FILE NO: DA0462/2016

AUTHOR: George Walker (Development Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	James Patrick Carroll
Property:	15 Atratus Rise Swan Bay
Zoning:	Rural Living, Rural Resource
Receipt Date:	3/10/2016
Validity Date:	12/10/2016
Further Information Request:	14/11/2016
Further Information Received:	14/11/2016
Deemed Approval:	23/01/2017
Representations:	Six

PREVIOUS COUNCIL CONSIDERATION:

There are no records of previous development applications for the subject property.

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 DA0462/2016 - Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; construction and use of visitor accommodation units, camping and caravan area and associated toilet block (retrospective); construction and use of a café; construction and use of a function and event building (retrospective); use of land for circus events and activities; construction and use of nature trails for walking and mountain bike activities; associated car parking area and signage on land located at 15 Atratus Rise, Swan Bay subject to the following conditions:

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

1. ENDORSED PLANS

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

- a. Site Plan Drawing No. 40015 Revision 1 prepared by Engineering Edge dated 11 November 2016;
 - b. New Cabins Site Plan Job No. 70015 Drawing No. A001 prepared by Engineering Edge;
 - c. Cabin 1 Floor Plan Job No. 70015 Drawing No. A002 prepared by Engineering Edge;
 - d. Cabin 1 Elevations Job No. 70015 Drawing No. A003 prepared by Engineering Edge;
 - e. Cabin 2 Floor Plan Job No. 70015 Drawing No. A004 prepared by Engineering Edge;
 - f. Cabin 2 Elevations Job No. 70015 Drawing No. A005 prepared by Engineering Edge;
 - g. Cabin 3 Floor Plan Job No. 70015 Drawing No. A006 prepared by Engineering Edge;
 - h. Cabin 3 Elevations Job No. 70015 Drawing No. A007 prepared by Engineering Edge;
 - i. Cabin 4 Floor Plan Job No. 70015 Drawing No. A008 prepared by Engineering Edge;
 - j. Cabin 4 Elevations Job No. 70015 Drawing No. A009 prepared by Engineering Edge;
 - k. Cabin 5 Floor Plan Job No. 70015 Drawing No. A010 prepared by Engineering Edge;
 - l. Cabin 5 Elevations Job No. 70015 Drawing No. A011 prepared by Engineering Edge;
 - m. Gumstump Café Floor Plan Job No. 40015 Drawing A201 Revision 1 prepared by Engineering Edge;
 - n. Gumstump Café Section 1 Job No. 40015 Drawing A202 Revision 1 prepared by Engineering Edge;
 - o. Gumstump Café Section 2 Job No. 40015 Drawing A203 Revision 1 prepared by Engineering Edge;
 - p. Gumstump Café Elevations Job No. 40015 Drawing A204 Revision 1 prepared by Engineering Edge;
 - q. Toilet Block Roof Plan Job No. 40015 Drawing No. A101 Revision 1 prepared by Engineering Edge;
 - r. Toilet Block Elevations Job No. 40015 Drawing No. A102 Revision 1 prepared by Engineering Edge;
 - s. Toilet Block Section Job No. 40015 Drawing No. A103 Revision 1 prepared by Engineering Edge;
 - t. Toilet Block Elevations Job No. 40015 Drawing No. A104 Revision 1 prepared by Engineering Edge;
 - u. Toilet Block Plumbing Plan Job No. 40015 Drawing No. H101 prepared by Engineering Edge;
 - v. Toilet Block Water Reticulation Plan Job No. 40015 Drawing No. H102 prepared by Engineering Edge;
 - w. Toilet Block Elevations Job No. 40015 Drawing No. S105 prepared by Engineering Edge;
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8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

- x. Blackwood Barn Floor Plan Job No. 40015 Drawing No. A301 Revision 1 prepared by Engineering Edge;
- y. Blackwood Barn Section 1 Job No. 40015 Drawing No. A302 Revision 1 prepared by Engineering Edge;
- z. Blackwood Barn Section 2 Job No. 40015 Drawing No. A303 Revision 1 prepared by Engineering Edge;
- aa. Blackwood Barn Elevations Job No. 40015 Drawing No. A304 Revision 1 prepared by Engineering Edge;

2. REQUIREMENTS OF DEPARTMENT OF STATE GROWTH

The Department of State Growth (DSG) requires the following items to be addressed in association with the application:

- The Department require removal of the unlicensed access point from East Tamar Highway inclusive of any existing gates being removed and replaced with continuous boundary fencing;
- Due to the property having suitable access from Atratus Drive the remaining access off East Tamar Road can remain for emergency access purposes only, with no public or general private access permitted at any other times. The access must be provided with a gate that is to remain closed unless there is an emergency situation;
- The existing Limited Access licence is not in the current title holder's name. The applicant will need to make contact with the Department in writing at property.assets@stategrowth.tas.gov.au to request update of the licence details and to facilitate change of the licence conditions to emergency purposes only.

3. SEALING OF THE DRIVEWAY

Prior to the commencement of the uses permitted by this permit, the driveway must be sealed to the satisfaction of Council's Manager Planning Services with an all-weather impervious seal (such as a two-coat bituminous or asphalt seal) in order to reduce the generation and transfer of dust. The driveway seal must extend from the edge of the driveway to the southern boundary of the main body of the property adjacent to the car parking area as annotated on the endorsed Site Plan (Drawing No. 40015). The driveway seal must be maintained in good order for the duration of the uses permitted by this permit.

4. NUISANCE

During the operation of all aspects of the uses approved by this permit, all reasonable and practicable means shall be taken in the management of the site in order to prevent nuisance or annoyance to nearby sensitive uses. Air, noise and water pollution matters may be subject to the provisions of the *Environmental Management and Pollution Control Act 1994* and Regulations thereunder.

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

5. MACHINERY SHED

The development and use of the as constructed machinery shed annotated on the endorsed Site Plan (Drawing No. 40015) is not approved by this permit.

6. CAR PARKING

Prior to the commencement of the uses permitted by this permit, the designated car parking areas annotated on the endorsed plan (Site Plan Drawing No. 40015) must be installed as follows:

- (a) The car parking area must be setback a minimum of 5m from the southern boundary of the site in order to avoid encroachment into the privacy screen;
- (b) the car parking must be surfaced with a compact gravel base and be adequately drained to prevent stormwater from being discharged to adjoining properties. The surface of the car park must be maintained in a condition that reduces dust from being generated during dry and windy periods with dust suppression (such as applying water) to be undertaken during extreme periods;
- (c) each car parking space must be line marked or provided with other clear physical means to delineate the parking spaces. The line marking or other means of delineation must meet the dimensions that have been specified within the endorsed plan; and
- (d) the accessible car parking space must be designed and installed to meet the requirements of *AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities*.

7. STORAGE OF GOODS AND MATERIALS

No external storage of goods and materials, other than for retail or waste storage purposes, is permitted.

8. LEGAL TITLE

All development and use associated with the proposal must be confined to the legal title of the subject land.

9. EXTERIOR AND SECURITY LIGHTING

All exterior and security lighting must be designed, baffled and located in accordance with Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" such that no direct light is emitted outside the boundaries of the subject land.

10. DELIVERY HOURS

Deliveries to and from the site by heavy vehicles (including trade waste collection) must only occur between:

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

- a. 7:00am and 7:00pm Monday to Friday.
- b. 8:00am and 6:00pm Saturday.

No Deliveries are to occur on Sundays or Public Holidays.

11. USE LIMITATION

Blackwood Barn

The use of Blackwood Barn is limited to functions and activities within the parameters of the community meeting and entertainment use class as defined by the Launceston Interim Planning Scheme 2015. The use of Blackwood Barn for a standalone bar within the meaning of the hotel industry use class as defined by the Launceston Interim Planning Scheme 2015 is prohibited.

Camping and Caravan Area

The camping and caravan use is limited to the area annotated within the endorsed Site Plan (Drawing No. 40015) with the operation limited to the months of October through to April. No more than 120 combined campervan, caravan and camping sites are to be utilised at any one time with no stays longer than 28 consecutive days per visit.

12. SCREEN PLANTING

The vegetated privacy screen proposed to be located along the eastern and a portion of the southern boundary must be planted prior to the commencement of the camping and caravan use. Additional privacy screens must be planted along the eastern and western boundary of the access strip in order to provide additional privacy to the adjoining properties.

The privacy screens must be planted with a mixture of evergreen tree and shrub species that are suitable for the area and have the capacity to grow to a minimum height 4m and a dense understorey. The privacy screens must be maintained and kept in good health for the duration of the use of land approved by this permit and must not be removed or lopped without consent from Council's Manager Planning Services.

13 NATIVE VEGETATION REMOVAL

Vegetation removal within the portion of the property that is subject to the scenic protection area is only permitted to the extent that is necessary to accommodate the nature trail/mountain bike trails which is identified within the endorsed Site Plan (Drawing No. 40015). No further vegetation removal within the scenic protection area is permitted by this permit.

- 8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)**
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14. SIGNAGE

The proposed signage must be in accordance with the endorsed plans as modified by the following requirements:

East Tamar Highway

The two signs proposed to be located along the East Tamar Road boundary must not have an overall height (above natural ground level) of greater than 3m.

Atratus Rise

The overall height of the sign proposed to be located at the entrance to the property off Atratus Rise must be no greater than 2m above natural ground level.

No Illumination or Lighting

The illumination or lighting of any the signs is not permitted by this permit.

15. AMPLIFIED MUSIC

Prior to the commencement of the function centre or any amplified music being played from the site in association with the uses approved by this permit, a noise report from a suitably qualified acoustic engineer is to be prepared and submitted to the satisfaction of Council's Manager Planning Services. The noise report must be specific to the type of noise generating activities that are proposed. The recommendations (if any) within the noise report must be adhered to prior to the operation of the noise generating activity. The noise report must demonstrate that the noise generating activity will not adversely impact upon the residential amenity of nearby residences.

16. ON SITE WASTE WATER

A design report, prepared by a suitably qualified person, including site and soil evaluation, prepared in accordance with AS/NZS 1547:2012 must be forwarded to Council's Environmental Services Department to address the waste water requirements for multiple sites on the property. This to be submitted at the building application stage prior to any building works commencing

17. HOURS OF OPERATION

The operation of the specified activities are restricted to the following periods:

Café

- 8:00am - 8:00pm Sunday to Thursday;
 - 8:00am - 11:00pm Friday and Saturday;
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8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

Blackwood Barn

- 10:00am - 8:00pm Sunday to Thursday;
- 10:00am - 11:00pm Friday and Saturday;

Market

- 9:00am - 2:00pm Saturday only;

Circus Activities (not aligned to the biannual Circus Festival) and Nature Trails

- 8:00am - 7:00pm Monday to Sunday.

18. NO BURNING OF WASTE

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

19. NOISE - COMMERCIAL/INDUSTRIAL

The use must not cause unreasonable noise or interference to adjoining sensitive uses. Precautions must be taken to avoid nuisance to neighbouring residential areas, particularly from heat pumps, public address systems, heavy-duty compressors, exhaust canopies and the like.

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 2016. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

B. Occupancy Permit Required

Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2016. 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 2016. 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.

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

D. Special Plumbing Permit Required

Prior to the commencement of any construction the applicant is required to attain a Special Plumbing Permit pursuant to the Building Act 2016.

E. General

This permit was issued based on the proposal documents submitted for DA0462/2016.

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

This permit takes effect after:

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

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

F. 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.

G. Biannual Circus Festival

The use of land for the biannual Circus Festival is categorised as an occasional use which is exempt from requiring a permit pursuant to Clause 5.1.1 of the Launceston Interim Planning Scheme 2015. Notwithstanding this, other approvals and/or permits may be required to be obtained for the event including, but not limited to:

- Temporary Occupancy Permits issued under the Building Act 2016;*
 - Food licences; and*
 - Traffic management plans.*
-

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

H. Food Premises

All Food Businesses must be registered with council in accordance with the Food Act 2003. Food Premises must comply with the National Construction Code TAS Part H102.

REPORT:

1. THE PROPOSAL

The applicant is seeking planning approval for multiple uses and associated development on land located at 15 Atratus Rise, Swan Bay (the subject property).

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject property is a substantial 'internal' style lot approximately 34.7ha in area and is located at the northern end of Atratus Rise although the subject property does have a long boundary that adjoins the East Tamar Highway. The land undulates throughout with an overall gradient of approximately 9% downhill to the west with a steeper valley section located centrally within the lot. The south-eastern third of the subject property is primarily cleared and under grass cover with a number of large mature eucalyptus trees scattered throughout. It is within this area that the majority of use and development is proposed to be located.

An existing residential dwelling, which includes a curtilage comprising a domestic garden, associated outbuildings and carports, is located within the south-western section of the lot. Primary access to the subject property is from an existing gravel road over a 20m wide access strip that fronts onto the end of the Atratus Rise cul-de-sac. The existing dwelling is connected into the electricity network and is serviced by an onsite waste water disposal system.

Approximately 21ha of the northern and western portion of the subject property primarily comprises remnant native vegetation which includes a thick shrubby understory with a sparse eucalyptus canopy. It is within this area that the nature and mountain bike trails, cleared area for a temporary big-top structure and (retrospective) vegetation clearance is proposed.

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

The subject property adjoins two large properties to the north and north-west that contain established residential dwellings which are located between approximately 850m and 1,500m from the boundary of the subject property. The remaining area of the adjoining properties comprises remnant native vegetation of a similar composition and character as the subject property.

The adjoining land to the south and south-west is zoned Rural Living and forms part of recent subdivisions which have created approximately 30 rural residential lots within Atratus Rise, Ardea Drive and Aquila Place. These lots have gradually been further developed with residential dwellings as the lots are made available. Specifically, the subject property shares a common boundary with seven rural residential lots.

The eastern boundary of the subject property adjoins the East Tamar Highway which is a high volume Category 1 trunk road that is under the administration and management of the Department of State Growth (DSG). Subsequently, the application was referred to DSG with their assessment and comments referenced under the Road and Railways Assets Code of the report.

The property is subject to two different zones being the Rural Resource zone and the Rural Living zone. The Rural Resource zone encompasses approximately 28ha of the subject property with the Rural Living zone encompassing approximately 6ha of the subject property (refer to Image 1).

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

In the broader context, the subject property is located at the northern end of the Windermere rural living area and within the northern reaches of the Launceston municipal area and is approximately 21km from the Launceston Central Business District via the East Tamar Highway.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

13.0 Rural Living Zone

13.1.1 Zone Purpose Statements

13.1.1.1 To provide for residential use or development on large lots in a rural setting where services are limited.

13.1.1.2 To provide for compatible use and development that does not adversely impact on residential amenity.

13.1.1.3 To provide for use and development that is compatible with local natural values.

Consistent

In this instance a portion of the proposed car parking area and camping and caravanning area will be located within a section of the Rural Living zone to the south-east of the subject property. In addition, access to and from the subject property for all proposed uses will traverse Rural Living zone land. Accordingly, an assessment of the relevant sections of the Rural Living zone is required.

It is considered that the proposal is consistent with the purpose of the Rural Living zone insofar as:

- any potential or perceived adverse impacts on the residential amenity of nearby residential dwellings generated by the proposed camping and caravan use within the south-eastern section of the subject property, associated car parking area and access to the site are expected to be mitigated by the following methods:
 - installation of a vegetative screen along the southern boundary adjacent to the car park and caravan and camping area which will provide visual and physical separation between the proposed uses and the existing residential dwellings on the immediately adjacent properties to the south which include numbers 11 and 16 Atratus Rise;
-

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

- the proposed camping and caravan use will be in the form of non-powered sites that will be marked with designated areas for individual campervans, caravans and tents. It is anticipated that the sites will primarily offer a location for visitors to set up their caravans and camper vans as a base which will allow visitors to take their smaller vehicles on day trips within the region.

The camping and caravan area will be managed by the property owner who lives within the existing dwelling located on the subject property. It is understood that any anti-social behaviour will not be tolerated by the operator with any incidents managed accordingly such as evictions, if necessary. The nature of the activity, along with the responsible management of the area is expected to mitigate adverse impacts occurring to nearby residential dwellings such as noise. Notwithstanding this, it is recommended that a condition be applied specifying that the site be managed in a manner that seeks to limit and minimise any adverse impacts occurring to nearby dwellings. Furthermore, it is recommended that a condition be applied to the permit limiting the number of camping and caravan sites and restricting the occupation of individual sites to no longer than 28 consecutive days;

- it is recommended that a condition be applied to the permit requiring the driveway within the access strip to be sealed and a vegetative screen to be planted either side of the driveway in order to reduce the transfer of dust from the existing gravel driveway and to enhance the privacy of adjoining properties;
- it is recommended that a condition be applied to the permit limiting the operating hours for each of the proposed uses including the entertainment and function venue, café and circus activities;
- the majority of development will occur within cleared areas of the subject property that hold marginal natural value. All vegetation clearance that is required to accommodate the nature trails and mountain bike tracks is expected to be minimal in terms of being primarily understorey vegetation. Overall, the vegetation clearance will be invident within the large area that is covered with native vegetation.

