



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 15 DECEMBER 2022
1.00PM**

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: 15 December 2022

Time: 1.00pm

Certificate of Qualified Advice

Background

To comply with section 65 of the *Local Government Act 1993* (Tas):

1. A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
2. A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless -
 - (a) the general manager certifies, in writing -
 - (i) that such advice was obtained; and
 - (ii) the general manager took the advice into account in providing general advice to the council or council committee; and
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

Certification

I certify that:

- (i) the advice of a qualified person has been sought where required;
- (ii) this advice was taken into account in providing general advice to the council or council committee; and
- (iii) a copy of the advice, or a written transcript or summary of advice provided orally, is included with the agenda item.



Michael Stretton
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

An audio recording of this Council Meeting, except for any part held in Closed Session, will be made in accordance with our Council Meetings - Audio Recording Policy - 14-Plx-008.

This Council Meeting will be streamed live to and can be accessed at:
www.launceston.tas.gov.au/Council/Meetings/Listen .

PUBLIC ATTENDANCE AT THE COUNCIL MEETING

At the Council Meeting, please take care to follow signage and the directions of Council Officers to ensure that physical distancing and other COVID-19 safe behaviour is observed.

PUBLIC QUESTION TIME - AGENDA ITEM 8

A limit of three questions received in writing by Wednesday of the week prior to the Council Meeting are treated as Questions on Notice. Your question and an answer will be published in the Agenda of the Council Meeting. Questions may be submitted to the Chief Executive Officer at contactus@launceston.tas.gov.au, PO Box 396, Launceston TAS 7250, or Town Hall, St John Street, Launceston.

If attending the Council Meeting in person, you may ask up to three questions during Public Question Time. If accepted, your questions will be either answered at the Meeting, or Taken on Notice and answered at a later Council Meeting.

PUBLIC COMMENT ON AGENDA ITEMS

When attending the Council Meeting, you will be asked if you wish to comment on an item in the Agenda. Prior to debate on that Agenda Item, you will be invited by the Chair to move to the public microphone at the doors to the Council Chambers and state your name and address.

Please note the following important information:

- Each item on the Agenda includes a Recommendation prepared by a Council Officer.
- You may speak for up to two minutes, either for or against the Recommendation.
- You may not ask questions or enter into debate with Councillors or Council Officers.
- Your statement is not to be defamatory, inappropriate or abusive, or be intended to embarrass any person, including Councillors or Council Officers.
- The Chair may direct you to stop speaking if you do not follow these rules, or if your statement repeats points that have already been made.
- Audio from our Council Meetings is streamed live via YouTube.

Your respectful contribution is welcome and appreciated.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

At the City of Launceston, the positions of General Manager Community and Place, General Manager Organisational Services, General Manager Infrastructure and Assets and General Manager Creative Arts and Cultural Services do not assume the functions and powers of the term *general manager* in a legislative sense: any legislative functions and powers to be delegated to these roles will be made by Council or the Chief Executive Officer. At the City of Launceston, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993 (Tas)*. For the avoidance of doubt, *Chief Executive Officer* means *General Manager* for the purposes of the *Local Government Act 1993 (Tas)* and all other legislation administered by or concerning Council.

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1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2. MAYORAL ACKNOWLEDGEMENTS

3. DECLARATIONS OF INTEREST

Local Government Act 1993 (Tas) - section 48

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

4. 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 1 December 2022 be confirmed as a true and correct record.

5. COUNCIL WORKSHOPS

Local Government (Meeting Procedures) Regulations 2015 - Regulation 8(2)(c)

5.1 Council Workshop Report - 8 December 2022

FILE NO: SF4401

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RELEVANT LEGISLATION:

Local Government (Meeting Procedures) Regulations 2015 - Regulation 8(2)(c)

RECOMMENDATION:

That Council:

1. pursuant to Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, Council notes the Council Workshops conducted since the last Council Meeting, for the purposes described:

Workshops conducted on 8 December 2022:

Event Sponsorship

Councillors were provided with an information session on the event sponsorship programs prior to the opening of the next round of applications in February 2023.

Disposal of Interest in Land - Easement

Councillors received a briefing on a request for an easement over adjoining public land owned by the Council.

Levee Protected Areas Project

Councillors received a briefing on the draft Levee Protected Areas Special Area Plan and the way forward for the project.

Naming of the Council's Assets

Councillors considered the legislative requirements and internal process for choosing and making an application for the naming of assets.

City Park Macaque Monkey Discussion

Councillors received a presentation on management of the macaque monkeys at City Park.

Conference Debrief

Councillors received an overview of the recently held Smart Cities Conference.

2. notes attendance at the Workshops conducted on 8 December 2022:

In Attendance: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton.

Apologies: Councillor A E Dawkins

REPORT:

Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015* says that the Agenda of an Ordinary Council Meeting is to include the date and purpose of any Council Workshop held since the last Meeting.

Attendance is recorded for noting and reporting in the Council's Annual Report.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS

Local Government (Meeting Procedures) Regulations 2015 - Regulation 8(2)

No Councillors' Leave of Absence Applications have been identified as part of this Agenda

7. 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 Councillors).

7.1 Community Report - Lyndon Rigall and Georgie Todman (Co-Presidents) - Tamar Valley Writers' Festival

Lyndon Rigall and Georgie Todman, the new co-presidents of the Tamar Valley Writers' Festival, will provide a brief recap of its successful 2022 Festival and outline some of vision for the future of the organisation and its connection to Launceston and the Tamar Valley.

7.2 Community Report - Gus Green (Project Manager) - Duck Reach Historical Group

Mr Green will provide Council with details on celebrations surrounding 100 years of Launceston being connected to the Tasmanian power grid which occurred on 18 December 1922.

8. PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1 Public Questions on Notice

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

8.1.1 Public Questions on Notice - Robin Smith - Brisbane Street Mall Cleansing

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following question, asked at the Council's Annual General Meeting on 1 December 2022 by Robin Smith, has been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Is the Council, at an officer level, prepared to review the current practice in the Brisbane Street Mall?

Response:

There has been no change in cleansing practices as suggested. Blowers are used daily between 6.15am to 7.45am to move litter and leaf debris from locations that are difficult to collect with the mini sweeper.