13.3 Use Standards

13.3.1 Hours of operation

Objective:

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

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

<p>Consistent The application has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.</p>
<p>A1 Commercial vehicles must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.</p>
<p>Complies In this instance, no commercial vehicles will be operated in association with the proposed uses. Notwithstanding this, it is recommended that a condition be applied to the permit limiting delivery vehicles associated with the proposed uses to within the parameters of the acceptable solution with the exception of Sundays and Public Holidays in which delivery vehicles should be prohibited.</p>

13.3.2 Mechanical plant and equipment

<p>Objective: To ensure that the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to sensitive uses.</p>																																			
<p>Consistent The application has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard in the following section of the report.</p>																																			
<p>A1 Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining or immediately opposite sensitive uses.</p>																																			
<p>Complies In this instance, the buildings that will likely utilise air conditioning, air extraction, heating and/or refrigeration systems or compressors will be the proposed holiday cabins, café and blackwood barn. The following table indicates the distance these buildings will be from the nearest dwellings:</p>																																			
<table border="1"> <thead> <tr> <th rowspan="2">Dwelling</th> <th colspan="3">Distance (approx.)</th> </tr> <tr> <th>Café</th> <th>Cabins</th> <th>Barn</th> </tr> </thead> <tbody> <tr> <td>2087 East Tamar Highway</td> <td>430m</td> <td>500m</td> <td>340m</td> </tr> <tr> <td>2050 East Tamar Highway</td> <td>140m</td> <td>315m</td> <td>230m</td> </tr> <tr> <td>2042 East Tamar Highway</td> <td>210m</td> <td>360m</td> <td>330m</td> </tr> <tr> <td>2038 East Tamar Highway</td> <td>200m</td> <td>340m</td> <td>340m</td> </tr> <tr> <td>2032 East Tamar Highway</td> <td>240m</td> <td>390m</td> <td>380m</td> </tr> <tr> <td>11 Atratus Rise</td> <td>290m</td> <td>165m</td> <td>400m</td> </tr> <tr> <td>16 Atratus Rise</td> <td>300m</td> <td>270m</td> <td>410m</td> </tr> </tbody> </table>	Dwelling	Distance (approx.)			Café	Cabins	Barn	2087 East Tamar Highway	430m	500m	340m	2050 East Tamar Highway	140m	315m	230m	2042 East Tamar Highway	210m	360m	330m	2038 East Tamar Highway	200m	340m	340m	2032 East Tamar Highway	240m	390m	380m	11 Atratus Rise	290m	165m	400m	16 Atratus Rise	300m	270m	410m
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8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

Overall, it is considered that the buffer distances represented in the above table are expected to mitigate and reduce any noise, odours, fumes or vibration from being received by the dwellings identified at the listed addresses. Accordingly, it is considered that acceptable solution 13.3.2 (A1) is met.

13.3.3 Light spill and illumination

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

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

A1 The use must:
(a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the General Residential, Low Density Residential and Village zones; and
(b) contain direct light from external light sources within the boundaries of the site.

Complies
In this instance, the subject property does not adjoin the boundary of the General Residential, Low Density Residential or Village zone. Therefore, acceptable solution 13.3.3 (A1) (a) is not applicable to the assessment.

In response to acceptable solution 13.3.3 (A1) (b), the buildings likely to include security and associated lighting will be setback between 100m and 300m from the property boundaries to the east and south. This distance will ensure that light spillage is kept to within the property boundaries of the site. It is recommended that a condition be applied to the permit requiring all direct light from external light sources be contained within the boundaries of the site in the event that other forms of flood lighting are used to light the site. It is considered that the location and direction of external lights can easily be designed and/or treated to achieve this condition.

13.3.4 External storage of goods

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

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

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

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

Complies

In this instance, the proposed uses do not typically involve the storage of goods and materials (other than for waste) externally to the building. As such, it is unlikely that the proposed uses will breach the requirements of the acceptable solution. Notwithstanding this, it is expected that goods or materials will not be visible from Atratus Rise to the south and East Tamar Highway to the east due to the topography of the site and proposed vegetative screen along the respective boundaries. Overall, it is considered that acceptable solution 13.3.4 (A1) will be met.

13.3.5 Commercial vehicle parking

Objective:

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

Consistent

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

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

Complies

In this instance, no commercial vehicles will be operated in association with the proposed uses. Notwithstanding this, due to the substantial size of the subject property and inclusion of a large car parking area, all vehicles associated with the proposed use including delivery vehicles and visitors will be able to park within the boundaries of the subject property during operating hours and use. Accordingly, acceptable solution 13.3.5 (A1) is met.

13.3.6 Scale and intensity of use

Objective:

To ensure that uses are of a scale and intensity that are consistent with the purpose of the zone.

Consistent

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

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

13.4 Development Standards

13.4.3 Outbuildings and other structures

Objective:

To ensure that:

- (a) outbuildings do not detract from the character of the surrounding area; and
- (b) dwellings remain the dominant built form within an area; and
- (c) earthworks and the construction or installation of retaining walls are appropriate to the site and respect the amenity of adjoining lots.

Consistent

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

A2 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must:

- (a) be located no less than 1.5m from each lot boundary;
- (b) be no higher than 1m (including the height of any batters) above existing ground level;
- (c) not require cut or fill more than 1m below or above existing ground level;
- (d) not concentrate the flow of surface water onto an adjoining lot; and
- (e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.

Complies

In this instance earthworks are required in order to accommodate the section of the proposed car parking area that will be located within the Rural Living zone. The section of the site that will be utilised for the car parking area has a slope of approximately 14% (8°) downhill to the west. It is understood that the car parking area will be partially levelled and scrapped clear with an excavator with a gravel base to be applied. It is unlikely that the earthworks will require cut or fill greater than 600mm above or below natural ground level. Notwithstanding, an assessment against the acceptable solutions is provided below:

- (a) the site plan (Drawing No. 40015) indicates that the proposed car parking will be constructed to the southern boundary of the subject property with the car parking spaces located perpendicular to the southern boundary encroaching upon the vegetative buffer. It is recommended that a condition be applied to the permit requiring the car parking area to be setback from the southern boundary a minimum of 5m in order to comply with the acceptable solution and to minimise disturbance occurring to the root zone of the vegetative buffer;

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

- (b) it is not expected that the earthworks will be greater than 1m above existing ground level given the relatively level surface of the proposed car parking site;
- (c) it is not expected that the earthworks will be greater than 1m below existing ground level given the relatively level surface of the proposed car parking site;
- (d) the surface of the car parking area will be largely pervious. In addition, the natural slope of the subject property is downhill to the west and north-west which is away from the southern property boundary. As such any runoff is expected to be contained within the boundaries of the subject property. Notwithstanding this, it is recommended that a condition be applied to the permit requiring car park to be designed and constructed in a manner that contains runoff within the boundaries of the subject property which may include the use of existing drainage lines and dams;
- (e) all earthworks will be located in excess of 1m from registered easements, sewer mains and water mains.

Overall, it is considered that the performance criteria are met.

26.0 Rural Resource Zone

26.1.1 Zone Purpose Statements

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

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

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

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

Consistent

In this instance the majority of the camping and caravan area, café, toilet block, holiday cabins, Blackwood Barn, nature trails and mountain bike tracks and the circus activities will be located within the Rural Resource zone. Accordingly, an assessment of the relevant sections of the Rural Resource zone is required. It is considered that the proposal is consistent with the purpose of the Rural Resource zone insofar as:

- the proposed use and development is not expected to constrain or conflict with resource development uses within the surrounding area (refer to the assessment against provision 26.3.1 for justification); and
- the proposed visitor accommodation, food service, sport and recreation and passive recreation uses are expected to contribute to and support the surrounding rural community in economic and social terms.

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

26.3 Use Standards

26.3.1 Location and intensity

Objective:

To:

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

Consistent

In this instance, the application relies on an assessment against the performance criteria of the standard. Accordingly, assessment against the individual criteria of the objective is provided:

- (a) in this instance, the subject property and surrounding area is identified as a mixture of Class 4, 6 and 7 land which is not categorised as prime agricultural land. Accordingly, the proposed use and development will not convert prime agricultural land to non-agricultural uses;
- (b) whilst the subject property comprises non-prime agricultural land, the subject property currently comprises a residential dwelling with the northern half having a consistent vegetative cover. As such, the agricultural capacity of the land is currently compromised by the existence of the residential use in addition to the existence of the Swan Bay rural living precinct to the south and west. Furthermore, the topography of the land and low value of the land as a growth medium suggests that the subject property is not suitable for resource development or associated uses. Overall, it is considered that the non-prime agricultural land of the property has already been converted to non-primary industry uses which is evidenced by the presence of the residential use, albeit adjacent to the southern boundary;

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

- (c) the proposed uses are not considered to be inappropriate to the zone when considering the lack of significant resource development activities such as cropping and large scale vineyards within proximity to the subject property and the substantial distance between the subject property and minor resource development uses within the surrounding area including grazing, small scale vineyards and orchards;
 - (d) by its nature, the visitor accommodation and café needs to be located within an area that is compatible with broad scale tourism within the region. In this instance, the site is located within close proximity to the wine route and to the East Tamar Road which is a major trunk road that experiences high volumes of tourists;
 - (e) in this instance, the operator of the proposed uses resides at the property within the existing dwelling;
 - (f) in this instance, the application provides for use that is ancillary to tourism in terms of the visitor accommodation in the form of the holiday cabins and camping and caravan park. The visitor accommodation uses are located within an area that is readily accessible, via Atratus Drive, from the East Tamar Highway which is the primary trunk road that serves the north-eastern touring region which includes winery's natural and cultural features. Accordingly, the visitor accommodation will enable visitors to stay within a relatively central location whilst visiting the region. In addition, the café, function venue and circus activities have the capacity to attract visitors to the area;
 - (g) in this instance, the capacity of the subject property to sustain resource development uses is limited by the low agricultural value of the land (Class 4 and 6) in addition to the presence of residential uses within the vicinity of the subject property. As such the subject property is not expected to be converted for primary industry use within the future. Therefore the proposed uses will not restrain the operation of primary industry uses occurring on the subject property.
- Furthermore, the nearest primary industry activity is in excess of 1.2km from the subject property. Accordingly, the proposed use is not expected to unreasonably confine or restrain the operation of primary industry uses within the locality;
- (h) it is considered that the proposed uses are appropriate for the locality in terms of access to the major trunk road of East Tamar Highway and minimal impact on existing or local infrastructure including stormwater, water and road networks.

A1 If for permitted or no permit required uses.

Relies on Performance Criteria

In this instance, all the uses that have been applied for are discretionary within the Rural Resource zone. Therefore, assessment against the corresponding performance criteria is required.

P1 Uses (except for a single dwelling) are established at a location and at an intensity that is appropriate in the zone, having regard to:

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

- (a) the nature of the use, including:
 - (i) the scale and extent of the use;
 - (ii) the utilisation of existing buildings and infrastructure;
 - (iii) the number of employees;
 - (iv) the customer visitation and deliveries;
 - (v) the hours of operation;
 - (vi) the nature of any emissions;
 - (vii) external storage of goods, materials or waste; and
- (b) the area of the site proposed to be used, including:
 - (i) the existing use and development;
 - (ii) the surrounding use and development;
 - (iii) its capacity for productive agricultural use;
 - (iv) the topography of the site;
 - (v) current irrigation practices and the potential for irrigation;
 - (vi) the effect, if any, of the loss of the site on the continuing or potential agricultural use of the site and the surrounding area; and
- (c) the potential to confine or constrain adjoining primary industry uses;
- (d) the location being reasonably required for operational efficiency;
- (e) the need to locate on the site;
- (f) the capacity of the local road network to accommodate the traffic generated by the use; and
- (g) the capability of the site to accommodate all aspects of the use.

Complies

The proposed uses are considered to be within a location and will be operated at an intensity that is appropriate for the zone insofar as:

- (a) the nature of the proposed uses are considered to be commensurate to the size of the subject property and location in terms of:
 - i. overall, the proposed uses will occupy approximately 10% of the total area of the subject property, with the balance area of the subject property comprising the established residential use and remnant native vegetation;
 - ii. the proposed uses will require the construction of new buildings including five small scale holiday cabins, a toilet block, café and function building. It is noted that the foundation for the toilet block and a substantial portion of the function building have already been constructed without the appropriate permits in place. In addition the existing crossover and road network via Atratus Drive will be utilised by the proposed uses with no further public infrastructure works required;

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

- iii. the operation, inclusive of all uses will largely be managed by the property owner who will reside within the existing dwelling. It is likely there will need to be additional staff to run the café and function venue during peak periods. However, the number of staff is expected to be minimal and there is sufficient space within the subject property to accommodate employee vehicles;
 - iv. the operation of the visitor accommodation, café and function venue are expected to be the busiest during peak periods which is expected to be between October and April on a yearly basis. Visitation will therefore be at its peak during this period. It is recommended that a condition be applied to the permit restricting deliveries to within normal business hours in order to limit disturbance to nearby residents during early and later hours;
 - v. it is recommended that a condition be applied to the permit stipulating operating hours for each of the uses and activities proposed. The operating hours will be different than the operating hours proposed in order to limit any adverse impacts occurring to nearby residential uses by way of noise and vehicle movement;
 - vi. the key emissions that are considered to cause the most significant disruption to nearby residents is noise in particular from the operation of the function venue. It is recommended that a condition be applied to the permit relating to operating hours of the venue and noise emissions in order to mitigate any potential nuisances occurring to nearby residential uses;
 - vii. in this instance, the proposed uses do not typically involve the storage of goods and materials (other than for waste) externally to the building. As such, it is unlikely that the proposed uses will breach the requirements of the acceptable solution. Notwithstanding this, it is expected that goods or materials will not be visible from Atratus Rise to the south and East Tamar Highway to the east due to the topography of the site and proposed vegetative screen along the respective boundaries.
- (b) the area of the subject property identified to accommodate the proposed uses is considered suitable insofar as:
- i. the subject property is currently utilised for residential purposes and is largely under native vegetation cover. The proposed uses will be operated by the land owner that resides within the existing dwelling located on the subject property;
 - ii. the land surrounding the subject property primarily comprises rural residential use and development with no significant primary industry uses or activities located within proximity of the subject property;

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

- iii. the capacity of the subject property for productive agricultural use is severely restricted by the presence of residential use and development within proximity to the land. In addition, the topography of the land coupled with the low value of the land (Class 4 and 6 agricultural land) limits the productive agricultural capacity of the subject property;
- iv. there are not significant irrigation practices (centre pivot and gun irrigation) located on the subject property or within close proximity to the subject property;
- v. the subject property is not considered to possess any real agricultural potential. Furthermore, the presence of the proposed uses within the area are not expected to limit land within the vicinity operating agricultural activities;
- (c) the nearest primary industry activity is in excess of 1.2km from the subject property. Accordingly, the proposed use is not expected to unreasonably confine or restrain the operation of primary industry uses within the locality;
- (d) the location of the proposed uses has been selected on the basis of the excess land available within the subject property to accommodate the activities, location within the region from a tourist route perspective and the ability for the land owner to manage the activities from the subject property;
- e) the need to locate the proposed uses on the subject property stems from the land owner's desire to offer visitor accommodation within the area in addition to offering other activities to locals within the locality;
- (f) the application was referred to Council's Infrastructure Services and Department State Growth. No significant issues in relation to the capacity of the road network to accommodate the proposal have been identified. An assessment against relevant provisions relating to the road network is provided against the Road and Rail Network Code within the applicable section of the report below;
- (g) the subject property is approximately 34.5ha in area and has sufficient area to accommodate all aspects of the proposed uses.

A2 If for permitted or no permit required uses.

Relies on Performance Criteria

In this instance, all the uses that have been applied for are discretionary within the Rural Resource zone. Therefore, assessment against the corresponding performance criteria is required.

26.3.2 Dwellings

Objective:

To ensure that dwellings are:

- (a) directly associated with and a subservient part of a Resource development use; or
- (b) located on land with limited primary industry uses potential; and
- (c) located where they do not constrain surrounding agricultural uses; and

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

(d) accessible by vehicles for residential purposes and emergency services.

Consistent

In this instance, no residential dwellings have been proposed. Therefore, this standard is not applicable to the assessment.

26.4 Development Standards

26.4.1 Building height, setback and siting

Objective:

To ensure that:

- (a) buildings minimise the impact on the visual character of the area; and
- (b) buildings for sensitive uses do not constrain primary industry uses.

Consistent

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

A1 Building height must be no greater than:

- (a) 12m; or
- (b) 8m for dwellings.

Complies

The height of the proposed buildings will be as follows:

Building	Required	Proposed
Toilet Block	12m	4.2m
Blackwood Barn	12m	5.4m
Holiday Cabins	12m	4.5m
Café	12m	6m

Accordingly, acceptable solution 26.4.1 (A1) is met.

A2 Buildings, other than for sensitive uses, must be setback from a frontage:

- (a) no less than 30m; or
- (b) no less than the existing building for an extension.

Complies

In this instance, the proposed buildings do not constitute sensitive uses. Accordingly, the proposed buildings will have the following frontage setbacks:

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

Building	Required setback	East Tamar Highway	Atratus Rise
Toilet Block	30m	120m	240m
Blackwood Barn	30m	180m	430m
Holiday Cabins	30m	270m	260m
Café	30m	120m	250m

Accordingly, acceptable solution 26.4.1 (A2) (a) is met.

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

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

Consistent

In this instance, the proposal has been assessed as being consistent with the purpose of the Road and Railway Assets Code. Refer to the assessment against the specific standards of the Code in the report below.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

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

Consistent

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

A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.

Relies on Performance Criteria

In this instance, Atratus Rise is subject to a speed limit of more than 60km/h. The proposed uses will increase vehicle movements to and from the existing access greater than 10%. Therefore, assessment against the corresponding performance criteria is required.

P2 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to:

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

- (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

In this instance, the following observations were made by Council's Infrastructure Services.

"While the site has a frontage to East Tamar Highway, access to the site is via Atratus Rise which has been built as an S4 road based on the LGAT-IPWEA standard drawings and has a design AADT range of 300-2000 vehicle movements per day. Atratus Rise is 7 metres wide being comprised of a 6 metre wide road pavement with 500mm shoulders on each side. Nine separate lots are served by Atratus Rise and assuming generation of 10 vehicle movements per day would generate 90 vehicle movements per day".

In this case, the current use of Atratus Rise is well below the capacity it has been constructed to. Overall, the activities that have been proposed within the application (with the exception of the biannual circus festival) should not present any significant traffic concerns. Furthermore, the existing access is located at the end of the Atratus Rise cul-de-sac and is in line with the main road pavement. There is, therefore, sufficient capacity to view oncoming traffic travelling north along Atratus Rise.

On this basis, it is considered that the increase in vehicle traffic at the existing access will not unreasonably impact on the efficiency of Atratus Rise and the surrounding road network.

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

Complies

In this instance, Atratus Rise is subject to a speed limit of more than 60km/h. Therefore, assessment against the provision is not applicable.

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

E4.5.2 Existing level crossings

Objective:

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

Consistent

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

E4.6 Development Standards

E4.6.1 Development adjacent to roads and railways

Objective:

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

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

Consistent

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

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

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

A1.2 Buildings must be:

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

Complies

In this instance, all new buildings will be setback a minimum of 50m from the East Tamar Highway to the east. Notwithstanding this, the application was referred to the Department of State Growth (DSG) for comments. The following observations and direction was provided by DSG.

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

I confirm that State Growth do not object to the proposal however please note the following;

- *It appears from the site plan that there are two existing access points onto the East Tamar Highway (possibly gated);*
- *The East Tamar Highway at this location is subject to Limited Access (LA) provisions. From our records there is only one LA licence issued to the subject land for agricultural use only (Ref No: A0265-L30-122).*

Taking this into account, it would be appreciated if you can arrange to incorporate the below into condition form for inclusion on Council's permit.

- *The Department will require removal of the unlicensed access point from East Tamar Highway inclusive of any existing gates being removed and replaced with continuous boundary fencing;*
- *Due to the property having suitable access from Atratus Drive the remaining access can remain for emergency access purposes only, with no public or general private access permitted at any other times. The access must be provided with a gate that is to remain closed unless there is an emergency situation;*
- *The existing LA licence is not in the current title holder's name. The applicant will need to make contact with the Department in writing at property.assets@stategrowth.tas.gov.au to request update of the licence details and to facilitate change of the licence conditions to emergency purposes only.*

On this basis, it is recommended that a condition be applied to the permit outlining the requirements of the Department State Growth.

E4.6.2 Road accesses and junctions

Objective:

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

Consistent

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

A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h.

Complies

In this instance, Atratus Rise is subject to a speed limit of more than 60km/h. No new accesses have been proposed. Therefore, acceptable solution E4.6.2 (A1) is met.

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(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

In this instance, the proposal has been assessed as being consistent with the purpose of the Parking and Sustainable Transport Code. Refer to the assessment against the specific standards of the Code in the report 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

In this instance, the proposal has been assessed as being consistent with the purpose of the Parking and Sustainable Transport Code. Refer to the assessment against the specific standards of the Code in the report below.

A1 The number of car parking spaces must:

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

Complies

In this instance, the following car parking numbers are required for each of the proposed uses based on Table E6.1:

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

Activity/Use	Car Parking Spaces	Bicycle Parking Spaces
Café	10	2
Blackwood Barn	10	4
Holiday Cabins	5	No Requirement
Camping/Caravan	1 per allocated space	No Requirement
Total	25	6

In this instance, the proposed uses require 25 car parking space plus one space per allocated camping or caravan space. In this instance, the 25 car parking will be accommodated within the proposed 145 car parking area. The additional car parking spaces will be determined by the maximum number of allocated camping and/or caravan spaces. It is recommended that a condition be applied to the permit restricting the number of camping/caravan spaces to 120 which will correspond with the remaining number of car parking spaces within the proposed car parking area. Therefore the acceptable solution is met.

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

Complies

In this instance, Table D3.5 of the National Construction Code requires one accessible parking space to be provided. It is recommended that a condition be applied to the permit requiring a minimum of one accessible car parking space to be provided and constructed to the relevant Australian Standards. As such, the acceptable solution is met.

E6.5.2 Bicycle parking numbers

Objective:

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

Consistent

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

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

Complies

In this instance, the following bicycle parking spaces are required for each of the proposed uses based on Table E6.1:

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

Activity/Use	Car Parking Spaces	Bicycle Parking Spaces
Café	10	2
Blackwood Barn	10	4
Holiday Cabins	5	No Requirement
Camping/Caravan	1 per allocated space	No Requirement
Total	25	6

In total six bicycle parking spaces are required to be provided. It is anticipated that these spaces will be able to be accommodated on the subject property. Notwithstanding, it is not considered necessary for specific bicycle parking spaces to be provided for reasons which are outlined in the relevant provisions below.

E6.5.3 Taxi spaces

<p>Objective: To ensure that access for taxis is provided to meet the needs of the use.</p>
<p>Consistent The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the specific provisions of the standard in the report below.</p>
<p>A1 Except for dwellings in the General Residential zone, uses that require greater than 50 car spaces by Table E6.1 must provide one parking space for a taxi on site, with one additional taxi parking space provided for each additional 50 car parking spaces required.</p>
<p>Complies In this instance, it is anticipated that a minimum of two taxi parking spaces can be accommodated within the proposed car parking area. Therefore, the acceptable solution is met.</p>

E6.5.4 Motorcycle parking

<p>Objective: To ensure that motorcycle parking is provided to meet the needs of the use.</p>
<p>Consistent The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the specific provisions of the standard in the report below.</p>
<p>A1 Except for dwellings in the General Residential zone, uses that require greater than 20 car parking spaces by Table E6.1 must provide one motorcycle parking space on site with one additional motorcycle parking space on site for each additional 20 car parking spaces required.</p>

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

Complies

In this instance, it is anticipated that seven motorcycle parking spaces can be accommodated within the proposed car parking area. Therefore, the acceptable solution is met.

E6.5.5 Loading bays

Objective:

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

Consistent

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

A1 A loading bay must be provided for uses with a gross floor area greater than 1 000m² in a single occupancy.

Does Not Comply

This standard only applies to the bulky goods sales, general retail and hire, manufacturing and processing and storage use classes pursuant to clause E6.2.3.5 (a) none of which have been applied for. Therefore, the standard is not applicable to the assessment.

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 proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the specific provisions of the standard in the report below.

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.

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

Relies on Performance Criteria

In this instance, the gradient of the parking area will likely be greater than 10% in areas. In addition stormwater will be able to be contained within the boundaries of the subject property. However, the car parking area will not be paved. Accordingly, assessment against the corresponding performance criteria is required.

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

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

Complies

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

- the car parking area will be of a width and design that will allow cars to manoeuvre freely;
- the car parking will be of a gradient that will not be restrictive for users. The recommended condition for the accessible car parking spaces will ensure the accessible spaces are of a gradient that is suitable;
- the likelihood of transporting sediment and/or debris will be restricted by the distance of the access strip to Atratus Rise and on the basis that the access strip will be sealed (by way of condition);
- it is recommended that a condition be applied to the permit requiring the car parking area to be constructed of compacted gravel to reduce the opportunity for dust to develop and spread. Furthermore, it is recommended that the condition also include a requirement of the operator to suppress the dust via water or other means during dry periods (or where requested to do so by the Planning Authority) and where there is an increased chance for dust to be generated. Furthermore, the implementation of the vegetative buffer along the southern boundary will prevent significant amounts of dust being transported to adjoining properties.

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 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

Consistent

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

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

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

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

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

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

Complies

The following assessment against acceptable solution E6.6.2 (A1.1) applies:

- (a) vehicles will be able to enter and exit in a forward direction;
- (b) there will be a minimum of 4.5m (unimpeded) width of the internal access way for the first 7m from the road carriageway and a minimum of 3m (unimpeded) thereafter;
- (c) it is recommended that a condition be applied to the permit requiring the car parking area to be designed in accordance with Table E6.3;
- (d) a minimum of 2.1m vertical clearance will be provided for each car parking space.

The following assessment against acceptable solution E6.6.2 (A1.2) applies:

- It is recommended that a condition be applied to the permit requiring the proposed accessible space to be located at the beginning of the car parking area to ensure it is located at the closest point to the relevant buildings.

The following assessment against acceptable solution E6.6.2 (A1.3) applies:

- It is recommended that a condition be applied to the permit requiring the accessible space to be designated and signed as an accessible space through appropriate line marking.

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

The following assessment against acceptable solution E6.6.2 (A1.4) applies:

- It is recommended that a condition be applied to the permit requiring the accessible car parking space to be designed and constructed in accordance with *AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities*.

Based on the above assessment, it is evident that the acceptable solution E6.6.2 inclusive of (A1.1) to (A1.4) can be met.

E6.6.3 Pedestrian access

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

Consistent
The proposal has been assessed as being consistent with the objective of the standard. Refer to the assessment against the specific provisions of the standard in the report below.

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

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

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

Relies on Performance Criteria
In this instance the car parking area will not have any line markings between the parking aisle and designated footpath or protective devices. Therefore assessment against the corresponding performance criteria is required.

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

- (a) the characteristics of the site;
- (b) the nature of the use;
- (c) the number of parking spaces;
- (d) the frequency of vehicle movements;
- (e) the needs of persons with a disability;
- (f) the location and number of footpath crossings;
- (g) vehicle and pedestrian traffic safety;

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

- (h) the location of any access ways or parking aisles; and
- (i) any protective devices proposed for pedestrian safety.

Complies

In this instance, the majority of vehicular and pedestrian activity generated by the proposed camping and caravan use which will primarily involve vehicles parking within designated spaces. Overall, it is considered that there is sufficient width within the parking isle and within the car parking area to ensure pedestrians can navigate the parking area in a safe manner on the basis that it is anticipated that there will be low numbers of vehicles, a slow speed traffic environment, good visibility throughout the car parking area and within an open and flat site.

E6.6.4 Loading bays

Objective:

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

Consistent

The proposed change of use has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.

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

Complies

In this instance, it has been determined that no loading bays are required to be provided based on use classes that have been proposed. Therefore, the provision is not applicable to the assessment.

A2 It must be demonstrated that the type of vehicles likely to use the site can enter, park and exit the site in a forward direction, without impact or conflicting with areas set aside for parking or landscaping, in accordance with AS2890.2 - 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.

Complies

In this instance, it has been determined that no loading bays are required to be provided based on use classes that have been proposed. Therefore, the provision is not applicable to the assessment.

E6.6.5 Bicycle facilities

Objective:

To ensure that cyclists are provided with adequate facilities.

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

<p>Consistent The proposed change of use has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.</p>
<p>A1 Uses that require five or more bicycle spaces by Table E6.1 must provide one shower and change room facility on site, with one additional shower and change room on site for each 10 additional bicycles spaces required.</p>
<p>Complies In this instance greater than five car parking spaces are required, although these are specifically proposed. Separate shower and change room facilities are able to be provided within the toilet block. Therefore, the acceptable solution is met.</p>

E6.6.6 Bicycle parking and storage facilities

<p>Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.</p>
<p>Consistent The proposed change of use has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.</p>
<p>A1 Bicycle parking and storage facilities for uses that require five or more bicycle spaces by Table E6.1 must:</p> <ul style="list-style-type: none"> (a) be accessible from a road, cycle path, bicycle lane, shared path or access way; (b) be located within 50m from the main entrance; (c) be visible from the main entrance or otherwise signed; and (d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.
<p>Relies on Performance Criteria In this instance no designated bicycle parking spaces have been proposed. Therefore, assessment against the corresponding performance criteria is required.</p>
<p>P1 Bicycle parking and storage facilities must be provided in a safe, secure and convenient location, having regard to:</p> <ul style="list-style-type: none"> (a) the accessibility to the site; (b) the characteristics of the site; (c) the nature of the proposed use; (d) the number of employees; (e) the users of the site and the likelihood of travel by bicycle; (f) the location and visibility of proposed parking storage facilities for bicycles; (g) the nature of the bicycle parking and storage facilities; (h) whether there are other parking and storage facilities on the site; and

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

(i) the opportunity for sharing bicycle parking and storage facilities on nearby sites.

Complies

In this instance, there will be sufficient space within the café and other buildings to accommodate bicycles. In addition, employees will be able to store their bicycles within the dry storage area of the building. It is, therefore, considered that sufficient space exists to provide for the needs of cyclists.

It is considered that bicycle traffic to and from the site is unlikely given the distance of the site from large urban areas. Notwithstanding, it is considered that there is sufficient area and space for customers and employees to safely park their bicycles within a sheltered location.

A2 Bicycle parking spaces must:

- (a) have minimum dimensions of:
 - (i) 1.7m in length; and
 - (ii) 1.2m in height; and
 - (iii) 0.7m in width at the handlebars;
- (b) have unobstructed access with a width of at least 2m and a gradient of no more 5% from a road, cycle path, bicycle lane, shared path or access way; and
- (c) include a rail or hoop to lock a bicycle to that meets AS 2890.3 1993 Parking facilities - Bicycle parking facilities.

Relies on Performance Criteria

In this instance no designated bicycle parking spaces have been proposed. Therefore assessment against the corresponding performance criteria is required.

P2 Bicycle parking spaces and access must be convenient, safe and efficient to use, having regard to:

- (a) the characteristics of the site;
- (b) the space available;
- (c) the safety of cyclists;
- (d) the proposed measures to secure bicycles; and
- (e) the provisions of AS 2890.3 1993 Parking facilities - Bicycle parking facilities.

Complies

In this instance, there will be sufficient space within the café and other buildings to accommodate bicycles. In addition, employees will be able to store their bicycles within the dry storage area of the building. It is therefore considered that sufficient space exists to provide for the needs of cyclists.

It is considered that bicycle traffic to and from the site is unlikely given the distance of the site from large urban areas. Notwithstanding, it is considered that there is sufficient area and space for customers and employees to safely park their bicycles within a sheltered location.

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- 8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)**
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E7.0 Scenic Management Code

E7.1 The purpose of this provision is to:

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

Consistent

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

E7.6 Development Standards

E7.6.1 Scenic road corridor

Objective:

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

Consistent

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

A1 Development (not including subdivision), must not be visible when viewed from the scenic road.

Complies

In this instance, the vegetation that has already been cleared and the vegetation that is proposed to be removed will not be visible from the scenic road corridors which are located approximately 13km to the south-east along Lilydale Road and a further 23km south located along the Midlands Highway. Therefore, the acceptable solution is met.

E7.6.2 Scenic management areas

Objective:

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

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment of the specific provisions of the standard which demonstrates compliance.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria</p>
<p>A2 No vegetation is to be removed.</p>
<p>Relies on Performance Criteria In this instance, vegetation is proposed to be removed. Therefore, assessment against the corresponding performance criteria is required.</p>
<p>P2 Development that involves only the clearance or removal of vegetation must have regard to:</p> <ul style="list-style-type: none"> (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3; (b) the physical characteristics of the site; (c) the location of existing buildings; (d) the type and condition of the existing vegetation; (e) any proposed revegetation; and (f) the options for management of the vegetation.
<p>Complies In this instance, the scenic management area occupies approximately 10ha of the subject property which is predominately located within the north-western corner of the site. The only development to occur within the scenic protection area will be the proposed vegetation clearance to accommodate the nature trails and mountain bike tracks in addition to the vegetation clearance that has already occurred. Accordingly, the following assessment only relates to development involving vegetation removal and not development involving the construction of buildings or infrastructure works.</p> <p>The scenic protection area is identified as the Rural Hills Precinct which encompasses significant skyline and vegetated corridors that form part of the rural areas around Launceston. The precinct also includes key skylines and vegetated corridors that line the northern approaches into Launceston and rural townships within the municipality. Key topographical areas that are located within the precinct include Mount Barrow, Mount Arthur and Mount Direction which are significant within the landscape.</p> <p>The specific scenic management area that falls within the subject property forms part of a larger area that comprises primarily vegetated land within an elevated position adjacent to the eastern bank of the Tamar River. The scenic management area within the subject property comprises native vegetation.</p>

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

It is considered that the proposed (and current) vegetation removal within the scenic management area complies with the performance criteria on the following basis:

In response to the Rural Hills Management Objectives, the following is observed:

- the vegetation removal is considered to be relatively marginal when compared to the extent of native vegetation that will be retained on the subject property. Overall, the vegetation to be removed to accommodate the nature trails and mountain bike track will be understorey vegetation. Accordingly, the bulk of the canopy structure will be maintained which will ensure the character of the vegetation will not be significantly altered;
- in this instance, the proposed vegetation removal will be in evident from the Tamar River, arterial roads, Launceston CBD and Lilydale township. Furthermore, the proposed vegetation removal is not located within a visually prominent area;
- the proposed vegetation removal will not have an impact on the existing settlement pattern and character of the surrounding area;
- no significant community infrastructure (such as telecommunications facilities) is proposed;
- it is expected that the proposed vegetation removal will be unobtrusive and not result in significant visual impacts within the surrounding area;
- the proposed vegetation removal will not have an impact on the Mount Direction signal station.
- the vegetation removal will not have a significant impact upon a ridgeline or skyline;
- the proposed vegetation to be removed will largely be understory with the bulk of the remnant vegetation to be retained. As such the structure and characteristics of the vegetation will be maintained;
- no significant hazards have been identified at the site.

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.
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8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

Consistent

In this instance, the proposal has been assessed as being consistent with the purpose of the Signs Code. Refer to the assessment against the specific standards of the Code in the report below.

E18.5 Development Standards

E18.5.1 Unacceptable signage

Objective:

To prevent unacceptable signage.

Consistent

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

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

In this instance, none of the listed signs have been proposed. Therefore, the acceptable solution is met.

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.

Consistent

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

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.

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

Relies on Performance Criteria

In this instance, the proposed signage has been identified as a ground base sign which is permitted within the Rural Living and Rural Resource zones. In this case the proposed signage does not comply with criteria listed in Table E18.6 in particular the limit of number of signs per frontage and height. Accordingly, an assessment against the corresponding 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.