Over the last few years the City of Launceston's Cleansing Team has invested significant effort in modifying the level of service to meet CBD trader expectations.

The Cleansing Team takes extra care outside Mr Smith's business as they are aware of his concerns. The Council is not receiving these concerns from other traders.

It should be acknowledged that the City of Launceston's Cleansing Team do an excellent job in maintaining our CBD on a daily basis.

ATTACHMENTS:

Nil

8.1.2 Public Questions on Notice - Jim Dickenson - Albert Hall Redevelopment

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following questions, submitted to the Council in writing on 5 December 2022 by Jim Dickenson, have been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. What are the specific works on which the tender of \$664,060.00 is to be expended?
2. What is the refinement of the design referred to by the Tender Review Committee and why did the project go to tender with the design incomplete?
3. Why are there construction matters not foreseen prior to tender?

Response:

1. *The Council's Tender Review Committee (TRC) approved the tender for Shape Australia for \$664k, which is primarily the main contractor preliminaries and overheads if they submit an acceptable proposal for the construction contract (to be approved at a future TRC Meeting). Of the \$664k, Shape Australia are being paid \$34k to provided consulting advice regarding constructability of the project.*

Should the project proceed with Shape Australia then they will receive the full preliminaries.

2. *This procurement has been designed to allow early engagement with the contractor which is a contemporary model that provides for collaboration between the client, designer and contractor.*

The design is substantially complete and with the recent engagement of Shape Australia, the architect and builder will collaboratively work through constructability issues to ensure we achieve the best outcome for the community.

3. *As discussed above, the procurement model used is to allow collaboration.*
-

ATTACHMENTS:

Nil

8.1.3 Public Questions on Notice - Brian Khan - North East Rail Trail

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following question, asked at the Council Meeting on 17 November 2022 by Brian Khan (on behalf of Wendy McLennan) was forwarded to the Dorset Council for action/response. The response to Brian Kahn's question has been received from John Marik (Acting General Manager Dorset Council).

Questions:

1. The \$1.4 million for the bike riding track [rail trail], where did it come from because the original grant had expired submission at the last Council Meeting?

Response:

In 2015, Dorset Council secured \$1.47 million from the Federal Government under the former National Stronger Regions Fund to develop the North East Rail Trail. Federal funding for the project - for the same amount - was recommitted in November 2020.

ATTACHMENTS:

Nil

8.1.4 Public Questions on Notice - Ray Norman - Community Engagement Process

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following question, submitted to Council in writing on 7 December 2022 by Ray Norman, has been answered by Louise Foster (General Manager Organisational Services Network).

Questions:

1. Against the background that Launceston's CBD is clearly faltering and clearly failing to meet community expectations and aspirations, will the Council now proactively initiate a new and meaningful community engagement strategy towards meeting community expectations and hopes along with the various business communities' needs and aspirations that is mindful of:
 - (a) Council's demonstrated predisposition to impose outcomes upon its constituency rather than in accord with evidence based community needs and aspirations; and
 - (b) Constituents' various and diverse expectations relative to their investments in the city cum municipality; and
 - (c) The history of extraordinary expenditures on project that have essentially not delivered on expectations; and
 - (d) The currently underwhelming social environment and outmoded cultural landscaping despite extraordinary budget allocation that have places heavy imposts upon City of Launceston constituents?

Response:

The Council notes the views expressed by the author of the question but does not necessarily agree with them.

The City of Launceston will continue to work to deliver the outcomes identified as part of the Launceston City Heart project which has the vision to make central Launceston the premier business, retail and lifestyle hub of Northern Tasmania and to cement the city's reputation as the most liveable regional centre in Australia. Through the redevelopment of infrastructure and enhanced support for events and business capability, the project seeks to attract future private investment and to ensure there is always activity in our streets and public spaces. It is aimed at breathing new life into our public areas and streetscapes, making it easier to find your way around and creating safer, more accessible pedestrian and bicycle links.

The Council will continue to engage with our community in a variety of ways, including through the Tomorrow Together program which has so far included more than 40 significant community and infrastructure projects in one streamlined engagement campaign, including projects that are connected to the CBD. Tomorrow Together was one of the first engagement programs of its kind in Australia and has involved public events, online consultations, pop-up workshops and information sessions for Launceston residents of all ages.

ATTACHMENTS:

Nil

8.1.5 Public Questions on Notice - Ray Norman - Delegated Authorities

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following question, submitted to the Council in writing on 7 December 2022 by Ray Norman, has been answered by the Mayor, Councillor Danny Gibson.

Questions:

1. In accord with *best corporate practice*, will Councillors immediately cancel all Delegated Authorities in order that those actually required currently, and in the short term, can be assessed, reviewed and reinstated with others, if any, being assigned on a case-by-case basis over time and on a demonstrated and evidenced needs basis in accord with the *Local Government Act 1993 (Tas)* and judicious policy determinations by all new Councillors?

Response:

It is impractical to undertake a review of delegations in this manner. Delegations enhance efficiency at the City of Launceston by devolving the execution of administrative matters and functions to appropriate levels within the organisation.

The City of Launceston's Delegations Register is publicly available via www.launceston.tas.gov.au. The Delegations Register clearly indicates the functions and powers that have been delegated by a decision of Council. Decisions of Council are frequently sought in relation to the review of delegations, or to respond to changes in legislation.

ATTACHMENTS:

Nil

8.1.6 Public Questions on Notice - Ray Norman - Nature Strip Policy

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following question, submitted to the Council in writing on 7 December 2022 by Ray Norman, has been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Will the Council proactively review its Nature Strip Policy in order that it be a 21stC relevant policy and similarly a policy that is strategically better placed to address:
 - (a) diverse cultural landscaping imperatives relevant to the precincts in which diverse communities make their home and develop their home places; and
 - (b) the expression of diverse cultural realities in the municipality's cultural landscaping; and
 - (c) sustainable environmental concerns and issues in the context of the Council's Climate Emergency Policy; and
 - (d) increasing canopy cover in the urban environment by 30% plus; and
 - (e) the replacement of lost trees, either on site or elsewhere via offset protocols; and
 - (f) the role nature strips can play in regard to carbon retention and sequestration; and
 - (g) meaningful community engagement in regard to community members profitably investing in diverse environmental strategies on nature strips and elsewhere in collaboration with the Council?