Complies

In this instance, two signs are proposed to be located at the northern and southern ends of the eastern boundary of the property facing East Tamar Highway and one sign is proposed to be located at the entrance to the site off Atratus Rise. In response to the performance criteria the following is observed:

- the proposed ground base signs are permitted within both the Rural Living and Rural Resource zone;
- it is not considered that the location and design of the proposed signs will dominate the streetscape of the East Tamar Highway given the significant length of the frontage in addition to the proposed vegetative screen which will soften the signage when viewed from the road. It is recommended that a condition be applied to the permit reducing the size of the sign to be located at the entrance to the property in order to lessen the visual impact of the sign within the streetscape;
- it is recommended that a condition be applied to the permit reducing the overall height of the proposed sign to 3m on the East Tamar Frontage and to 2m on the Atratus Rise frontage;
- the signs are considered to be located within a reasonable position with respect to distances from nearby dwellings. Overall, the proposed signage is not expected to reduce the amenity of adjoining dwellings;
- in respect of the East Tamar Road frontage, it is considered that the two signs are appropriate and reasonable in order to feed information about the destination of the camping ground for southern and northern bound vehicles. In addition, the two signs to be located along the eastern boundary will be approximately 300m apart which is expected to reduce dominance of signage along the frontage;

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

<ul style="list-style-type: none"> the proposed signs will be located within the boundaries of the subject property which are setback from the road pavement and are not expected to cause an impact for road users;
<p>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.</p>
<p>Complies In this instance, the sign located at the southern end of the eastern boundary and the sign fronting the entrance to the subject property will be setback a minimum of 2m from the adjoining property's which are zoned Rural Living. Therefore, the acceptable solution is met.</p>
<p>A3 A building or tenancy must have:</p> <ul style="list-style-type: none"> (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.
<p>Relies on Performance Criteria In this instance, the subject property will have three of the same sign type. Therefore assessment against the corresponding performance criteria is required.</p>
<p>P3 Visual clutter must be reduced where multiple signs of the same type are proposed, having regard to:</p> <ul style="list-style-type: none"> (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.
<p>Complies In this instance, the proposed signage is not considered to be excessive in relation to the size of the subject property nor for the operation of the proposed activities. The two signs to be located along the eastern boundary are considered to be reasonable and will serve the needs for motorists in terms of destination identification.</p>
<p>A4 A sign must not be illuminated.</p>
<p>Complies In this instance, no illumination or lighting of the signs has been proposed. Therefore the acceptable solution is met. Notwithstanding this, it is recommended that a condition be applied to the permit restricting the illumination and lighting of the signage in order to reiterate this requirement.</p>

- 8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)**

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Services	Conditions have been recommended.
Environmental Health	Conditions have been recommended.
Parks and Recreation	No referral required.
Heritage/Urban Design	No referral required.
Building and Plumbing	Notes have been recommended.
EXTERNAL	
TasWater	No referral required.
State Growth	Comments have been provided.
TasFire	No referral required.
Tas Heritage Council	No referral required.
Crown Land	No referral required.
TasRail	No referral required.
EPA	N/A
Aurora	No referral required.

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 16 November 2016 until 29 November 2016. A total of six representations were received during this period.

Each of the representors were invited (via email) to an on-site face-to-face meeting which was held on 14 December 2016 at 9:00am. The purpose of the meeting was to enable an open discussion of the application, the representors concerns and the process moving forward. Of the six representations that were received during the public exhibition period, two of the parties were represented. Verbal and/or email correspondence was had with all of the representors during the lead up to the meeting with three representors confirming that they would be unavailable for the meeting due to other commitments. A follow up email was sent to all representors outlining they process moving forward in terms of the Council meeting and appeal rights. The following table outlines the key concerns that were raised within the representations with a follow up response.

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

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
Loss of privacy for adjoining properties due to increased traffic coming in and out of the driveway.	In this instance, a vegetation screen has been proposed to be planted along the eastern boundary and a portion of the southern boundary to provide both screening and privacy. A condition has been recommended requiring the eastern and western boundary of the driveway to be planted out with a vegetative screen in order to provide additional privacy to adjoining properties. It is expected that this condition will address the privacy concern.
Potential for dust to be generated from traffic moving in and out of the driveway.	A condition has been recommended requiring the driveway to be sealed with an all-weather impervious surface for the length of the driveway that runs parallel to the adjoining properties. It is expected that this condition will address the dust generation concern.
Atratus Rise does not have the capacity to accommodate the increase in traffic as a result of the proposal. An alternative entrance/exit should be located off the East Tamar Highway.	Overall, the assessment conducted by Council's Infrastructure Services indicated that the activities that have been proposed within the application (with the exception of the biannual circus festival) should not present any significant traffic concerns on the basis that Atratus Rise has been constructed to accommodate between 300 and 200 vehicles per day. Department of State Growth were referred the application and were comfortable with the access arrangements. Access via the East Tamar Highway is unlikely to be permitted by Department State Growth.
The proposal is not suitable or approvable within the Rural Living zone.	All the uses that have been applied for are permissible within the Rural Living zone, albeit it they are discretionary uses.
No details of the on-site wastewater treatment have been provided.	This is a matter that is dealt with through the <i>Building Act 2016</i> and is outside the scope of the planning assessment.

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

<p>Any events associated for circus activities and functions should be limited to the biannual Circus Festival and should not be regular uses.</p>	<p>Approval for the proposed uses has been recommended subject to conditions that restrict the operation of each of the proposed activities. Specifically, the circus activities that are proposed outside the Circus Festival have been restricted to between 8:00am and 7:00pm on a daily basis which is expected to minimise any adverse impacts occurring to nearby sensitive uses as a result of the activities.</p>
<p>The proposed operating hours for each of the uses are too long and are excessive. In addition, the proposed function centre will create noise and impact on the amenity of nearby residences.</p>	<p>A condition has been recommended restricting the hours of operation for each of the activities. The hours that have been conditioned are more restrictive than the hours that were applied for. It is considered that the condition will assist in minimising any adverse impacts occurring to nearby sensitive uses in terms of noise generation and general disturbance.</p>
<p>The location of the camping ground should not be located on the boundary fence.</p>	<p>The location of the camping area will be in proximity to a portion of the southern boundary adjoining 16 Atratus Rise. The actual camping area will be approximately 140m from the existing dwelling located on 16 Atratus Rise. In addition, a privacy/buffer vegetative screen will be planted out to provide additional separation between the camping ground and adjoining dwelling. It is considered that the location of the camping ground, subject to the vegetative screen being planted is located a reasonable distance from the adjoining dwelling.</p>
<p>There is an overall concern in regards to the Circus Festival in terms of nuisance to nearby residential uses, antisocial behaviour and traffic management.</p>	<p>The Circus Festival is identified as an Occasional Use which is exempt from requiring a planning permit under the planning scheme. Notwithstanding this, a note has been applied to the permit detailing that other approvals may be required in order for the festival to operate which includes traffic management. The operation of the Circus Festival is largely outside the scope of the planning scheme.</p>

8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(Cont'd)

Concern in relation to the structures that have been constructed and the lack of adjoining land owner notification.	Council's Planning and Building Enforcement Officers are aware of the illegal nature of some of the buildings that are either constructed or in the process of being constructed. Enforcement proceedings will continue to be undertaken to ensure these matters are addressed accordingly.
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6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

- 8.2 15 Atratus Rise, Swan Bay - Various Uses and Development Including Visitor Accommodation, Food Services, Community Meeting and Entertainment, Passive Recreation, Sports and Recreation; and Associated Car Parking, Amenities and Signage; (Partially Retrospective)...(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. 15 Atratus Rise, Swan Bay - Locality Map (distributed electronically)
 2. 15 Atratus Rise, Swan Bay - Plans to be endorsed (distributed electronically)
 3. 15 Atratus Rise, Swan Bay - Representations (distributed electronically)
-

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-street Car Park Associated with the North Bank Recreation Precinct

FILE NO: DA0517/2016, SF6533

AUTHOR: Ashley Brook (Consultant Planner, GHD Pty Ltd)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To make a recommendation to the Tasmanian Planning Commission regarding a draft amendment to the Launceston Interim Planning Scheme 2015 and an associated development application.

PLANNING APPLICATION INFORMATION:

Applicant: Commercial Project Delivery obo Department of Infrastructure Services, Launceston City Council
Properties: 1-11 Lindsay Street Invermay, 13 Lindsay Street, Invermay, 15 Lindsay Street, Invermay, 17 Lindsay Street, Invermay, 19-21 Lindsay Street, Invermay and 23-45 Lindsay Street, Invermay
Received: 27 October 2016
Advertised: 23 November 2016 to 20 December 2016
Representations: Eight

PREVIOUS COUNCIL CONSIDERATION:

Council - 14 November 2016 - Agenda Item 8.1 - Council resolved to initiate and publicly exhibit Amendment 32 to the Launceston Interim Planning Scheme 2015 and issue planning permit DA0517/2016.

In accordance with Council Policy the assessment of this application has been outsourced to an independent consultant planner as it relates to development of land in which Council has a pecuniary interest and Council is the applicant.

RECOMMENDATION:

1. That Council considers the representations received to Amendment 32 to the Launceston Interim Planning Scheme 2015 and planning permit DA0517/2016.
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8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

2. That Amendment 32 be modified in light of the representations, in accordance with Section 39(2)(b) of the former *Land Use Planning and Approvals Act 1993*, to include a reference to Vehicle Parking in Table 19.3 'Application of use standards to use classes'. No other modifications are recommended.
3. That planning permit DA0517/2016 be modified in accordance with section 43F(6) of the former *Land Use Planning and Approvals Act 1993* as follows:
 - a. Amendment of Condition 13 'Site Landscaping' with the addition of the following requirement as item (d):

The Precinct Theme Planting along the southern side of the car park adjacent to the flood levee shall incorporate root barrier systems to be provided:

- i. in accordance with details that should be prepared in conjunction with and to the satisfaction of the Launceston Flood Authority; and*
 - ii. capable of ensuring that roots do no compromise the levee integrity.*
- b. Amendment of Condition 13 'Site Landscaping' item (c) to replace the concluding "." with "; and".
-

Note:

Aldermen are advised that under Schedule 6 - Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015* - Parts 2A and 3 of the **former provisions** remain in force until a Local Planning Schedule comes into effect for the municipal area and this application assessment and recommendation has therefore been made under those transitional provisions.

REPORT:

1. Purpose of report

At its Meeting on 14 November 2016, Council resolved to initiate and certify Amendment 32 to the Launceston Interim Planning Scheme 2015 and issue planning permit DA0517/2016. The draft amendment and planning permit were placed on public exhibition and eight representations were received. In accordance with sections 39(2) and 43F(6) of the former *Land Use Planning and Approvals Act 1993* (the Act), Council must, within 35 days after the exhibition period, forward to the Tasmanian Planning Commission a report comprising a copy of each representation and a statement of its opinion on the merit of each representation and any recommendations regarding the draft amendment and planning permit it considers necessary.

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

The draft amendment and planning permit were referred to the Launceston Flood Authority and TasWater. Referral comments were provided which raised a number of issues. A consideration of these issues is also provided in this report.

2 Application

The application for the combined planning scheme amendment and planning permit was lodged in accordance with section 43A of the Act.

Amendment 32 is a site specific amendment which would allow the Vehicle Parking use class to be considered as a discretionary use within the Open Space Zone at 1-11 Lindsay Street, 13 Lindsay Street, 15 Lindsay Street, 17 Lindsay Street, 19-21 Lindsay Street and 23-45, Lindsay Street and in part of the Holbrook Street Road Reserve surrounded by these properties. Additionally, the Open Space Zone purpose statement in Clause 19.1.1 would be amended to include '19.1.1.2 To provide for use and development compatible with the use of land for open space purposes.'

The application also sought a consequential amendment to Table 19.3 'Application of use standards' to include a reference to Vehicle Parking. This is intended to ensure the use standards in Clause 19.3 will apply to proposed use and development within the Vehicle Parking use class. This aspect of the amendment is described in the application as placed on public exhibition and the report to Council dated 14 November 2016. However, it was not reflected in the recommendation that was adopted by Council and it, therefore, does not form part of the amendment as certified. It is, therefore, recommended that Amendment 32 as certified, be modified to include a reference to Vehicle Parking in Table 19.3.

The planning permit DA0517/2016 would allow for the construction and use of 99 space off-street, public car park on the land to which Amendment 32 applies. The planning permit is subject to a number of conditions.

3 Public Exhibition

The draft amendment and planning permit was placed on public exhibition between 23 November and 20 December 2016. Eight representations were received, three of which were from the same representor.

4 Representations

The issues raised in the representations are summarised below. Whilst every effort has been made to accurately summarise the issues, the summaries should be read in conjunction with the full representations (Attachment 4). A statement of opinion on the

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

merit of the issues is provided, including consideration of their impact on the draft amendment and planning permit and any need for modification.

4.1 Dr Jillian Koshin (Representations 1-3)

Issue	Response
<p>1. The application is an apparent ad hoc response to the need to replace the Old Bike Track and Willis Street car parks, among others.</p>	<p>The strategic planning background for the application and additional rationale including the need to respond to a recent reduction in commuter parking in the Kings Bridge/Bridge Road area is described in the response to Issue 1 in Representation 5 (Section 4.3). The representation relates to a broader issue being investigated in the development of Council's parking strategy for the inner city.</p> <p>The application is required to be assessed by the Planning Authority and Commission according to its merits relevant to the subject site. It involves a combined planning scheme amendment and planning permit and, therefore, requires consideration against the requirements of section 32(1), 30O and 43C(1) of the Act. These requirements were considered in the report to Council dated 14 November 2016. The ultimate determination on the application will be made by the Commission. Given that representations have been received, the Commission will conduct a public hearing as required by section 40(2) of the Act during its decision-making process. Modifications to the draft amendment are not recommended in relation to this issue.</p>
<p>2. Withdrawal of previous permit application DA0409/2016, and resubmission of the current section 43A Application, was a reaction to the</p>	<p>Permit application DA0409/2016 involved the current proposed car park which would have been restricted to users of the North Bank recreation precinct and other</p>

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

<p>objections that were received and an admission that it was not adequately considered.</p>	<p>'Passive Recreation' uses in the area. The current application seeks approval for the proposed car park to be open to the public to accommodate a range of user groups, including passive recreation users and commuters. It is not proposed to restrict the types of user groups that can use the car park. It is, therefore, categorised as 'Vehicle Parking' in the current application, which is identified as a prohibited use in the Open Space Zone. There is an ability to seek approval to amend the planning scheme in instances such as this, which requires consideration against the requirements in the Act identified in the response to Issue 1.</p> <p>The issue does not relate to the merits of the current application, and therefore modifications to the draft amendment are not recommended.</p>
<p>3. Disagreement with the description of the background to the draft amendment and its assessment against the requirements of the Act and relevant strategic planning documents, as contained in report supporting the application.</p>	<p>Comments in relation to the background, relevant strategic documents and the requirements of the Act are provided in the response to Issue 1 in Representation 4 (Section 4.3).</p>
<p>4. A reason for the car park has not been established. The North Bank recreation precinct has not been developed. The master plan for the precinct shows parking, and does not identify the need for additional parking.</p>	<p>The issue was raised in a representation to DA0409/2016, which has been resubmitted during the public exhibition period for the current application. As identified in the response to Issue 2, the range of user groups which the car park seeks to cater for has been broadened in the current application. This is due in part to a reduction in commuter parking available in other areas, in recent times. The car park is also intended to be available for users of recreation activities within the Inveresk</p>

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

	<p>Precinct, surrounding walking and cycling trails which have recently been improved with the redevelopment of the levees and the planned North Bank recreation precinct.</p> <p>It is noted that the draft North Bank Masterplan identifies the subject site as forming part of the larger site (mostly located to the west of Goderich Street) for the planned recreation precinct. It identifies car parking on the southern side of Lindsay Street between Invermay Road and Goderich Street, albeit in a different configuration within the road reserve. The current application has been lodged for an off-street car park, which requires consideration against the requirements in the Act identified in the response to Issue 1.</p>
<p>5. Archaeological assessment required to fully consider Aboriginal heritage.</p>	<p>An archaeological assessment is not required under the planning scheme. The issuing of a permit under the planning scheme would not avoid the need to comply with any relevant requirements of the <i>Aboriginal Relics Act 1975</i>.</p>
<p>6. Impact on natural and landscape values.</p>	<p>Given that car park does not include a building development, it complies with the relevant provisions in the Open Space Zone including consideration of natural and landscape values. The subject site was previously developed for a range of commercial purposes and now comprises a grassed bank developed as part of the flood levee project. Therefore, there are no significant natural or landscape values associated with the site, and it does not form part of a Scenic Management Area identified under the planning scheme.</p>

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

<p>7. The proposed development will exacerbate traffic issues including those experienced at the intersections of Lindsay Street with Goderich Street and Invermay Road.</p>	<p>The issue is considered in the Traffic Impact Assessment (TIA) which forms part of the application.</p> <p>The TIA indicates that the Goderich/Lindsay Street intersection is operating at reduced levels of service during peak hours and could be worsened. In particular, for vehicles making right turns into Lindsay Street from Goderich Street (Charles Street bridge) the number of which could be increased by up to 25% thereby increasing queuing. However, it indicates that alternate routes are available, such as a right turn before the bridge at Cimitiere Street, William Street and The Esplanade, which it is expected that vehicles will use if delays on the right-turn become excessive. Further, it may be necessary for Council to encourage use of these routes in the future.</p> <p>The TIA also indicates that the proposal has the potential to worsen the situation for vehicles making right turns from Lindsay Street into the northbound lanes of Goderich Street, however, there is adequate space for vehicles to queue in the right-turn lane.</p> <p>Finally, the TIA indicates that the proposal will likely have a minimal impact on the Invermay Road/Lindsay Street roundabout because the additional traffic travelling to the car park from the north and south on Invermay Road will be comparatively small.</p>
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8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

<p>8. 'Passive recreation' use categorisation.</p>	<p>The proposed car park is not categorised as passive recreation in the current application. See response to Issue 2.</p>
<p>9. The proposed car park does not accord with the zone purpose statement in Clause 23.1.1.</p>	<p>The proposed car park will be a public car park that will provide for parking associated with the permissible uses within the Open Space Zone, and other user groups such as commuters. The issue is otherwise addressed in the draft amendment which seeks to insert an additional zone purpose statement, consistent with the draft state planning provisions, providing an ability to consider and allow complimentary land uses.</p>
<p>10. The proposal to allow 'long term' parking is inconsistent with parking provision for other parks and passive recreation areas in Launceston.</p>	<p>Further to the response to Issue 2, it is anticipated that the car park would be available primarily for commuters on weekdays during normal business hours, and for other users outside these times when there typically is a higher usage of recreation facilities in the area. The car park will be centrally located close to the CBD adjacent to an area of public open space that is planned to be enhanced with the implementation of the master plan for the North Bank recreation precinct. The proposed car park will be able to be used by user groups that typically require parking at different periods of time. It therefore represents an efficient use of inner city land.</p>
<p>11. The permit application does not comply with Clause E6.5.1 Performance Criteria P1 in respect of the proposed car parking supply; the car park is unnecessary.</p>	<p>The application complies with the acceptable solution for this standard on the basis that no parking requirement is set of the Vehicle Parking use class. The application is, therefore, deemed to comply with the performance criteria. The proposed car park has been designed to assist in accommodating the parking demands of a range of user groups in an inner city location.</p>