Response:

The Council's Nature Strip Policy (26-Plx-019) is due for review. The points raised in Mr Norman's question and comments will be considered during the review process.

ATTACHMENTS:

Nil

8.2 Public Questions Without Notice

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

9. PLANNING AUTHORITY

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 9 - Planning Authority.

9.1 DA0612/2022 - 145-151 Paterson Street Launceston - Visitor Accommodation - Demolish Existing Cornmill and Construction of an Extension to the Carpark

FILE NO: DA0612/2022

AUTHOR: Iain More (Senior Town Planner Policy and Projects)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Paterson Bridge Pty Ltd
Property:	145-151 Paterson Street, Launceston
Zoning:	Urban Mixed Use
Receipt Date:	7/10/2022
Validity Date:	12/10/2022
Further Information Request:	18/10/2022
Further Information Received:	27/10/2022
Deemed Approval:	15/12/2022
Representations:	Six

RELEVANT LEGISLATION:

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

STANDARDS REQUIRING PLANNING DISCRETION:

C2.6.8 Siting of parking and turning areas
C6.6.1 Demolition
C6.6.9 Driveways and parking for non-residential purpose
C6.6.10 Removal, destruction or lopping of trees, or the removal of vegetation, that is specifically part of a local heritage place

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0612/2022 - Visitor Accommodation - Demolish existing corn mill and construction of an extension to the carpark at 145-151 Paterson Street, Launceston, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Planning Report, prepared by David Denman + Associates, dated 26/10/2022.
- b. Cover Page, prepared by David Denman + Associates, Drawing No. A00_Rev05, dated 26/10/2022.
- c. Proposed Site Plan, prepared by David Denman + Associates, Drawing No. A01_Rev05, dated 26/10/2022.
- d. Demolition Floor Plan, prepared by David Denman + Associates, Drawing No. A02_Rev03, dated 26/10/2022.
- e. Proposed Carpark Expansion, prepared by David Denman + Associates, Drawing No. A03_Rev05, dated 26/10/2022.

2. LEGAL TITLE

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

3. HOURS OF CONSTRUCTION

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

7am to 6pm - Monday to Friday

8am to 5pm - Saturday

No works on Sunday or Public Holidays

4. SITE LANDSCAPING PLAN

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

- a. Major site features such as building footprints, topography, contours existing vegetation and street boundaries; and
- b. Existing and proposed garden areas and plantings including substantial shrubs and permeable ground covers specified to:
 - (i) soften the appearance of the car parking area;
 - (ii) ensure an appropriate setting for the significant buildings on the site;
 - (iii) be shade tolerant; and
 - (iv) be of sufficient scale and robustness to deter patrons from walking over beds;
- c. Any stabilisation works required as a result of building or vegetation removal; and
- d. All proposed garden beds, fences, retaining walls, lawn, edging, hard surfaces and pathways located and designed to ensure that these will not cause damage to the adjacent building; and
- e. Suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas; and

- f. A schedule of all proposed trees, shrubs and groundcover including common name, botanical name and likely size at maturity.

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

- a. installed in accordance with the endorsed plan; and
- b. completed prior to the use commencing/completed within three months of the use commencing; and
- c. maintained as part of non-residential development. It must not be removed, destroyed or lopped without the written consent of the Council.

5. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

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

Parking areas and access lanes must be kept available for these purposes at all times and maintained for the life of the development.

6. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

7. APPLICATION TO ALTER A STORMWATER SERVICE

An application must be made using the Council's e-Services web portal, or on the approved form, and accompanied by the prescribed fee to install a new connection, or physically remove/relocate or alter an existing service connection.

All work must be carried out by a suitably experienced contractor and in accordance with the Council's standards. All costs associated with these contractors are to be borne by the applicant.

8. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing *TSD-G01 Trench Reinstatement Flexible Pavements* and the Council's Policy *27-Rfx-012 Standards for Surface Reinstatement of Works in the Road Service*. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

9. SOIL AND WATER MANAGEMENT PLAN

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

10. OCCUPATION OF ROAD RESERVE (METERED PARKING BAYS)

Prior to the commencement of the occupation of any metered parking spaces associated with the development (including the placement of skips or materials, or the installation of scaffolding) the applicant must obtain the Consent of the General Manager Infrastructure and Assets Network. The applicant must pay the prescribed daily fee for each occupied metered space for the duration of the occupation, except where the Council's Manager Parking permits a variation.

11. DEMOLITION

The developer must:

- a. protect property and services which are to either remain on or adjacent to the site from interference or damage;
- b. not undertake any burning of waste materials or removed vegetation;
- c. remove all rubbish from the site for disposal at a licensed waste disposal site;
- d. dispose of any asbestos found during demolition in accordance with the *Safe Work Australia How to Safely Remove Asbestos: Code of Practice, July 2020*, or any subsequent versions of the document.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0612/2022. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

B. Restrictive Covenants

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

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

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and Administrative Tribunal (TASCAT).

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

For more information see the Tasmanian Civil and Administrative Tribunal (TASCAT) website www.tascat.tas.gov.au <<http://www.tascat.tas.gov.au>>

D. Permit Commencement

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

REPORT:

1. THE PROPOSAL

It is proposed to demolish an existing section of the Penny Royal accommodation to allow for the construction of 10 new car parking spaces. The section to be demolished is a replica corn mill.

The area to be demolished and reconstructed is over two different titles, being CT243810/1 and CT250739/2. All titles utilise the same address, being 145-151 Paterson Street, Launceston.

The proposal will result in a total of 40 car parking spaces for the existing use, associated with the 33 accommodation units on site. A new pedestrian path will be located to the west of the car parking area and will connect into the existing pedestrian path. Two new motorcycle spaces are also proposed.

2. LOCATION AND NEIGHBOURHOOD CHARACTER



145-151 Paterson Street, Launceston (not to scale)

The site is located at Penny Royal - 145-151 Paterson Street, Launceston, on titles CT243810/1 and CT250739/2. The site is zoned Urban Mixed Use and is 3,380m² in size. It is generally flat and currently contains the Penny Royal motel and associated Kings Bridge Bar and Restaurant. The site is well established with existing parking, access, and landscaping. The site is located within a mixed use area with surrounding accommodation, residential use, food services and tourist attractions. The site abounds West Tamar Road to the south and west, and Kings Park to the north, over Bridge Road. The site contains the Local Historic Heritage Code overlay, as well as the airport and landslip overlay.

On 19 October 2022, the Council received a Notice of No Interest from the Tasmanian Heritage Council. The notice stated:

Under section 36(3)(a) of the Historic Cultural Heritage Act 1995 the Tasmanian Heritage Council provides notice that it has no interest in determining the discretionary permit application because the affected c1976 replica cornmill museum building, and carpark are located within a part of the place (CT243810/1) that are not entered in the Tasmanian Heritage Register.

The works do not result in a change to the nature or appearance of the multi-storey stone mill buildings for which the place is permanently entered in the Tasmanian Heritage Register.

3. PLANNING SCHEME REQUIREMENTS

The assessment against the Tasmanian Planning Scheme - Launceston is detailed in Attachment 1.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 5 November to 22 November 2022. Six 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.

<p>Issue 1 It is unclear why there is a need for more car parking spaces for the existing use. There are other areas within the complex that could be made into car parking spaces.</p>
<p><i>Response 1</i> The car parking spaces are to assist in accommodating vehicles for the existing visitor accommodation use on site. The application was assessed on the proposed locations chosen, not where they could be placed.</p>
<p>Issue 2 This 1975 shingled building should be valued and refurbished/renovated as an integral part of Launceston's history. No information has been provided regarding the condition of the building.</p>
<p><i>Response 2</i> No information is required as to the physical condition of the building noting, however, that the building is not considered to have heritage value.</p>
<p>Issue 3 The site is within a heritage precinct, and one that should be protected.</p>
<p><i>Response 3</i> The site is not within a heritage precinct as prescribed by the Planning Scheme, nor is it within any future planned precinct at this time.</p>

<p>Issue 4 The removal of the building will allow the proponent to develop further into the future, and in particular, a cableway to the Gorge.</p>
<p><i>Response 4</i> <i>Assumptions on what development may occur on the site in the future is not a planning consideration.</i></p>
<p>Issue 5 The proposal is reliant on C2.5.1 P1.1 and P1.2 due to the increase in car parking numbers for the site.</p>
<p><i>Response 5</i> <i>The proposal has been assessed as complying with C2.5.1 A1. P1.1 and P1.2 are not applicable.</i></p>
<p>Issue 6 C2.7 Parking precinct plan needs to be addressed, and in particular C2.7.1 P1 and P2.</p>
<p><i>Response 6</i> <i>The site is not located within a parking precinct plan area and therefore the clause cannot be considered.</i></p>
<p>Issue 7 C6.0 Local Historic Heritage Code needs to be considered.</p>
<p><i>Response 7</i> <i>The proposal has been assessed as compliant with the relevant clauses within the code.</i></p>
<p>Issue 8 The site is subject to seismic risk, land stability, and flooding, which need to be addressed.</p>
<p><i>Response 8</i> <i>Seismic risk, land stability, and flooding are not considerations of assessment against the proposal.</i></p>
<p>Issue 9 There are five scheduled listings for 145-151 Paterson Street in the Planning Scheme's Local Heritage Code. The advertised information outlining this application regrestfully does not provide sufficient information concerning the land in question to allow the proposed development land to be adequately identified.</p>
<p><i>Response 9</i> <i>The application was advertised in accordance with the requirements of the Land Use Planning and Approvals Act 1993. The submitted plans clearly indicate the location of the development and the site. If representors have issues regarding the location of the site, the Council's officers are available to provide assistance.</i></p>

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.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. DA0612/2022 -145-151 Paterson Street, Launceston - Planning Scheme Assessment [9.1.1 - 9 pages]
2. DA0612/2022 - 145-151 Paterson Street, Launceston - Plans to be Endorsed [9.1.2 - 28 pages]
3. DA0612/2022 - 145-151 Paterson Street, Launceston - Tasmanian Heritage Council - Notice of No Interest [9.1.3 - 1 page]
4. DA0612/2022 - 141-151 Paterson Street, Launceston - Representations [9.1.4 - 20 pages]

9.2 DA0587/2022 - 107 Elphin Road, Newstead - Subdivision - Subdivide Two Lots Into Three Lots

FILE NO: DA0587/2022

AUTHOR: Duncan Payton (Town Planner)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	S. Group Pty Ltd
Property:	107 Elphin Road, Newstead
Zoning:	General Residential
Receipt Date:	28/09/2022
Validity Date:	1/11/2022
Further Information Request:	04/10/2022
Further Information Received:	28/10/2022
Deemed Approval:	19/12/2022
Representations:	Five

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

STANDARDS REQUIRING PLANNING DISCRETION:

8.6.1 Lot design

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0587/2022 - Subdivision - subdivide two lots into three lots at 107 Elphin Road, Newstead, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Cover Page, prepared by S Group, project no. J007935, proposed subdivision at 107 Elphin Road, Newstead, revision A, page A001, dated 14/09/2022.
 - b. Site Plan, prepared by S Group, project no. J007935, proposed subdivision at 107 Elphin Road, Newstead, revision A, page A101, dated 14/09/2022.
-

- c. Cover Page, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C100, dated 26/10/2022.
- d. Services Plan, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C101, dated 26/10/2022.
- e. TasWater Standard Detail, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C102, dated 26/10/2022.
- f. TasWater Connection Detail, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C103, dated 26/10/2022.
- g. LGAT Stormwater Connection Detail, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C104, dated 26/10/2022.
- h. LGAT Stormwater Connection Detail, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C105, dated 26/10/2022.
- i. LGAT Stormwater Connection Detail, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C106, dated 26/10/2022.
- j. LGAT Stormwater Connection Detail, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C107, dated 26/10/2022.
- k. LGAT Stormwater Connection Detail, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C108, dated 26/10/2022.

2. FINAL PLAN OF SURVEY

The Final Plan will not be sealed until all conditions have been complied with.

3. LEGAL TITLE

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

4. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/01625-LCC, dated 10/11/2022 and attached to the permit.

5. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

6. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

7. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of General Manager Infrastructure and Assets Network is required prior to undertaking works where the works:

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

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

8. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements and Council policy 27-Rfx-012 Standards for Surface Reinstatement of Works in the Road Service. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

9. SOIL AND WATER MANAGEMENT PLAN

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

10. EASEMENTS

Easements are required over all Council and third party services located in private property. The minimum width of any easement must be 3m for the Council's (public) mains. A greater width will be required in line with the LCC document *How close can I build to a Council Service?* where the internal diameter of the pipe is greater than 475 mm or where the depth of the pipe exceeds 2.1m. A lesser width may be approved for a private service prior to the lodgement of a final plan of survey.

11. CONSTRUCTION PLAN APPROVAL (NO PUBLIC WORKS)

Prior to the commencement of works, detailed plans and specifications shall be submitted to the Council's General Manager Infrastructure and Assets Network for approval. Such plans and specifications are:

- a. To include all works required by the permit or shown in the endorsed plans and specifications.
- b. To be prepared by suitably qualified persons and certified as complying with current Council standards.
- c. Where required, include a Soil and Water Management Plan.

Such plans and specifications are to include the necessary pipe sizes for drains and the materials to be used in construction.

12. CONSTRUCTION OF SERVICE CONNECTIONS (PRIVATE WORKS)

The applicant must construct the private works in accordance with plans and specifications approved by the Council's General Manager Infrastructure and Assets Network. The works required for the development include:

- a. Stormwater
Provision of a single DN100 stormwater connection point for each lot located so as to drain the lowest part of the lot. Application for stormwater connection must be made on the approved form and accompanied by the requisite fee.
- b. Constructed Driveways
All lots must be provided with a constructed concrete driveway from the edge of road pavement to the property boundary. Any existing unused or redundant vehicle crossing(s) shall be removed and the footpath, nature strip and/or kerb and channel be reinstated to match the adjacent existing construction. Application for all new driveways, alterations to, and removal of redundant driveways, must be made on the approved form.

13. AS CONSTRUCTED PLANS

An *as constructed* plan must be provided in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from the Infrastructure and Assets Network.

14. NO BURNING OF WASTE

No burning of any waste materials, including removed vegetation, generated by the development to be undertaken on-site. Any such waste materials are to be removed to a licensed waste disposal facility (eg. Launceston Waste Centre), reclaimed or recycled.

15. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

Prior to the sealing of the Final Plan of Survey, the developer must pay to the Council a sum equivalent to 5% of the unimproved value of the approved lots shown on the final plan. The valuation shall be determined by a registered land valuer and must be not more than 12 months old at the time of the sealing of the final plan. Valuations are to be procured at the subdivider's expense.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0587/2022. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to the Council.

B. Restrictive Covenants

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

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

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and Administrative Tribunal (TASCAT).

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

For more information see the Tasmanian Civil and Administrative Tribunal (TASCAT) website www.tascat.tas.gov.au <<http://www.tascat.tas.gov.au>>

D. Permit Commencement

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

REPORT:

1. THE PROPOSAL

It is proposed to subdivide the existing two lots at 107 Elphin Road, Newstead into three lots.

The existing lots have an area of 1,002m² and 815m². The existing dwelling and outbuildings are contained on the larger lot, whilst the smaller lot contains gardens and is essentially vacant.

Access to the dwelling and outbuildings is via the existing crossover on Elphin Road. The smaller lot has frontage and an existing crossover to Olive Street.

It is proposed to move the boundary of the larger lot to the rear of the existing shed, approximately 2m to the south-west, and reduce its area to some 960m² and to add the additional land to the smaller title, then to be subdivided into two lots of around 430m².

Proposed Lot 2 will retain the existing access to Olive Street and a new access for Lot 3 will be constructed to the south-western side of the Olive Street and Dalwood Street roundabout.

2. LOCATION AND NEIGHBOURHOOD CHARACTER



The subject site is comprised of two rectangular lots. One fronting Olive Street and the other fronting Elphin Road. The land is generally level with a gentle incline from Olive Street at a gradient of around 4%.

The surrounding land is zoned General Residential, with the exception of the Local Business zoning of the Elphin Road Store at 101 Elphin Road. Otherwise the surrounding development is a mix of single and multiple dwellings.

The Launceston Preparatory School is located approximately 120m to the south-east along both the Elphin Road and Olive Street frontages. Elphinwood Square, a public park, is located approximately 100m to the east via Dalwood Street.

3. PLANNING SCHEME REQUIREMENTS

The assessment against the Tasmanian Planning Scheme - Launceston is detailed in Attachment 1.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2022/01625-LCC, dated 10/11/2022.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 12 November to 28 November 2022. Five 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.

<p>Issue 1 Concerned about the safety of vehicles exiting directly onto the roundabout.</p>
<p><i>Response 1</i> <i>The Council's Traffic and Infrastructure officers advise that the proposed location of the new access - effectively forming the fourth leg of the existing roundabout does not pose any safety concerns over those in any other location along the street. The existing kerb outstand on the south approach provides additional protection for an exiting vehicle - allowing them to be seen sooner by approaching traffic. One additional property generating a further 9-10 vehicle movements per day is unlikely to be discernible to any user of the road and will remain within the vehicle carrying capacity of the street.</i></p>
<p>Issue 2 It would be better for vehicles to exit the property in a forward direction for improved vision and safety.</p>
<p><i>Response 2</i> <i>Forward entry and exit to any property is preferred but cannot be required under the Planning Scheme.</i></p>
<p>Issue 3 One dwelling on the vacant lot would create additional traffic near the roundabout, two dwellings would create more and make a serious hazard.</p>
<p><i>Response 3</i> <i>The current vacant lot could potentially support a two dwelling development through the permitted permit pathway. On average, one dwelling will generate around eight vehicle movements per day and two will generate around 16. The Council's Traffic and Infrastructure officers are satisfied that the proposed additional vehicle movements will not be a serious hazard and will not interfere with the safe operation of the road.</i></p>
<p>Issue 4 Concerned about the removal of the flowering gum tree on the site. Swift Parrots often feed from this tree during their migration.</p>
<p><i>Response 4</i> <i>The site is not heritage listed or within a priority vegetation overlay area. There are no provisions in the planning scheme to prevent the removal of these trees.</i></p>
<p>Issue 5 If this must be approved, one additional dwelling only would be an acceptable alternative.</p>
<p><i>Response 5</i> <i>The site is currently in two lots - the rear lot facing Olive Street, could become the subject of a single or multiple dwelling development. If divided into two 430m² lots, the most likely outcome is two single dwellings - one on each lot.</i></p>
<p>Issue 6 Two dwellings on the rear lot will give little space for visitor parking.</p>
<p><i>Response 6</i> <i>The planning scheme does not require visitor parking for single dwellings. If the land fronting Olive Street remained a single lot, a multiple dwelling development would be expected to provide visitor parking and would rely on performance criteria if that could not be achieved.</i></p>