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

<p>12. Potential for the sealed car park to exacerbate existing stormwater runoff problems in the area.</p>	<p>Provision for on-site detention is proposed, which is needed to ensure that stormwater flows into the combined system do not increase in accordance with a requirement stipulated by TasWater identified in Section 5.2.</p>
<p>13. Compliance with the Environmental Impacts and Attenuation Code and Invermay/Inveresk Flood Inundation Code.</p>	<p>The Environmental Impacts and Attenuation Code does not apply because the proposed car park is not a sensitive use or an environmentally relevant activity listed in the Code. The application complies with the relevant provisions of the Invermay/Inveresk Flood Inundation Code because 'Vehicle parking' is not listed as an unacceptable use in the Code, and the proposed development does not involve intensification of residential development, buildings, habitable rooms or subdivision.</p>
<p>14. Confusion surrounding the Document Set ID, Version number and Date in the bottom left hand side of each page of the application material placed on public exhibition renders the application invalid.</p>	<p>This information is applied by Council's record management system and is unrelated to the material describing the application and the merits of the draft amendment or planning permit.</p>

4.2 Peter Winn (Representation 4)

Issue	Response
<p>1. Inconsistency with Goals 2 and 3 in the City of Launceston Strategic Plan 2014-2024.</p>	<p>The Strategic Plan is prepared under the <i>Local Government Act 1993</i> and sets out high-level goals that direct Council's operations over a broad range of areas. The application is considered to be broadly consistent with these high-level goals in the Strategic Plan. It will enable the retention of the recreation trail on top of the levee bank and the planned landscaping improvements to the south of the levee identified in the draft North Bank Masterplan. The Open Space zoning will</p>

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

	<p>be retained, which gives priority to open space uses including passive recreation. The proposed car park included in the application will be located in an area adjacent to existing open space and close to the CBD and, therefore, would encourage users to undertake physical activity and will improve the accessibility to the existing/planned recreation facilities in the area. The application will also improve accessibility to the CBD for commuters following recent changes to parking in the Kings Bridge/Bridge Road area. Modifications to the draft amendment are therefore not recommended in relation to this issue.</p>
<p>2. A traffic study is required to clarify the safety of road users and pedestrians under existing conditions, with particular reference to dangerous conditions posed by speeding vehicles entering Lindsay Street from the Invermay Road roundabout and U-turns performed in Lindsay Street when car parking is at capacity.</p>	<p>The Traffic Impact Assessment (TIA) included with the application provides an overview of the existing conditions and identifies the relevant speed environment (posted default limit of 50km/h). Any vehicles travelling faster than the speed limit would be breaching traffic laws, and is therefore a situation that would not normally be taken into account in a TIA. The proposal limits the car park exit to left-turns only which will restrict vehicles from crossing the path of west-bound traffic in Lindsay Street.</p>
<p>3. The proposed development will exacerbate existing traffic issues in Lindsay Street.</p>	<p>See response to Issue 7 in relation to Representations 1-3 (Section 4.1), which identifies the findings in the TIA with respect to impact on the capacity of the intersections at either end of Lindsay Street. The TIA also identifies that additional traffic generation within Lindsay Street itself as a result of the proposed car park will be well within (i.e. less than half) the capacity of the road. There is also no concern with the ability for vehicles to enter</p>

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

	<p>and exit the car park taking account of accepted standards. However, given the proximity of the entry to the Invermay Road roundabout, it may in the future be necessary for Council to install a dedicated right-turn lane into the car park. The TIA recommends that such a requirement be reviewed once the car park is operational.</p>
<p>4. There are alternatives that should have been considered, including extension of the existing parking in the median strip in Holbrook Street and utilisation of excess verge in Gleadow Street for additional parking.</p>	<p>The application being considered is for a site specific amendment to the planning scheme to allow a public off-street car park to be developed at the subject site. It is required to be assessed according to its merits relevant to the subject site. The alternatives suggested would involve modifications to on-street parking provision, which ordinarily can be undertaken without requiring consideration under the Act. Modifications to the draft amendment and planning permit are therefore not recommended in relation to this issue.</p>
<p>5. The proposed parking plan should be extended to include surrounding areas to minimise impacts to residents, because the proposal will increase pressure on surrounding streets including Gordon Street, Irvine Street, Goodwin Street, Balaclava Street and Esk Street which are used for commuter parking.</p>	<p>See response to issue 4 directly above.</p>
<p>6. Need for quantification of issues, with particular reference to the impact of Bunnings on Lindsay Street.</p>	<p>The TIA indicates that the traffic count data relevant to Lindsay Street was obtained in September 2015, which was after Bunnings opened. However, it acknowledges that traffic count data for the Goderich Street intersection was obtained prior to the Bunnings development. The approved traffic generation associated with the Bunnings and Silos Hotel</p>

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

	<p>developments has been quantified in traffic impact assessments for those projects. The most recent, a TIA for the Silos Hotel development, identifies that the intersection is operating close to capacity at peak times, however, taking account of traffic generation from both major projects to the west of Goderich Street would continue to perform at an adequate level of service until at least 2023.</p> <p>The TIA makes observations and recommendations relevant to the potential to reduce the impact of additional traffic associated with the proposed development on this intersection, as discussed further in response to Issue 5 in Representation 8 (Section 4.6).</p>
<p>7. The application does not acknowledge that approximately 60 spaces are planned to be removed in Lindsay Street which means that the proposal will only result in a net increase of approximately 40 spaces.</p>	<p>The application indicates that it is planned to retain the on-street parking in Lindsay Street.</p>
<p>8. Impact on natural and landscape values.</p>	<p>See response to Issue 6 in relation to Representations 1-3 (Section 4.1).</p>

4.3 Tasmanian Ratepayers' Association Inc. (Representation 5)

Issue	Response
<p>1. The proposed car park within the Open Space Zone does not comply with the terms and particular purpose for which the land was acquired.</p>	<p>The former commercial land within the subject site was acquired by Council for the flood levee project. Council's strategic planning relevant to the subject site, along with surrounding river edge areas and privately owned land to the north, is contained in a number of documents.</p> <p>The draft North Bank Masterplan (2013) identifies a number of open space and</p>

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

	<p>recreational improvements in the river edge area extending to the west and east of Goderich Street, including the subject site. The document was prepared to guide the planned redevelopment of the area. It identifies an on-site car parking area in the masterplan area to the west of Goderich Street, and on-street car parking in Lindsay Street between Invermay Road and Goderich Street including re-configured 90° angle parking on the southern side of the road. The area between Lindsay Street and the levee is also identified to include street tree planting, other mixed plantings and linear footpath generally parallel to the street and levee.</p> <p>The masterplan area is encompassed within the North Bank Land Use Study (2013) wherein it is identified as an Open Space and Public Purpose Precinct. The document indicates that the precinct is intended to be visually and physically connected to the Launceston Central Area, Inveresk Precinct and the open space network in Invermay/Inveresk. Further, active recreation and event spaces are intended to be developed in the precinct to the west of Goderich Street. Utilisation of on-street car parking is preferred, however, where car parking is required on the land in the precinct the document indicates it should be integrated with surrounding parkland, include water sensitive urban design initiatives and be landscaped including large canopy trees.</p> <p>The Greater Launceston Plan (2014) identifies the North Bank redevelopment as one of a number of inner city revitalisation</p>
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8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

	<p>projects. The key elements of the masterplan are identified in the document, including the provision of extensive on-site parking for visitors and commuters. The document envisages that the masterplan will be revised following co-ordinated community and stakeholder review, and that staged implementation of the redevelopment will occur.</p> <p>The current application represents an evolution of the concepts identified in the masterplan relevant to the eastern portion of the precinct. The additional parking identified on the southern side of Lindsay Street is now proposed to be provided on-site, and the current proposal is partly in response to the recent reduction of commuter parking in the Kings Bridge/Bridge Road area. The application will not affect the recreation trail on top of the levee bank or the ability to implement the planned landscaping improvements to the south of the levee identified in the masterplan. The proposed car park will be landscaped, including an avenue of tree plantings along the Lindsay Street frontage and other plantings within the site. The footpath along Lindsay Street will be retained and enhanced.</p> <p>The land use study does not identify any recommended modifications to the Open Space Zoning to implement the range of uses identified in the masterplan. However, it does indicate that on-site car parking may be acceptable, which in this instance requires an amendment to the planning scheme since the proposed car park to be open to the public to</p>
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8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

	<p>accommodate a range of user groups.</p> <p>The draft amendment requires consideration against the relevant requirements of the Act, and modifications are not recommended in relation to this issue.</p>
<p>2. The application should not be progressed until the parking requirements associated with the North Bank recreation precinct are known.</p>	<p>There is no requirement set for the proposed 'Vehicle Parking' use under the planning scheme. As identified elsewhere, the proposed public car park will cater for a range of user groups, including passive recreation users and commuters. The need to provide car parking to accommodate the needs of visitors to the North Bank recreation precinct and commuters is identified in the strategic documents identified in the response to Issue 1. The application will enable parking for the recreation precinct to be available at the outset which will increase its accessibility.</p>
<p>3. The site is too distant from the CBD to be regarded as providing parking for commuter purposes, and the proposed development detracts from the original concept of converting the area to a green space.</p>	<p>See response to Issue 1 above.</p>
<p>4. The application indicates that it responds to the recent reduction of commuter parking in the Kings Bridge/Bridge Road area, however, that area is located a long way from the subject site.</p>	<p>The subject site is located approximately 480m from the CBD which is only slightly further than the distance between the Kings Bridge/Bridge Road area and the CBD (approximately 400m).</p>
<p>5. Disagreement with the application where it describes the subject site as vacant land left over following the recent development of the flood levee.</p>	<p>See response to Issue 1 above.</p>

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

<p>6. Disagreement with the application where it describes the potential health benefits in providing commuter parking close to the CBD.</p>	<p>See response to Issue 4 above.</p>
<p>7. The description in the application that it will release CBD parking sites for development demonstrates Council's disposal of strategically located car parks has resulted in car parking encroachment on inner residential areas.</p>	<p>See response to Issue 1 above, which indicates that the need to provide additional car parking as part of the North Bank redevelopment to accommodate the needs of visitors to the recreation precinct and commuters is identified in the strategic documents relevant to the project.</p>
<p>8. The expected high utilisation of the car park identified in the application will exacerbate existing traffic issues and congestion, with specific reference to the intersections of Lindsay Street with Invermay Road and Goderich Street.</p>	<p>See response to Issue 7 in relation to Representations 1-3 (Section 4.1). Further, although the car park will cater for parking by a range of user groups, it is expected that only commuters will have a material impact on traffic generation during weekday peak hours in the surrounding road network. These periods are the most relevant to consider because the traffic issues at the intersection of Lindsay Street and Goderich Street are normally experienced during the weekday peak hours. The traffic impact assessment and its conclusions are therefore based on a worst-case scenario, wherein the carpark completely fills during the morning peak and completely empties during the evening peak.</p>
<p>9. Disagreement with the application as submitted where it identifies a preference to ultimately rezone the flood levee to Utilities.</p>	<p>The current application does not include a proposal to rezone the flood levee to Utilities, and modifications to the draft amendment are therefore not recommended in relation to this issue.</p>
<p>10. The subject site is not part of any master plan for the area that identifies it as part of a 'North Bank Recreational Area'. The parking requirements for the recreational area, therefore, have not yet been assessed and determined.</p>	<p>See response to Issues 1 and 2 above.</p>

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

<p>11. Proximity of the proposed car park to major and proposed facilities at the Inveresk Precinct will result in its use by users of these facilities, and no measures to control parking by competing user groups.</p>	<p>Users of the facilities within the Inveresk Precinct are one of the user groups that the car park is intended to cater for. The other relevant user groups are users of North Bank and surrounding passive recreation users and commuters. No control measures are proposed or recommended because each major user group (recreation users and commuters) will typically utilise the car park at different periods of time. Modifications to the planning permit are therefore not recommended in relation to this issue.</p>
<p>12. The proposed development imposes upon the Holbrook Street road reservation, the closure of which has not been approved in accordance with the relevant legislation.</p>	<p>The section of the Holbrook Street road reservation included in the application is a portion of land on the southern side of Lindsay Street associated with levee pedestrian access tunnel and adjacent paved area. The application includes landowner permission for the making of the application as it relates to this land, as required under the Act for the application to be valid. It is noted that the application provides for the retention of pedestrian access through the levee tunnel.</p>
<p>13. Significant loss of future potential for Lindsay Street to be widened or duplicated to carry additional east-west traffic between Goderich Street and Invermay Road.</p>	<p>There is no requirement to widen or duplicate Lindsay Street between Goderich Street and Invermay Road identified in the planning scheme or relevant strategic planning documents. The traffic impact assessment included with the application indicates that current traffic volumes within Lindsay Street adjacent the subject site are less than half of the capacity of the road.</p>
<p>14. The application does not adequately consider the potential for Aboriginal or archaeological remnants and values to be present in the subject site.</p>	<p>See response to Issue 5 in relation to Representations 1-3 (Section 4.1).</p>

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

<p>15. The subject site is almost certainly contaminated.</p>	<p>A review of background information identified that the site has previously been subject of contamination. However, with the approval of the EPA, the contaminated soils were wrapped in a geosynthetic clay liner and buried in the existing levee during its construction. Advice included with the application which was provided by the consultant involved in planning these works indicates that the proposed car park construction is highly unlikely to impact the contaminated soil which has been buried. However, the planning permit DA0517/2016 includes conditions which were recommended to ensure that the relevant provisions of the Potentially Contaminated Land Code are satisfied.</p>
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4.4 Peter and Julie Kohlenbecker (Representation 6)

Issue	Response
<p>1. Representors were not notified about the proposed car park by Council.</p>	<p>The Act required the owners and occupiers of land sharing a common boundary to be notified of the application when it was placed on public exhibition, however, the representors do not share a common boundary. The wider public was notified of the application by notices which were placed on the site and in the newspaper, as required by the Act.</p>
<p>2. Representors were previously shown a plan by a Council representative showing that the subject site would be landscaped with grass and trees like a boulevard.</p>	<p>See response to Issue 1 in relation to Representation 5 (Section 4.3).</p>
<p>3. Traffic in Lindsay Street has increased since the Bunnings development and the representors are concerned about additional traffic and the proposed car park.</p>	<p>See response to Issues 3 and 6 in relation to Representation 2 (Section 4.2).</p>

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

4.5 Jilli Spencer (Representation 7)

Issue	Response
1. Reduction of public, green space in an area that is frequently used.	See response to Issue 1 in relation to Representation 5 (Section 4.3).
2. The cost of the development would be better spent in installing lights or another roundabout at the Holbrook Street intersection.	The application is required to be assessed according to its planning merits in accordance with process defined in the Act. The issue of costs is a separate matter for Council's consideration.
3. The proposed development will exacerbate existing traffic issues.	See response to Issue 7 in relation to Representations 1-3 (Section 4.1) and Issue 3 in relation to Representation 4 (Section 4.2).
4. The proposed car park if required should be constructed adjacent to Bunnings and Officeworks.	Further to the response to Issue 2 above, the application requires assessment as it relates to the subject site defined in the application.

4.6 Jim Dickenson (Representation 8)

Issue	Response
1. The car park will form a barrier preventing pedestrian access to the river edge and the open space south of the levee. The existing pedestrian access through the tunnel in the levee will be compromised. The car park layout should be amended to incorporate a pedestrian pathway along the toe of the levee along with new walkways which should be provided over the levee.	The application will retain the pedestrian tunnel in the levee and the Lindsay Street footpath, which will be enhanced with landscaping along the frontage. The provision of pedestrian access over the river edge is not required under the planning scheme or by the strategic documents identified in the response to Issue 1 in Section 4.3. Modifications to the planning permit DA0517/2016 are therefore not recommended in relation to this issue.
2. Loss of an area of grassland that has landscaping, recreation and community potential is negative to Launceston and the Lindsay Street precinct.	See response to Issue 1 in relation to Representations 1-3 (Section 4.3).
3. The proposed car park is not identified in the draft North Bank Masterplan.	See response to Issue 1 in relation to Representations 1-3 (Section 4.3).

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

<p>4. The Lindsay Street landscape buffer should be increased from 2.1m to 2.5m, four proposed parking spaces should be replaced with landscaping modules along Lindsay Street and the proposed trees should be planted at a spacing of 10m.</p>	<p>The amended landscaping as suggested would not be required under the planning scheme or to ensure greater consistency with the strategic documents identified in the response to Issue 1 in Section 4.3. Modifications to the planning permit DA0517/2016 are therefore not recommended in relation to this issue.</p>
<p>5. A number of details are identified to be resolved at a later time, with particular reference to some of the conclusions of the Traffic Impact Assessment.</p>	<p>The Traffic Impact Assessment (TIA) demonstrates compliance with the relevant standards in the Road and Railway Assets Code of the planning scheme.</p> <p>The additional traffic generation associated with the proposed car park is anticipated to have minimal impact on the intersection of Lindsay Street and Invermay Road. The proposal is likely to increase usage of the right-turn bay in Goderich Street providing access to Lindsay Street for eastbound traffic, which is currently operating at a reduced level of service. However, the TIA indicates that is expected that vehicles will utilise alternate routes, such as a right-turn before the bridge at Cimitiere Street, William Street and The Esplanade, if delays on the right-turn become excessive. It would also be open for Council acting as a Road Authority to implement measures to encourage use of these alternate routes. The TIA indicates that the proposal has the potential to worsen the situation for vehicles making right turns from Lindsay Street into the northbound lanes of Goderich Street, however, there is adequate space for vehicles to queue in the right-turn lane in this location although this could block the exit from the car park at times.</p>

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

	<p>The application demonstrates compliance with the relevant development standard for the provision of access, in that two accesses providing separate entry and exit to and from a road will be provided. Finally, the TIA recommends compliance with the relevant sight distance requirements subject to the removal of two on-street parking spaces to the east of the proposed exist, which is reflected on the drawings submitted with the application.</p> <p>The proposed use and development will be required to be undertaken in accordance with the TIA, as required by Condition 1 of planning permit DA0517/2016. This includes a number of recommendations that are broadly relevant to Council in acting as a Road Authority.</p> <p>See response to Issue 6 in relation to Representation 4 (Section 4.2) in relation to impact of Bunnings and Silos Hotel on the intersection of Lindsay Street and Goderich Street. Any additional university traffic on the surrounding network would likely be associated with a future application and would require consideration at the time.</p> <p>Modifications to the planning permit DA0517/2016 are, therefore, not recommended in relation to this issue.</p>
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5 Referrals

The application was referred to the Launceston Flood Authority on 28 October 2016 and comments were provided on 25 November 2016 which raised a number of comments and issues.