<p>Issue 7 Two dwellings on the rear lot continues the trend of homes being closer and closer and reducing garden and play areas.</p>
<p><i>Response 7</i> <i>The purpose statements of the zone include to provide for residential use or development that accommodates a range of dwelling types. The acknowledged trend of homes being closer together reflects the desire of many for larger homes on smaller lots.</i></p>
<p>Issue 8 All the extra covering of the earth with bitumen for driveways contributes greatly to global warming.</p>
<p><i>Response 8</i> <i>Future development of the site facing Olive Street, as a single lot or as two lots, is likely to be for dwellings. The planning scheme requires that all parking, access ways, manoeuvring and circulation spaces be constructed to be useable in all weather conditions (C2.6.1 P1). The extent of driveway construction and the nature of any seal cannot be determined at this stage.</i></p>
<p>Issue 9 Hope that the dwellings built are not the in vogue type of flat topped single pitch roofed dwellings clad in charcoal or black colorbond steel. The proliferation of these cheap and nasty buildings is rapidly becoming a total blot on Launceston's architectural landscape. The shape of the lots - long and narrow - may force such design.</p>
<p><i>Response 9</i> <i>The proposal is for subdivision and no dwellings are proposed at this time. Whilst future dwellings may be permitted without permit or discretionary, the planning scheme has no scope to require or prohibit design philosophy.</i></p>

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.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. DA0612/2022 - 107 Elphin Road, Newstead - Tasmanian Planning Scheme
Launceston Assessment [9.2.1 - 4 pages]
2. DA0587/2022 - 107 Elphin Road, Newstead - Plans to be Endorsed [9.2.2 - 11 pages]
3. DA0587/2022 - 107 Elphin Road, Newstead - TasWater SPAN [9.2.3 - 2 pages]
4. DA0587/2022 - 107 Elphin Road, Newstead - Representations [9.2.4 - 11 pages]

9.3 PSA-LLP0002 - Rezoning of Land at 9 Rose Lane, South Launceston (CT159336/1, CT247578/2, and CT200709/1) from General Residential and Open Space to Community Purpose and DA0439/2022 to Consolidate Three Titles into One

FILE NO: DA0439/2022

AUTHOR: Iain More (Senior Town Planner Policy and Projects)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

1. To decide whether to reject or agree to an initiate and exhibit PSA-LLP0002 to Rezone land at 9 Rose Lane, South Launceston (described as CT159336/1, CT247578/2, CT217855/1 and CT200709/1) from the General Residential Zone and Recreation Zone to Community Purpose Zone, of the Launceston Local Provisions Schedule; and
2. To determine Development Application DA0439/2022 - Subdivision - Consolidate four titles into one, including alterations to the road network; Business and Professional Services - Construction of six new commercial tenancies and associated car parking.

PLANNING APPLICATION INFORMATION:

Applicant: ERA
Area of the Site: 9 Rose Lane, South Launceston (described as CT159336/1, CT247578/2, CT217855/1, CT200709/1, CT210081/1, CT226165/2 and CT68237/1)
Existing Zones: General Residential and Recreation
Existing Use: Vacant land
Receipt Date: 10 September 2022

RECOMMENDATION:

That Council:

1. pursuant to sections 37, 38 and 40T of the *Land Use Planning and Approvals Act 1993*, agrees to and initiate Amendment PSA-LLP0002, to Rezone land at 9 Rose Lane, South Launceston (described as CT159336/1, CT247578/2, CT217855/1 and CT200709/1);

- pursuant to section 40F of the *Land Use Planning and Approvals Act 1993*, certifies draft amendment PSA-LLP0002, as shown below:

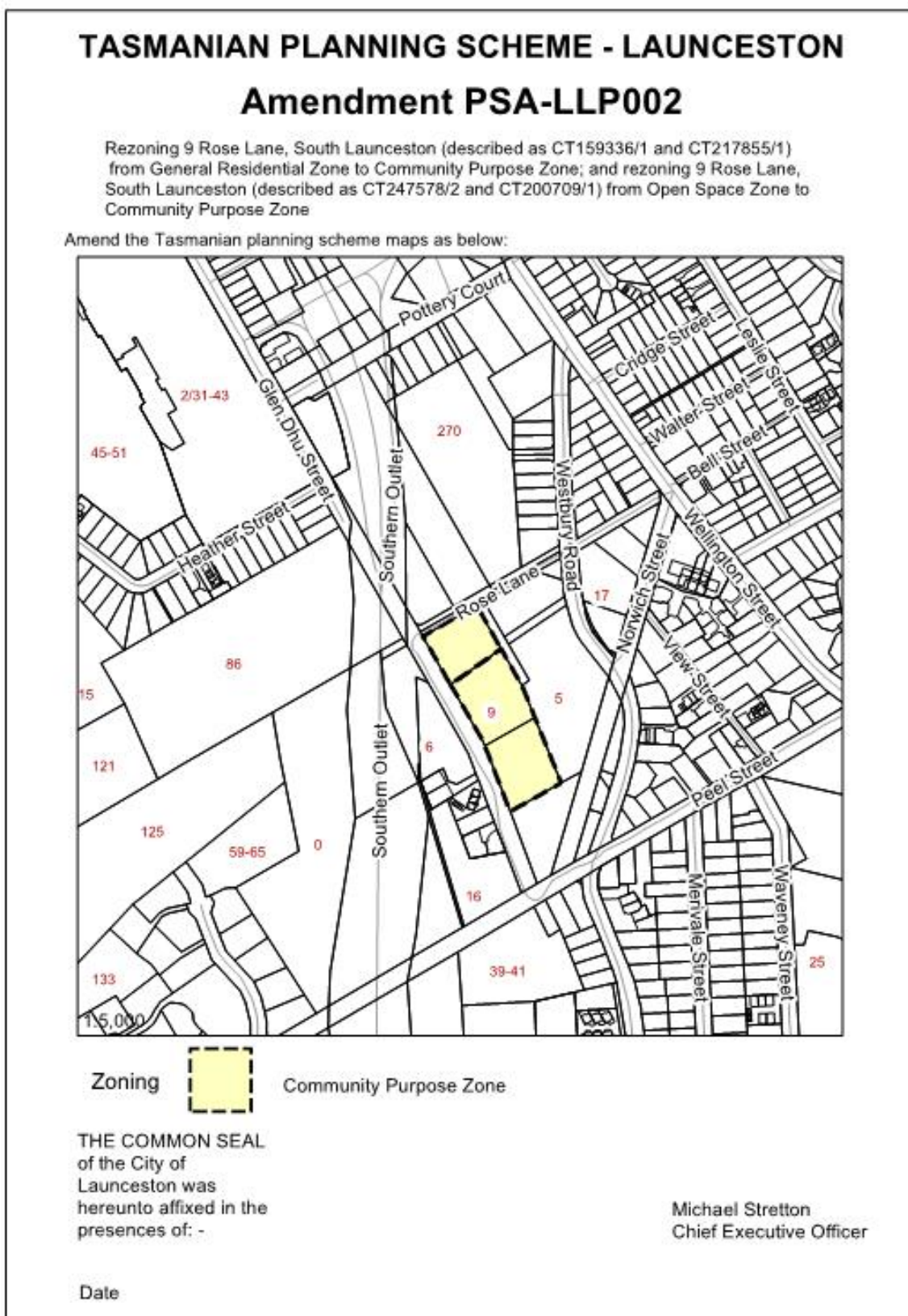


Figure 1 - Instrument to Certify

3. pursuant with sections 40G and 40F of the *land Use Planning and Approvals Act 1993* determines the period for public exhibition to be 28 days; and
4. pursuant to section 40T and 40Y of the *Land Use Planning and Approvals Act 1993*, approves DA0439/2022 - Subdivision - Consolidate four titles into one, including alterations to the road network; Business and Professional Services - Construction of six new commercial tenancies and associated car parking, at 9 Rose Lane, South Launceston.

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Location Plan, prepared by Artas Architects, Drawing No. A001-Sk07, dated 19/10/2022.
- b. Site Plan, prepared by Artas Architects, Drawing No. A002-Sk07, dated 12/09/2022.
- c. Elevations, prepared by Artas Architects, Drawing No. A003-Sk07, dated 05/07/2022.
- d. Rose Lane Offices - Renders, prepared by Artas Architects, Drawing No. A730-Sk01.
- e. Rose Lane Offices - Renders, prepared by Artas Architects, Drawing No. A730-Sk01.
- f. Rose Lane Offices - Renders, prepared by Artas Architects, Drawing No. A730-Sk01.
- g. Supporting Planning Report, prepared by era Planning and Environment, dated 4 November 2022.
- h. Traffic Impact Assessment, prepared by GHD, dated 21 October 2022.
- i. Landslide Risk Assessment, prepared by Scherzic, Ref: 7390B, dated 6 July 2022.
- j. Environmental Site Assessment, prepared by es&d, Ref: 7928, Version 4, dated November 2022.
- k. Concept Servicing and Stormwater Report, prepared by AD Design + Consulting, dated 16/09/2022.

2. COMMERCIAL VEHICLE MOVEMENTS

Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, must be within the following hours:

- 7am to 6pm - Monday to Friday; and
9am to 5pm - Saturday, Sunday and public holidays

3. LEGAL TITLE

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

4. EXTERIOR AND SECURITY LIGHTING

- a. security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries; and
- b. exterior lighting, excluding security lighting, must not operate between the hours of 9pm and 6pm.

5. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice and attached to the permit.

6. BUSINESS HOURS

The operation of all uses on site must be confined to:

8am to 8pm - Monday to Friday

9am to 6pm - Saturdays

10am to 5pm - Sundays and Public Holidays

7. BUSHFIRE

Prior to the sealing of the final plan, a report prepared by the Tasmanian Fire Service or an accredited person must be provided to the Council and endorsed by the Manager City Development that:

- a. certifies there is an insufficient increase in risk to the use and development from bushfire to warrant any specific bushfire protection measures in accordance with C13.4.1(a); or
- b. demonstrates compliance with C13.6.1 and C13.6.2 under C13.0 Bushfire-Prone Areas Code by demonstrating the provision of hazard management areas and public and fire-fighting access.

8. SIGNAGE

No signage is approved as part of this permit.

9. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

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

Parking areas and access lanes must be kept available for these purposes at all times and maintained for the life of the development.

10. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

11. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of General Manager Infrastructure and Assets Network is required prior to undertaking works where the works:

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

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

12. SOIL AND WATER MANAGEMENT PLAN

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

13. FACILITIES AND HIGHWAYS BY-LAW

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). No such items are to be placed within the road reserve without approval.

14. SUBMISSION AND APPROVAL OF PLANS

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the General Manager Infrastructure and Assets Network for approval. Such plans and specifications must:

- a. include all infrastructure works required by the permit or shown in the endorsed plans and specifications.
- 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 and Final inspections.

15. CONSTRUCTION OF WORKS

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager Infrastructure and Assets Network. 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 public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve,
 - ii. the provision of a suitably sized stormwater connection to the lowest point of the lot,
 - iii. provision of all necessary changes to stormwater pits and pipework affected by the kerb line relocation within Westbury Road,
 - iv. provision of an overland flow path for flows up to a 100 year ARI storm event.
- b. Roads - Westbury Road
 - i. realignment of the eastern kerb on Westbury Road to provide a 6m south-bound lane to facilitate a right turn manoeuvre into Rose Lane, including all necessary relocation of third party services such as street lighting, telecommunications infrastructure.
 - ii. provision of a 1,500mm wide footpath located on the western side of Westbury Road from the existing bus stop north to continue down Rose Lane including all necessary pedestrian kerb ramps including those shown on the endorsed plan; Artas drawing 211043 A001-Sk07 dated 19/10/2022.
 - iii. provision of all necessary line marking, signage and other traffic control devices.
- c. Roads - Rose Lane
 - i. provision of a fully constructed road 6.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel.
 - ii. provision of a 1,500mm wide footpath located on the southern side of Rose Lane from the main vehicle to the Westbury Road footpath extension including all necessary pedestrian kerb ramps including those shown on the endorsed plan; Artas drawing 211043 A001-Sk07 dated 19/10/2022.
 - iii. provision of three vehicle access points for the development,
 - iv. Provision of all necessary line marking, signage and other traffic control devices.
- d. Electricity, Communications and Other Utilities
 - i. All necessary relocations or upgrades required to facilitate the development required or permitted by and to the approval of the Responsible Authority.