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

The application was referred to TasWater on 28 October 2016 and comments were provided on 31 October 2016 which contained advice relevant to Council's Drainage Authority.

A consideration of the issues raised in these referrals is provided below.

5.1 Launceston Flood Authority

Comments / Issues	Response
1. The existing walking tracks providing access to and atop the levees within the precinct are not to be altered.	Noted.
2. The public open space between the North Esk River and the levee will be available as Open Space.	Noted.
3. A 'Levee Related' zoning would be preferred over any future Utilities zoning of the levees noting the latter would allow for roads, sewers, stormwater and other service provision which often conflict with the purpose of the levees.	Similar to the response to Issue 9 in Section 4.3, the application does not include a proposal to rezone the flood levee.
4. Trees cannot be planted on levees due to the damage roots cause to the levee integrity. The general rule of thumb is that trees shall not be planted closer to the levee than the adult plant root zone extends. This implies no tree planting could occur on the levee side of the car park adjacent to the levee, as currently shown on the proposal. (Note existing trees on the levee are now earmarked for removal).	The applicant and Flood Authority have agreed that root barrier systems can be utilised for the trees proposed to be planted along the levee side of the car park. The Street Tree Strategy drawing prepared by Council's landscape architect and included with the application indicates that root barriers are intended to be used with final details to be determined during documentation stage. A modification to the planning permit DA0517/2016 is recommended to include specific requirements relating to the root barriers systems which are to be developed in conjunction with the Flood Authority.

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

<p>5. Potential impact on fibre optic cables associated with the levee tunnel.</p>	<p>The application is required to be assessed against the planning scheme and in accordance with process defined in the Act. The issue is a separate matter for Council's consideration.</p>
<p>6. The earth levees continue to subside over time and will require regular major top up maintenance, currently programmed to occur in five years. To maintain the current levee batter gradient, the top up will cause the levee footprint to increase over time at the ratio of 3 units in width for every 1 unit in height. By the time the first top up will occur it is estimated that 250mm height will be required. This equates to a footprint increase each side of the levee of 750mm. Future top ups will also be required. The current setback of the car park from the toe of the levee does not appear capable of accommodating this increased levee footprint.</p>	<p>The applicant and Flood Authority have subsequently agreed that an increase in footprint as a result of future top up maintenance can be accommodated on the southern (river) side of the levee. Given these works would occur in the future and are beyond the scope of the current application, they do not impact the proposed development and modifications to the planning permit DA0517/2016 are not recommended in relation to this issue.</p>
<p>7. There will be rain runoff from the levee batter which will need to be accommodated in the stormwater design. The levee runoff continues sometime after the rain event ceases, which will produce damp areas in the carpark.</p>	<p>The issue is relevant to consider in the design and provision of on-site stormwater detention storage as required by Condition 4 of the planning permit DA0517/2016 which was drafted in relation to the TasWater referral (discussed below). Modifications to the permit are therefore not recommended.</p>
<p>8. Removal of the current grassed surface that has only recently been established.</p>	<p>See response to Issue 2 in relation to Representation 7 (Section 4.5).</p>

5.2 TasWater

As identified in the report to Council dated 14 November 2016, TasWater did not require any permit conditions. However, the water authority provided advice to Council's Drainage Authority indicating that it cannot accept additional stormwater flows over those already discharged because the combined system is already at capacity in this area. It advised that the Drainage Authority would either be required to refuse or condition the

8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)

development to ensure the current service standard of the combined system is not compromised. Condition 4 of the planning permit DA0517/2016 was drafted by Council's Infrastructure Services Directorate to satisfy this requirement, and staff have met with TasWater to discuss options to ensure compliance. Modifications to the permit are, therefore, not recommended.

CONCLUSION

There are no reasons for Council not to proceed with the draft amendment and planning permit DA0517/2016. The report has provided an assessment of the representations and should be forwarded to the Tasmanian Planning Commission along with the following recommendations:

1. Amendment 32 to the Launceston Interim Planning Scheme 2015 as certified should be modified to include a reference to Vehicle Parking in Table 19.3 'Application of use standards to use classes'.
2. Planning Permit DA0517/2016 should be modified to require that the proposed planting along the southern side of the car park adjacent to the flood levee shall incorporate root barrier systems to be provided in accordance with details capable of ensuring that roots do not compromise the levee integrity.

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

- 8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)**
-

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 6 - A city building its future

Ten-year goal - To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions

Key Directions -

1. To advocate and collaborate to address regionally significant infrastructure and transport solutions
2. To develop and take a strategic approach to development sites to maximise public benefits of development
3. To ensure that the planning system at a local and regional level is effective and efficient
4. To explore opportunities to minimise heavy freight movements through residential areas and the central area

Land Use Planning and Approvals Act 1993 (the Act)

Launceston Interim Planning Scheme 2015

Draft North Bank Masterplan (2013)

North Bank Land Use Study (2013)

Greater Launceston Plan (2014)

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report to the Planning Authority.

- 8.3 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street, Invermay - Amendment 32 - to Rezone Land to Utilities - Vehicle Parking; Construction and Use of 99 Space Off-Street Car Park Associated with the North Bank Recreation Precinct...(Cont'd)**
-

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street Invermay - Instrument of Certification (distributed electronically)
 2. 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street Invermay - Planning Permit (distributed electronically)
 3. 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street Invermay - Endorsed Plan (distributed electronically)
 4. 1-11, 13, 15, 17, 19-21 and 23-45 Lindsay Street Invermay - Representation (distributed electronically)
-

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

Monday 12 December 2016

- Attended Premier's Northern Christmas - Public Buildings, St John Street

Tuesday 13 December 2016

- Attended National Seniors' Christmas Luncheon - Country Club Tasmania

Wednesday 14 December 2016

- Attended Waverley Primary School Final Assembly - Waverley School Hall
- Attended Norwood Primary School Presentation Evening - Norwood School Hall

Thursday 15 December 2016

- Attended Kings Meadows High School Presentation Day Assembly - Kings Meadows High School
- Attended Youngtown Primary School Presentation Day - Youngtown Primary School

Friday 16 December 2016

- Attended Brooks High School Presentation Day Assembly - Brooks High School

Saturday 17 December 2016

- Participated in the University of Tasmania Town and Gown Procession and Graduation Ceremony

Sunday 18 December 2016

- Officiated at Carols by Candlelight - City Park

Monday 19 December 2016

- Attended Lilydale District School Awards Evening - Lilydale Performing Arts Centre
-

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

Tuesday 20 December 2016

- Attended Mowbray Heights Primary School End of Year Assembly - Mowbray Heights Primary School
- Attended Ravenswood Heights Primary School Year 6 Leavers' Assembly - Ravenswood School Gym

Thursday 22 December 2016

- Attended Tasmanian Police Northern Stakeholders Morning Tea - Launceston Police Headquarters

Friday 23 December 2016

- Attended City of Launceston staff end of year function - Aurora Stadium

Sunday 25 December 2016

- Officiated at Launceston Community Christmas Lunch - Albert Hall

Monday 26 December 2016

- Attended Annual Menorah Lighting - Jewish Synagogue

Tuesday 27 September 2016

- Official starter for the Tamar Yacht Club Race - Beauty Point

Wednesday 28 September 2016

- Attended and presented sash and prizes to the Men's Wheel Winner - Launceston City Cycling Club Christmas Carnival - Silverdome

Saturday 31 December 2016

- Attended 2016 Royal Eve - Royal Park

Monday 1 January 2017

- Attended the 2017 New celebration - Australian Bhutanese Society - University of Tasmania Gym - Newnham
-

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

Monday 5 January 2017

- Attended Match and Cocktail Party - Women's Big Bash League - Hobart versus Sydney - Aurora Stadium

Sunday 8 January 2017

- Attended Hobart Hurricanes Big Bash League matches - Blundstone Arena

Monday 9 January 2017

- Attended launch of Royal Park Play Space - Pirate Ship launch - Royal Park

Friday 13 January 2017

- Attended Good Neighbour Council Annual Barbecue - South Launceston
-

10 ALDERMEN'S REPORTS

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

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

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

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

No Aldermen's Questions on Notice have been identified as part of this Agenda

11.2 Questions without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

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

12 COMMITTEE REPORTS**12.1 Pedestrian and Bike Committee Meeting - 29 November 2016****FILE NO:** SF0618**AUTHOR:** Cathy Williams (Built Environment Officer)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Meeting of the Pedestrian and Bike Committee held on 29 November 2016.

RECOMMENDATION:

That Council in respect to a report from the Pedestrian and Bike Committee held on 29 November 2016:

1. Authorises the Committee to make a submission to the State Government's draft Cycling Tourism and distribute the submission to northern region Councils to consider in preparation of their comments; and
 2. Approves the Council supporting Tamar Bicycle Users Group during Bike Week (4-12 March 2017).
-

REPORT:

The Pedestrian and Bike Committee at its meeting held on 29 November 2016 discussed the following:

1. The Pedestrian and Bike Committee will prepare a submission to the State Government's draft Cycling Tourism Strategy to submit to other Councils in the region for their use to provide a united response to the State Government's draft.
 2. The Pedestrian & Bike Committee has received a submission from Tamar Bicycle Users' Group (TBUG) seeking Council support for Bike Week which runs from 4- 12 March 2017. The Committee accepts and supports the proposal.
 3. The Committee is looking at opportunities to benefit from the Community Infrastructure Grant funding for Inveresk Rocherlea Trail.
 4. Email from Bruce Stronach thanking Council for cycling infrastructure ([Attachment 1](#)).
-

12.1 Pedestrian and Bike Committee Meeting - 29 November 2016 ...(Cont'd)

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 2 - A city where people choose to live

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

Key Direction -

6. To promote active and healthy lifestyles

Priority Area 3 - A city in touch with its region

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

Key Direction -

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

Priority Area 4 - A diverse and welcoming City of Launceston

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

Key Direction -

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

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

12.1 Pedestrian and Bike Committee Meeting - 29 November 2016 ...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

ATTACHMENT:

1. Email from Bruce Stronach.
-

Attachment 1

From: Bruce Stronach
Sent: Tuesday, 8 November 2016 11:32 PM
To: Council
Subject: A big "THANK YOU" for cycling infrastructure

Hi Launceston City Council,

I really appreciate the increased safety that is achieved by separating cyclists from the heavier traffic, and in my casual cycling, I have used the facilities that you have provided to achieve this whenever possible. As my work has been some distance outside the city, it has not been practical to cycle in my commute.

I have recently retired from full-time employment, and this has given me the opportunity to return to using the bicycle as my main means of transport within the city. I have a new appreciation for the work that has been done by the council over many years, but find that I have to write in appreciation for significant on-going work that is of direct benefit to me. In the last few months I have noted and benefitted from sealing works to smooth paving affected by tree roots and re-sealing of the steep sections of the city-university bike way, provision of a much safer and more convenient crossing of the Invermay Road/Northern Outlet connector and solar pathway marker lights north of this crossing on the city-university bike way. These are just some of the works of recent completion that move me to write in appreciation, but there is one more that made this a necessity for me. I regularly also use the Ravenswood to City route, and had learnt to avoid the raised manhole cover and surround in Boland Street between the street and the flood levee. I had contemplated suggesting that this be addressed, but felt that, given the work that I have noted above, it would be churlish to expect that I could not work around this hazard that I was well aware of. However, in the last fortnight, I have observed that the problem has been addressed by the addition of asphalt to make the transition safe for cyclists.

So THANK YOU! for the continued investment and effort to cater for and encourage cyclists and for work done to keep us safe.

Regards,

Bruce Stronach

12.2 Sister Cities Committee Meeting - 5 December 2016**FILE NO:** SF0175**AUTHOR:** Elizabeth Clark (Civic Affairs Coordinator)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

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

RECOMMENDATIONS:

That Council endorses:

1. The request by the Stage Right Youth Theatre expressing interest to send an ensemble of Senior Students to Ikeda at the same time as the visit by the official delegation in October 2017, on the condition that all costs associated with the visit are funded by the theatre group.
 2. The suggested dates for the Mayor to lead a delegation to Ikeda for the 50th Anniversary celebrations to coincide with the school holidays in Tasmania which are between Monday, 2 October and Friday, 13 October 2017.
-

REPORT:

The Sister Cities Committee (Alderman Rob Soward, Alderman Robin McKendrick, Mr Bruce Williams and Miss Elizabeth Clark. Alderman Jim Cox - apology) met on Monday, 5 December 2016 and the following items were discussed.

1. Letter received from Stage Right Youth Theatre expressing interest in sending an ensemble of Senior Students (approximately 15-20) to Ikeda at the same time as the visit by the official delegation in October 2017. The theatre group would provide a performance for the citizens of Ikeda to mark the 50th Anniversary of the sister city relationship. The Committee endorses the request, provided all costs associated with the visit are funded by the theatre group.
-

12.2 Sister Cities Committee Meeting - 5 December 2016 ...(Cont'd)

2. Suggested dates for the Mayor to lead a delegation to Ikeda for the 50th Anniversary celebrations in 2017. Ikeda Council has asked that the visit coincide with the arrival of new wombats from Tasmania who will be homed in a new structure at Satsukiyama Zoo. If approvals to export the wombats are given by Australian authorities, they will arrive in Japan in early October. It is proposed that the visit is scheduled during the school holidays in Tasmania which are from Monday, 2 October to Friday, 13 October 2017. The dates of travel during this period are to be approved by Council. Once the dates have been decided quotes for travel will be sourced from travel agents in Launceston.
3. Email from Mr Chen Liang providing an update on the status of the signing of the sister city agreement between Putian and Launceston. No further advice has been received from the Chinese Central Government.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 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 -

1. To actively market the City and Region and pursue investment

BUDGET & FINANCIAL ASPECTS:


Not considered relevant to this report.

12.2 Sister Cities Committee Meeting - 5 December 2016 ...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Robert Dobrzynski: General Manager

12.3 Tender Review Committee - 28 November 2016**FILE NO:** SF0100**AUTHOR:** Louise Foster (Asset Management and Delivery Manager)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Tender Review Committee (a delegated authority Committee).

RECOMMENDATION:

That Council receives the report from the Tender Review Committee Meeting held on 28 November 2016.

REPORT:

The Tender Review Committee Meeting held on 28 November 2016 determined the following:

Launceston Waste Centre - Cardboard and Comingled Recycling Contract - CD.027/2016

The Tender Review Committee accepted the tender submitted by Toxfree Pty Ltd for the Cardboard and Comingled Recycling contract for a period of one year (with an option for a further one year extension), at the schedule of rates provided.

St Leonards Athletics Track Resurfacing - CD.032/2016

The Tender Review Committee accepted the tender submitted by Polytan Asia Pacific Pty Ltd for the St Leonards Athletics Track Resurfacing, at a cost of \$628,020.33 (excl. GST).

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

12.3 Tender Review Committee - 28 November 2016 ...(Cont'd)

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goals - To ensure decisions are made in a transparent and accountable way and to continue to ensure the long-term sustainability of our Organisation

Key Directions -

1. To develop and consistently use community engagement processes
2. To lead the implementation of the Greater Launceston Plan by collaborating on relevant initiatives

BUDGET & FINANCIAL ASPECTS:

This project is funded in accordance with the approved 2016/2017 Budget.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

13 COUNCIL WORKSHOPS

No Council Workshops have been conducted since the last Council Meeting

14 NOTICES OF MOTION

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

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

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

17 QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS**17.1 Museum Governance Advisory Board Meeting - 16 December 2016****FILE NO:** SF2244**AUTHOR:** Richard Mulvaney (Director QVMAG)

DECISION STATEMENT:

To receive and consider a report from the Museum Governance Advisory Board Meeting held on 16 December 2016.

RECOMMENDATION:

That Council receives the report from the Museum Governance Advisory Board Meeting held on 16 December 2016.

REPORT:

The Museum Governance Advisory Board (MGAB) met on 16 December 2016.

At its Meeting, the Board noted the following items:

- The Cultural Review currently being conducted.
- The QVMAG Director reported on activities.
- The President of QVMAG Friends reported on the AGM, annual Christmas party and the launch of the QV Magazine.
- The QVMAG Arts Foundation report was tabled.
- The QVMAG Director reported a Digital Working Group of internal staff has been formed.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

17.1 Museum Governance Advisory Board Meeting - 16 December 2016 ...(Cont'd)

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 1 - A creative and innovative city
Ten-year goal - To foster creative and innovative people and industries
Key Directions -
1. To establish appropriate mechanisms to support the retail sector
6. To contribute towards artistic, cultural and heritage outcomes

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Richard Mulvaney: Director Queen Victoria Museum & Art Gallery

18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

19 CORPORATE SERVICES DIRECTORATE ITEMS

19.1 Council Meetings (Frequency and Commencement Time) Policy

FILE NO: SF0975

AUTHOR: John Davis (Manager Corporate Strategy)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider revision to the Council Meetings (Frequency and Commencement Time) Policy 14-Plx-001.

This decision requires an absolute majority, per Regulation 6(1) of the Local Government (Meeting Procedures) Regulations 2015.

PREVIOUS COUNCIL CONSIDERATION:

Council - 10 November 2014 - Item 20.1 - Council Meeting Frequency & Commencement Times 2015

RECOMMENDATION:

That Council adopts the Council Meetings (Frequency and Commencement Time) Policy as follows:

Council Meetings (Frequency and Commencement Time) Policy

PURPOSE:

To set the commencement times of ordinary Council Meetings and Strategic Planning and Policy Committee (SPPC) Meetings, to comply with regulation 6(1) of the *Local Government (Meeting Procedures) Regulations 2015*, which states:

A meeting is not to start before 5:00 p.m. unless otherwise determined by the council by absolute majority or by the council committee by simple majority.

To set the frequency of the ordinary Council Meetings and SPPC Meetings

19.1 Council Meetings (Frequency and Commencement Time) Policy...(Cont'd)

To set the start time and day of Council's Annual General Meeting, to comply with section 72B(1)(a) of the *Local Government Act 1993 (Tas)* which states:

A council must hold an Annual General Meeting on a date that is not later than 15 December in each year

SCOPE:

This policy applies to ordinary Council Meetings, SPPC Meetings and the Annual General Meeting.

POLICY:

1. Ordinary Council Meetings are held on the second and fourth Monday of each calendar month, excluding December and January, at 1.00pm.
2. In December, an ordinary Council Meeting is held on the second Monday, at 1.00pm. This is the last ordinary Council Meeting of the calendar year.
3. In January, an ordinary Council Meeting is held on the fourth Monday, at 1.00pm. This is the first ordinary Council Meeting of the calendar year.
4. SPPC Meetings are held on the first and third Mondays of the month, excluding December and January, commencing at 10:00am.
5. In December, an SPPC Meeting is held on the first Monday, at 10:00am. This is the last SPPC Meeting for the calendar year.
6. In January, there are no SPPC Meetings. The first SPPC Meeting of the calendar year is held on the first Monday in February.
7. Council Meetings and SPPC Meetings that fall on a Monday public holiday are held on the next working day of the same week.
8. The Annual General Meeting is held on the first Monday in December, at 5.30pm.

PRINCIPLES:

The Council's organisational values apply to all activities.

RELATED POLICIES AND PROCEDURES:

Not applicable.

RELATED LEGISLATION:

Local Government Act 1993 (Tas)

Local Government (Meeting Procedures) Regulations 2015

REFERENCES:

Not applicable.

DEFINITIONS:

Not applicable.

19.1 Council Meetings (Frequency and Commencement Time) Policy...(Cont'd)

REVIEW:

The starting times of meetings will be reviewed after each Council election (or earlier if required), in accordance with regulation 6(2) of the *Local Government (Meeting Procedures) Regulations 2015*, which states:

After each ordinary election, a council and a council committee are to review the times of commencement of their meetings.

REPORT:

The current version of the Council Meetings Policy (Frequency & Commencement Time) 14-Plx-001 is included for reference, as Attachment 1, and was adopted by the Council on 10 November 2014.

The policy is now brought before Council so that:

- (a) reference to the *Local Government (Meeting Procedures) Regulations 2005* is replaced with appropriate references to the *Local Government (Meeting Procedures) 2015*
- (b) the day of the first Council meeting of the new calendar year is amended from the last Monday in January to the fourth Monday in January
 - the current policy at point 3 states that:
The January Council meeting is held on the last Monday in January.

If the current policy is applied for January 2018, the first meeting of the Council for 2018 will take place on 29 January (as there are five Mondays in January 2018). Council officers have identified that an earlier meeting is desirable, i.e. on the fourth Monday of the calendar month, as was the case for 2017.

- (c) the day of the first and last SPPC Meetings of the year are included.
- (d) the start time of the Annual General Meeting can be amended from 6.30pm to 5.30pm to reflect current practice

The changes described at (a) to (d), plus minor changes to contemporise the wording of the policy without changing its intent, are included in the new version of the policy that appears in this report's Recommendation.

19.1 Council Meetings (Frequency and Commencement Time) Policy...(Cont'd)

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 8 - A secure, accountable and responsive Organisation
Ten-year goal - To continue to meet our statutory obligations and deliver quality services
Key Directions -
4. To continually improve our service delivery and supporting processes

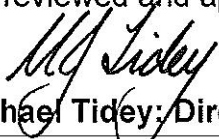
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey: Director Corporate Services

ATTACHMENTS:

1. Council Meetings (Frequency & Commencement Time) Policy 14-Plx-001
-

Attachment 1 - Council Meetings (Frequency & Commencement Time) Policy 14-Plx-001

Launceston City Council
Reference No. 14-Plx-001
Version: 10/11/2014
Approved By: Council

Council Meetings Policy (Frequency & Commencement Time)**PURPOSE:**

To set the commencement time and frequency of Council Meetings as required by the Local Government Act 1993 and the Local Government (Meeting Procedures) Regulations 2005.

SCOPE:

This policy applies to ordinary Council Meetings, Strategic Policy and Planning Committee Meetings and the Annual General Meeting.

POLICY:

1. Ordinary Council meetings are held on the second and fourth Monday of each calendar month, excluding January, commencing at 1.00 pm;
2. Council meetings in December are only held on the second Monday;
3. The January Council meeting is held on the last Monday in January;
4. Strategic Policy and Planning Committee meetings are held on the first and third Monday of each calendar month, excluding January, commencing at 10.00 am;
5. Council and Strategic Policy and Planning Committee meetings that clash with a Monday public holiday are held on the following Tuesday;
6. The Annual General Meeting is held on the first Monday of December commencing at 6.30pm.

PRINCIPLES:

The Council's organisational values apply to all activities.

RELATED POLICIES & PROCEDURES:

N/A

RELATED LEGISLATION:

Local Government Act 1993
Local Government (Meeting Procedures) Regulations 2005

REFERENCES:

N/A

DEFINITIONS:

N/A

Launceston City Council
Reference No. 14-Plx-001
Version: 10/11/2014
Approved By: Council

Council Meetings Policy (Frequency & Commencement Time)

REVIEW:

The starting times of meetings will be reviewed after each Council election, in accordance with *Local Government (Meeting Procedures) Regulations 2005*.

This Policy will be reviewed after 4 years.

19.2 Action in Respect of the Economic Development Committee and the Street Tree Advisory Group**FILE NO:** SF2233/SF4835/SF0804**AUTHOR:** John Davis (Manager Corporate Strategy)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider disbanding the Economic Development Committee and the Street Tree Advisory Group.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 21 November 2016 - Preliminary discussions regarding Council appointments to internal and external committees

RECOMMENDATION:

That Council:

1. Disbands the Economic Development Committee.
 2. If recommendation 1 is resolved in the affirmative, rescinds the Economic Development Committee Policy 14-Plx-013.
 3. Disbands the Street Tree Advisory Group.
 4. Notes that the resolutions made in respect of recommendations 1 and 3 will be reflected in Council's Committee Representation Details document 14-HLPr-012 and will be communicated to the Chairperson of each Committee by the Manager Corporate Strategy.
-

REPORT:

Economic Development Committee - comments provided by Mrs Leanne Hurst, Director Development Services

19.2 Action in Respect of the Economic Development Committee and the Street Tree Advisory Group...(Cont'd)

At a Workshop on 21 November 2016, Aldermen agreed that as the Economic Development Strategy project is nearing completion and the draft Strategy will be presented to Council for adoption in February 2017, there is no longer a need to maintain an Economic Development Committee.

It may be appropriate to consider the formation of project specific working groups to implement key actions within the Strategy, once adopted by Council.

Street Tree Advisory Group - comments provided by Mr Harry Galea, Director Infrastructure Services

At the Workshop on 21 November 2016, Aldermen suggested that the Street Tree Advisory Group had completed its role and could be disbanded. Aldermen asked that the views of Mr Don Wing, Chairperson of the Committee, be sought.

Mr Galea spoke with Mr Wing by telephone on 23 November 2016. Notes from that conversation are:

- The Group meets infrequently and given that no funding was provided in the 2016-2017 budget for street tree planting (due to re-allocation of funds to higher priority projects) that the Group wanted to use the year for planning. As a rule it was an expectation that funds would be allocated next year on a continuing basis.
- The Group is currently undertaking two major projects - firstly to revert from a printed brochure to a web based product. Members are working on this with Mr Niall Simpson, City of Launceston's Landscape Architect; and secondly a project to raise community and corporate funding (to support Council funds) for the street tree planting.
- Mr Wing suggested that the Group should continue and - if there was pressure on Aldermanic representation - suggested one, rather than two representatives, is sufficient.

Mr Galea's view is that a Group is not required to implement the approved strategy - this is essentially an operational task. The development of a web-based brochure/resource and a strategy for community/corporate funding should continue as finite projects and use the members of the Group as a resource to assist in reviewing these tools.

Should there be an area of significant interest where tree planting is proposed, the previous group members will be drawn upon to provide advice on the process.

19.2 Action in Respect of the Economic Development Committee and the Street Tree Advisory Group...(Cont'd)

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 8 - A secure, accountable and responsive Organisation
Ten-year goals - To communicate and engage consistently and effectively with our community and stakeholders; to seek and champion collaboration to address major issues for Northern Tasmania; to ensure decisions are made in a transparent and accountable way; to continue to meet our statutory obligations and deliver quality services and to continue to ensure the long-term sustainability of our Organisation

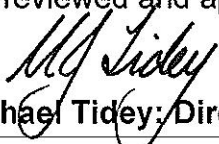
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey; Director Corporate Services

ATTACHMENTS:

1. Economic Development Committee Policy 14-Plx-013
-

Launceston City Council
Reference No. 14-PI-013
Version: 30 January 2012
Approved By: Council

Economic Development Committee Policy

PURPOSE:

To set out the role, responsibilities, structure and processes of the Economic Development Committee.

SCOPE:

Applies to the involvement of Council in economic development activity.

POLICY:

To form a Special Committee under section 24 of the Local Government Act called the Economic Development Committee.

The role of the committee is to facilitate significant development opportunities and to foster economic development activity for the City.

The proposed primary functions of the EDC are recommended as follows:

1. Development of the overall economic framework for Launceston.
2. Facilitation and coordination of significant development opportunities.
3. Oversight and facilitation of the implementation of major economic strategies for Launceston for e.g. the Launceston Retail Audit and Activity Centres Strategy.
4. Proactive engagement and promotion to attract business investment to Launceston.
5. Coordination and support for existing business and economic investment in Launceston

It is acknowledged that the EDC has no delegated authority.

The proposed membership of the Committee will comprise of representatives from:

Four (4) Aldermen appointed by Council, the General Manager and six (6) external representatives selected by the Committee. The external representatives would include:

1. Launceston Chamber of Commerce
2. City Prom
3. Tasmanian Dept. of Economic Development
4. UTAS
5. Regional Development Australia, and;
6. A prominent business person

Candidates for the business person will be called for through an expression of interest process.

Launceston City Council
Reference No. 14-PI-013
Version: 30 January 2012
Approved By: Council

Economic Development Committee Policy

Support to the Committee will be provided by the Economic Development Officer as the responsible officer, and meetings will be bi-monthly with an option for special meetings as required.

To protect confidentiality of proponents wishing to present in-confidence material to the EDC, the option will exist to hold an EDC Special Meeting with the Alderman and General Manager members in attendance only.

Meetings will be bi-monthly.

PRINCIPLES:

The Council's Organisational Values apply to all activities.

RELATED POLICIES & PROCEDURES:

Meeting Procedure (being reviewed)
[Governance Arrangements 14-PI-004](#)
[Committee Details Procedure 14-HLPr-003](#)

RELATED LEGISLATION:

Section 24 Local Government Act 1993.

REFERENCES:

Launceston Strategic Plan 2008-2013
3.2 Facilitate effective regional and economic development in Launceston and the Tamar Valley in order to achieve enhanced investment, development, liveability, tourism, employment and competitiveness.

DEFINITIONS:

N/A.

REVIEW:

This policy will be reviewed no more than 2 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval

19.3 Council Appointments to Internal and External Committees**FILE NO:** SF0106/SF0095/SF2233**AUTHOR:** John Davis (Manager Corporate Strategy)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider Council appointments to council and special committees, authorities, and external committees.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 21 November 2016 - Preliminary discussions regarding Council appointments to internal and external committees

RECOMMENDATION:

That Council:

1. Reaffirms the following appointments to the committees detailed below for the remainder of the term of the current Council:

Council committees convened under section 23 of the *Local Government Act 1993 (Tas)*

Strategic Planning and Policy Committee (SPPC)

All Aldermen

General Manager's Contract & Performance Review Committee

Mayor Alderman A M van Zetten

Deputy Mayor Alderman R I Soward

Alderman J G Cox

Alderman J Finlay

Alderman S R F Wood

Special committees convened under section 24 of the *Local Government Act 1993 (Tas)*

Australia Day, Awards & Hall of Fame Committee

Deputy Mayor Alderman R I Soward

Alderman D C Gibson

Alderman S R F Wood

19.3 Council Appointments to Internal and External Committees...(Cont'd)

Cataract Gorge Advisory Committee

Alderman E K Williams

Alderman J Finlay

Community Grants (Organisations) Program

Alderman D C Gibson

Alderman K P Stojansek

Alderman E K Williams

Heritage Forest Advisory Committee

Deputy Mayor Alderman R I Soward

Alderman D H McKenzie

Launceston Road Safety Consultative Committee

Alderman R L McKendrick

Alderman J G Cox

Launceston Sister City Committee

Deputy Mayor Alderman R I Soward

Alderman J G Cox

Alderman R L McKendrick

North Bank Committee

Deputy Mayor Alderman R I Soward

Alderman J Finlay

Alderman S R F Wood

Northern Youth Coordinating Committee

Alderman D C Gibson

NTCA Ground Management Committee

Mayor Alderman A M van Zetten

Pedestrian and Bike Committee

Alderman D H McKenzie

Alderman K P Stojansek

QVMAG Governance Advisory Board

Deputy Mayor Alderman R I Soward as proxy to the Mayor, Alderman A M van Zetten, with voting rights (the QVMAG Governance Advisory Board Charter confirms the Mayor as a member of the board with voting rights)

19.3 Council Appointments to Internal and External Committees...(Cont'd)

Scholarships & Bursary Committee

Alderman D C Gibson
Alderman E K Williams

Audit panel established under section 85 of the *Local Government Act 1993* (Tas)**Audit Panel**

Alderman D H McKenzie
Alderman J Finlay

Committee convened under section 20(a) of the *Emergency Management Act 2006* (Tas)**Municipal Emergency Management Committee**

Alderman J G Cox (Municipal Chairperson)

External committee membership (from resolutions of Council)**Australian Pacific Airports Launceston**

Alderman D H McKenzie

CityProm Limited

Alderman S R F Wood

Enterprize Tasmania Ltd

Alderman D W Alexander

Launceston College Association

Alderman R L McKendrick

Launceston Safer Communities Partnership

Alderman J Finlay
Alderman D C Gibson

Regional Capitals Australia (RCA)

Mayor Alderman A M van Zetten
General Manager Mr R Dobrzynski

TasWater Owners Representative

Mayor Alderman A M van Zetten

19.3 Council Appointments to Internal and External Committees...(Cont'd)

Theatre North Inc.

Alderman D H McKenzie
Director QVMAG

University of Tasmania Northern Campus Engagement and Advisory Group

Mayor Alderman A M van Zetten
Alderman D H McKenzie
General Manager Mr R Dobrzynski

2. Endorses the following changes to appointments, and reaffirms those appointments marked as continuing, to the committees detailed below for the remainder of the term of the current Council:

Special committees convened under section 24 of the *Local Government Act 1993 (Tas)***Heritage Advisory Committee**

Alderman D C Gibson stands down
Alderman D H McKenzie is appointed
Alderman J Finlay (continuing)

Launceston City Heart Reference Group

Alderman D H McKenzie stands down
Alderman D W Alexander (Chair) (continuing)
Alderman S R F Wood (continuing)
Alderman K P Stojansek (continuing)

Tender Review Committee

Alderman D W Alexander stands down
Alderman D H McKenzie (continuing)
Alderman J G Cox (continuing)
Alderman S R F Wood (continuing)
Director Infrastructure Services (no voting rights) (continuing)

Youth Advisory Group

Alderman E K Williams (continuing)
Alderman S R F Wood (continuing)
Alderman K P Stojansek is appointed

19.3 Council Appointments to Internal and External Committees...(Cont'd)

External committee membership (from resolutions of Council)

Every Child Succeeds

Alderman J Finlay and Alderman S R F Wood stand down

Alderman K P Stojansek is appointed

Franklin House Management Committee

Alderman R L McKendrick stands down

Alderman S R F Wood is appointed

Local Government Association of Tasmania

Alderman J Finlay (proxy) stands down

Mayor Alderman A M van Zetten (continuing)

Deputy Mayor Alderman R I Soward (proxy) is appointed

3. In respect of the **Events Sponsorship Assessment Panel*** (formerly the Events Sponsorship Program) and for the remainder of the term of the current Council, appoints Alderman _____, Alderman _____ and Alderman _____ for membership to this panel.

* Special committee convened under section 24 of the *Local Government Act 1993 (Tas)*

4. In respect of the **Launceston Access Advisory Committee*** and for the remainder of the term of the current Council:

(i) reaffirms Alderman D H McKenzie's continuing representation

(ii) notes Alderman J Finlay stands down, and

(iii) appoints Alderman _____ to fill the position vacated by Alderman Finlay.

* Special committee convened under section 24 of the *Local Government Act 1993 (Tas)*

5. In respect of the **C8 Working Group***, notes that Alderman K P Stojansek and Alderman S R F Wood stand down, and that further appointments will be considered by Council when the C8 Working Group is again active.

* External committee

6. In respect of the **Hobart/Launceston MoU Committee***, notes that representation from City of Launceston by the Mayor, Alderman A M van Zetten, Alderman D W Alexander, Alderman R L McKendrick and Alderman D H McKenzie is concluded and no further appointments are required.

* External committee

19.3 Council Appointments to Internal and External Committees...(Cont'd)

7. In respect of the **Launceston Tramway Museum Society Inc.***, notes that Alderman R L McKendrick stands down, and an Alderman or Aldermen will attend future meetings of the Society on an invitational basis.
* External committee
8. In respect of the **Natural Resource Management (NRM) North Association (Northern Tasmanian Natural Resource Management Association Inc.)***, authorises the General Manager Mr R Dobrzynski to nominate a City of Launceston employee as Council's representative.
* External committee
9. In respect of the **Northern Tasmania Development Executive Committee*** and the **Northern Tasmania Development Local Government Committee***, notes that Northern Tasmania Development (NTD) was wound-up on 31 December 2016.
* External committee
10. In respect of the **Ravenswood Action Group*** and for the remainder of the term of the current Council, appoints Alderman K P Stojansek as City of Launceston's representative on that group.
* External committee
11. In respect of the **Tamar NRM Reference Group*** and for the remainder of the term of the current Council, notes that Alderman J Finlay stands down, and appoints Alderman _____ as City of Launceston's representative on that group.
* External committee
12. In respect of the **UTAS 125th Anniversary Advisory Committee***, notes that Alderman D C Gibson's representation on this committee is concluded and no further appointment is required.
* External committee
13. In respect of the **York Park and Inveresk Precinct Authority (YPIPA)**, reaffirms Alderman D H McKenzie's and Alderman D W Alexander's appointments to this committee, noting that the committee's structure and activities will be considered at a future meeting of Council.
14. Notes that matters in respect of the following committees are considered in separate reports to Council:

Economic Development Committee
Street Tree Advisory Group

19.3 Council Appointments to Internal and External Committees...(Cont'd)

15. Notes that the resolutions made in respect of recommendations 1 to 13 above will be reflected in Council's Committee Representation Details document 14-HLPr-012, and will be communicated to the chairperson of each committee by the General Manager Mr R Dobrzynski.

REPORT:

The purpose of this report is to finalise Council's appointment of representatives to committees, authorities, specific purpose committees, and external organisations and committees, for the remainder of the term of the current Council.

Preliminary discussions were held at a Workshop on 21 November 2016. This report's recommendations at 1 and 2 reflect discussions for those committees, where continued or amended representation was agreed in principle.

The QVMAG Governance Advisory Board Charter confirms the Mayor, Alderman A M van Zetten, as a member of the board with voting rights. This appointment is ongoing, so the purpose of the recommendation at 1 is to reaffirm that Deputy Mayor Alderman R I Soward will continue for the remainder of the term of the current Council as proxy of the Mayor, Mayor Alderman A M van Zetten.

The Launceston City Heart Reference Group - Terms of Reference provides for three elected member representatives: there is no need to indicate a vacant position in the reference group as a consequence of Alderman D H McKenzie standing down.

The Tender Review Committee Policy 11-PI-002 provides for a minimum of three Aldermen and a member of the Executive Management Committee: there is no need to indicate a vacant position in the reference group as a consequence of Aldermen D W Alexander standing down.

Events Sponsorship Assessment Panel

Discussions at the Workshop on 21 November 2016 regarding the Events Sponsorship Program were deferred pending Council's consideration of the Event Sponsorship Assessment Panel Terms of Reference. This was resolved by Council on 28 November 2016 at Agenda Item 15.3 - Event Sponsorship Panel Terms of Reference. Aldermen are today asked to appoint three Aldermen to the panel, per the provisions of the panel's Terms of Reference.

19.3 Council Appointments to Internal and External Committees...(Cont'd)

Launceston Access Advisory Committee

The Terms of Reference of the Launceston Access Advisory Committee says that the committee will include two Aldermen. A nomination for a second Alderman was not resolved at the Workshop on 21 November 2016. Aldermen are today asked to appoint an Alderman to the committee, per the committee's Terms of Reference.

C8 Working Group

At the Workshop on 21 November 2016, it was noted that the C8 Working Group is inactive at this time.

Hobart/Launceston MoU Committee

The parties to the Memorandum of Understanding (MoU) will meet to discuss strategic priority topics of mutual interest as the need arises. A formal arrangement in respect of the committee is not required at this time.

Launceston Tramway Museum Society Inc.

The Society was informed of this recommendation by letter dated 13 January 2017.

Natural Resource Management (NRM) North Association (Northern Tasmanian Natural Resource Management Association Inc.)

The purpose of this recommendation is to seek authorisation for the General Manager Mr R Dobrzynski to appoint an employee representative if nomination by an Alderman is not forthcoming.

Northern Tasmania Development Executive Committee and the Northern Tasmania Development Local Government Committee

Northern Tasmania Development's successor entity, Northern Tasmania Development Corporation (NTDC) commenced on 1 January 2017 and is in the process of appointing a skills-based board.

Ravenswood Action Group

Council's participation in the Ravenswood Action Group has not been formally endorsed by the Council. This recommendation seeks to rectify that.

Tamar NRM Reference Group

19.3 Council Appointments to Internal and External Committees...(Cont'd)

The nomination of an Alderman to sit on the committee in place of Alderman Finlay was not resolved at the Workshop on 21 November 2016. Aldermen are today asked to appoint an Alderman to the group.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 8 - A secure, accountable and responsive Organisation
Ten-year goals - To communicate and engage consistently and effectively with our community and stakeholders; to seek and champion collaboration to address major issues for Northern Tasmania; to ensure decisions are made in a transparent and accountable way; to continue to meet our statutory obligations and deliver quality services and to continue to ensure the long-term sustainability of our Organisation

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey; Director Corporate Services

19.4 Delegation from Council to General Manager - *Building Act 2016 (Tas)* and *Building Regulations 2016*

FILE NO: SF2611/SF0789/SF0113

AUTHOR: Leanne Purchase (Governance and Planning Coordinator)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider delegation from Council to the General Manager of particular Council functions and powers under the *Building Act 2016 (Tas)* and the *Building Regulations 2016*.

RECOMMENDATION:

That Council:

1. Pursuant to section 8(3) of the *Building Act 2016 (Tas)*, delegates its powers and functions under the following sections of the *Building Act 2016 (Tas)* to the holder of the position of General Manager of the City of Launceston:
 - i. Section 27(3) - make information retained pursuant to sections 27(2) available to the persons specified in section 27(3)
 - ii. Section 265(3) - perform works where there has been a failure to comply with an emergency order, a building order, or a plumbing order
 - iii. Section 265(4) - the power to (a) enter on the land where the work is to be done with the appropriate equipment; and (b) exclude other persons from the place where the work is being done; and (c) if anything is to be altered, determine the form of the alteration so far as it was not previously specified; and (d) if anything is to be taken down, demolished or removed, determine in what condition the remainder is to be left; and (e) carry away to some convenient place any materials removed; and (f) sell any materials so carried away and deduct the proceeds from the cost of the work
 - iv. Section 266 - possession of building
 - v. Sections 267(1) and 267(2) - serve an order to demolish building work
 - vi. Section 267(3) - enter onto land and demolish any building work in respect of an order to demolish building work
 - vii. Section 269 - enter land or a building and perform the required work, make an application to recover the cost of performing any work, and to impose a charge on land
 - viii. Section 271(1) - sell a building for removal or after demolishing a building, sell the materials on the premises for removal
-

19.4 Delegation from Council to General Manager - *Building Act 2016 (Tas)* and *Building Regulations 2016...(Cont'd)*

- x. Section 271(6) - pay the owner of the building or materials sold under subsection (1) the balance of any proceeds of the same after deducting reasonable expenses incurred
 - xi. Section 271(2) - grant the purchaser of a building sold pursuant to section 271(1) all of the powers Council has under section 265
 2. Pursuant to section 8(3) of the *Building Act 2016 (Tas)*, delegates its powers and functions under the following regulations of the *Building Regulations 2016* to the holder of the position of General Manager of the City of Launceston:
 - i. Regulation 43(1) - provide written consent for works proposed pursuant to regulation 43(1)
 - ii. Regulation 43(3) - if not satisfied that a stormwater drainage system is sealed in accordance with the *Building Act 2016 (Tas)*, enter the premises and perform any work necessary
 - iii. Regulation 43(5)(a) - recover costs as a charge under the *Local Government Act 1993 (Tas)*
 - iv. Regulation 53 - assessment of land as having a reasonable probability of flooding
 - v. Regulation 78(3) - recover costs as a charge under the *Local Government Act 1993 (Tas)*
 3. If recommendations 1 and 2 are resolved in the affirmative, authorises the holder of the position of General Manager of the City of Launceston to delegate the powers and functions at recommendations 1 and 2 to an employee of the Council, as provided for by section 64(b) of the *Local Government Act 1993 (Tas)*.
 4. Notes that, if resolved in the affirmative, the delegations at recommendations 1 and 2 will be effected by an instrument that will be executed by the Mayor to comply with the requirement of section 8(5) of the *Building Act 2016 (Tas)* that delegations are in writing.
 5. Notes that, on execution of the instrument described at recommendation 4, the Council's delegations register will be updated to reflect the delegations described in the instrument.
-

19.4 Delegation from Council to General Manager - *Building Act 2016 (Tas)* and *Building Regulations 2016...*(Cont'd)

REPORT:

The *Building Act 2016 (Tas)* commenced on 1 January 2017. Delegation of particular powers and functions under the *Building Act 2016 (Tas)* from Council to the holder of the position of General Manager of the City of Launceston, are sought in this report's recommendations. These delegations will allow for the General Manager to exercise these powers and functions in the context of the day to day operations of the Council.

A complete version of the *Building Act 2016 (Tas)* can be viewed at www.thelaw.tas.gov.au.

Delegation is not being sought for the following powers and functions of Council under the *Building Act 2016 (Tas)*:

Section 27 Records of permit authority

(4) A person may make a copy of information made available to the person under subsection (3) on payment of any reasonable fee charged by the council that has made the information available.

Council's authority to delegate

Council's authority to delegate is contained within section 8(3) of the *Building Act 2016 (Tas)*, included here for reference:

Section 8 Delegation

(3) A council may delegate to any person any of its powers and functions under this Act, other than this power of delegation.

(5) A delegation under this section is to be made by instrument in writing.

Recommendations 1 and 2

With respect to recommendations 1 and 2, extracts from the *Building Act 2016 (Tas)* and the *Building Regulations 2016* are included here for reference -

Building Act 2016 (Tas)

Section 27 Records of permit authority

(2) A council of a municipal area must retain the records, required to be kept, under Schedule 1, by the permit authority for the municipal area –

(a) for at least 10 years after the record is made or such other prescribed period; or

19.4 Delegation from Council to General Manager - *Building Act 2016 (Tas) and Building Regulations 2016...(Cont'd)*

(b) if the record is still relevant in respect of the premises to which it relates at the expiry of the period set out in paragraph (a), until the record is no longer relevant in respect of those premises.

Penalty:

Fine not exceeding 100 penalty units.

(3) *A council may only make information retained under subsection (2) available to the following persons:*

(a) the Director of Building Control or other authorised person;

(b) an employee of the council that appointed the permit authority, if access to the information is necessary as part of his or her employment;

(c) the owner of premises referred to in the information;

(d) a building surveyor, building services provider, or other licensed practitioner, that has been engaged by an owner of the premises referred to in the information;

(e) any other prescribed person.

Section 265 Failure to comply with emergency, building or plumbing order

(3) *If a person fails to perform any work required by an emergency order, a building order or plumbing order, the work may be performed by the council.*

(4) *In performing any work under subsection (3), the council may –*

(a) enter on the land where the work is to be done with the appropriate equipment; and

(b) exclude other persons from the place where the work is being done; and

(c) if anything is to be altered, determine the form of the alteration so far as it was not previously specified; and

(d) if anything is to be taken down, demolished or removed, determine in what condition the remainder is to be left; and

(e) carry away to some convenient place any materials removed; and

(f) sell any materials so carried away and deduct the proceeds from the cost of the work.

Section 266 Possession of building

(1) *If any occupier of a building or temporary structure fails to allow any person to do work under section 265, a council may take proceedings under the Justices Act 1959 to obtain possession of the building or temporary structure.*

(2) *On the hearing of a complaint, a justice may order the occupier to give the council possession of the building or temporary structure within a prescribed period.*

(3) *If a person fails to comply with an order under subsection (2), a justice who made the order may issue a warrant authorising police officers to –*

(a) enter into the building or temporary structure by force if necessary and with any assistance they consider necessary; and

(b) eject any person from the building or temporary structure; and

19.4 Delegation from Council to General Manager - *Building Act 2016 (Tas) and Building Regulations 2016...*(Cont'd)

(c) deliver possession of the building or temporary structure to the relevant council.

(4) A council may remain in possession of a building or temporary structure pursuant to a warrant until the work is completed.

Section 267 Demolition order

(1) A council may serve, on the owner of premises on which building work that is the subject of a building order is situated, an order to demolish the building work, if –

(a) the owner fails to comply with –

(i) the building order; or

(ii) a permit of substantial compliance issued in respect of the work; or

(b) a building surveyor refuses to grant a certificate of substantial compliance in respect of the work; or

(c) a permit authority refuses to grant a permit of substantial compliance in respect of the work; or

(d) an appeal has not been instituted in respect of the building order and the order has not been complied with.

(2) A council is to serve, on the owner of premises on which building work that is the subject of a building order is situated, an order to demolish the building work if satisfied that the building work –

(a) does not comply with this Act; and

(b) is detrimental to the safety and health of any occupant, or any future occupant, of the building or the public.

(3) The council, or a person acting on its behalf, may enter onto land and demolish any building work in respect of which an order to demolish is served if –

(a) at least 21 days have expired since the day of service of the order; and

(b) the building work has not been demolished; and

(c) an appeal has not been instituted in respect of the order.

Section 269 Recovery of performance costs

(2) If a person fails to perform the work required by any order under this Part within a specified time, the council may enter land or a building and perform the required work and may recover its expenses as a charge on the land and recoverable as if it were rates or charges under the Local Government Act 1993.

Section 271 Purchasing buildings and materials

(1) A council which demolishes a building pursuant to an order under this Part may –

(a) sell the building for removal; or

(b) after demolishing the building, sell the materials on the premises for removal.

(2) A council may grant the purchaser of a building under subsection (1)(a) all the powers it has under section 265.

19.4 Delegation from Council to General Manager - *Building Act 2016 (Tas) and Building Regulations 2016...(Cont'd)*

(6) A council is to pay the owner of the building or materials sold under subsection (1) the balance of any proceeds of the sale after deducting any reasonable expenses incurred by it.

Building Regulations 2016

Regulation 43 Plumbing work involving network utility operator's stormwater drainage systems

(1) A person must not perform plumbing work that results in –

- (a) a plumbing installation being connected to a network utility operator's stormwater drainage system; or*
- (b) an alteration of an existing plumbing installation that is connected to a network utility operator's stormwater drainage system, if the alteration may affect the stormwater drainage system or the connection point to the stormwater drainage system – unless the person has obtained the written consent to do so from the relevant network utility operator for the stormwater drainage system at least 48 hours before commencing the work.*

Penalty:

Fine not exceeding 50 penalty units.

(3) If the relevant network utility operator is not satisfied that a stormwater drainage system is sealed in accordance with the Act, the network utility operator may enter premises and perform any work necessary to correctly seal the connection from the stormwater drainage system.

(4) The owner of premises where the network utility operator has performed work under subregulation (3) is liable for any reasonable costs associated with the work performed on the premises under that subregulation.

(5) The costs specified in subregulation (4) –

- (a) if the relevant network utility operator is the council, may be recovered by the council as a charge under the Local Government Act 1993; or*
- (b) in any other case, may be recovered as a debt due and owing.*

Regulation 53 Riverine inundation

For the purposes of the Act, land that has previously been flooded, or land that has been assessed by the council of the relevant municipal area as having a reasonable probability of flooding, is land that is –

- (a) subject to riverine inundation; and*
 - (b) a hazardous area for the purposes of the definition of hazardous area in section 4(1) of the Act.*
-

19.4 Delegation from Council to General Manager - *Building Act 2016 (Tas) and Building Regulations 2016...*(Cont'd)

Regulation 78 Permit authorities may perform maintenance work

(1) *The relevant permit authority may enter premises and perform maintenance required under the Act if the owner of the relevant premises –*

(a) has been notified in writing by the relevant permit authority of the maintenance required to be performed; and

(b) has failed to perform the maintenance within the relevant specified period.

(2) *The owner of premises in respect of which the permit authority has authorised work under subregulation (1) is liable for any reasonable costs associated with the work performed on the premises under that subregulation.*

(3) *The costs specified in subregulation (2) may be recovered by the relevant council as a charge under the Local Government Act 1993.*

Recommendation 3

With respect to recommendation 3, the further delegation from the General Manager to an employee of the Council is permitted with Council's authorisation, as provided for in section 64 of the *Local Government Act 1993 (Tas)*, reproduced below:

64. Delegation by general manager

The general manager, in writing, may delegate to an employee of the council –

(a) *any functions or powers under this or any other Act, other than this power of delegation; and*

(b) *any functions or powers delegated by the council which the council authorized the general manager to delegate.*

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

19.4 Delegation from Council to General Manager - *Building Act 2016 (Tas) and Building Regulations 2016...(Cont'd)*

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goal - To ensure decisions are made in a transparent and accountable way

Key Direction -

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

Ten-year goal - To continue to meet our statutory obligations and deliver quality services

Key Direction -

4. To continually improve our service delivery and supporting processes

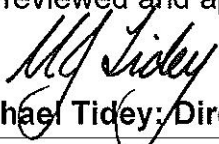
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey, Director Corporate Services

20 GENERAL MANAGER'S DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

21 URGENT BUSINESS

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

No Urgent Items have been identified as part of this Agenda

22 CLOSED COUNCIL

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

No Closed Items have been identified as part of this Agenda

23 MEETING CLOSURE