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

- a. construction requirements.
- b. appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange the Council's Audit inspections and other responsibilities,
- c. construction Audit inspections.
- d. practical completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

16. CONSTRUCTION DOCUMENTATION

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

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

17. EASEMENTS

Easements are required over all the Council's and third party services located in private property. The minimum width of any easement must be 3m for the Council's (public) mains. A greater width will be required in line with the LCC document *How close can I build to a Council Service?* where the internal diameter of the pipe is greater than 475mm or where the depth of the pipe exceeds 2.1m. A lesser width may be approved for a private service prior to the lodgement of a final plan of survey.

18. CONVEYANCE OF ROADS

All roads in the Subdivision must be conveyed to the Council upon the issue by the General Manager Infrastructure and Assets Network, of the Certificate under section 10(7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the Subdivider.

19. AS CONSTRUCTED PLANS

An *as constructed* plan must be provided in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from the Infrastructure and Assets Network.

20. EXTERIOR AND SECURITY LIGHTING

Exterior lighting and security lighting is to comply with the Australian Standard AS4282 *Control of the obtrusive effects of outdoor lighting* or any subsequent versions.

21. NO BURNING OF WASTE

No burning of any waste materials, including removed vegetation, generated by the development to be undertaken on-site. Any such waste materials are to be removed to a licensed waste disposal facility (eg. Launceston Waste Centre), reclaimed or recycled.

22. WASTE MATERIALS

All waste materials generated by the activity are to be disposed of at an approved waste disposal facility or reclaimed/recycled if possible.

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;
- b. not undertake any burning of waste materials or removed vegetation;
- c. remove all rubbish from the site for disposal at a licensed waste disposal site;
- d. dispose of any asbestos found during demolition in accordance with the Safe Work Australia *How to Safely Remove Asbestos: Code of Practice, July 2020*, or any subsequent versions of the document.

24. STORMWATER

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

25. CONTAMINATED LAND

The developer must comply with the environmental site assessment (ESA) report prepared for 9 Rose Lane by es&d, Version 4, dated November 2022 and complete all works required in the ESA report's recommendations.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council (and the Environmental Protection Authority if relevant) immediately upon discovery.

26. POTENTIAL SITE CONTAMINATION - NEW INFORMATION

Any new information which comes to light during demolition or construction works that has the potential to alter previous conclusions about site contamination must be notified to Council (and the Environmental Protection Authority if relevant) immediately upon discovery. Works on site must immediately cease until the new information has been assessed. Works can only recommence:

- a. once the site has been assessed by a site contamination practitioner certified under the Environment Institute of Australia and New Zealand Inc's Certified Environmental Practitioners (Site Contamination) scheme; and
- b. in accordance with any additional recommended control measures as specified by the site contamination practitioner.

27. CONTROL OF DUST EMISSIONS

- a. Dust emissions from the land must be controlled to prevent environmental nuisance beyond the boundary of the land during development and use.
- b. Prior to the use commencing the site must be fully sealed, other than approved landscaping.
- c. The person responsible must maintain the site seal in good condition over the life of the operation.

28. HOURS OF CONSTRUCTION - COMMERCIAL CONSTRUCTION

- a. Unless otherwise approved in writing by the Manager Health and Compliance, construction activities must only be carried out between the hours of:
 - i. Monday to Friday - 7am to 6pm; and
 - ii. Saturday - 8am to 6pm.

- b. Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed State-wide (Easter Tuesday excepted).

29. CONSTRUCTION NOISE ASSESSMENT

Prior to the commencement of demolition and/or construction works, a construction noise assessment report must be submitted to the satisfaction of the Manager Health and Compliance. The report must address the following:

- a. Identification of sensitive land uses which may be impacted by construction noise. Sensitive use means a residential use or a use involving the presence of people for extended periods such as a caravan park, childcare centre, dwelling, hospital or school. It may also include other uses that may be sensitive to construction noise including, but not limited to, call centres, hospitality venues, temporary accommodation such as hotels, funeral parlours and television and radio studios;
- b. The proposed duration and period when demolition and construction works will be scheduled;
- c. The likely noise impacts from the various demolition and construction processes and equipment on identified sensitive uses;
- d. Strategies to mitigate demolition and construction noise on identified sensitive uses; and
- e. Any community notification or engagement about the proposed construction noise.

30. GROUND GAS AND VAPOUR ASSESSMENT AND MANAGEMENT

- i. Prior to construction commencing, a ground gas and vapour assessment report prepared by a suitably qualified and experienced ground gas and vapour practitioner must be provided to the Manager Health and Compliance and must include the following:
 - a. A ground gas and vapour assessment of the proposed building design must be undertaken to determine if ground gas and vapour intrusion will occur during construction and over the life of the completed building. The assessment must be prepared in accordance with the NSW EPA *Assessment and management of hazardous ground gases: contaminated land guidelines (2020)*.
 - b. The ground gas and vapour assessment must be undertaken by a suitably qualified environmental practitioner specialising in ground gas and vapour assessment.
 - c. The ground gas and vapour assessment report must include recommendations to prevent the intrusion of ground gas and vapours into the proposed building structure. The report must also include recommendations for ongoing monitoring of ground gases and vapours inside the building once the building is occupied so that the development will not adversely impact on human health and the environment.
 - d. The ground gas and vapour assessment report must include any other items as specified in the *Environmental Site Assessment (Version 4, November 2022)* prepared for 9 Rose Lane by es&d. In particular, any items specified in Appendix C (Letter from vapour consultant) of the es&d environmental site assessment (Version 4) must be addressed.
 - e. A statement must be provided in the ground gas and vapour assessment report that confirms the site will be suitable for the intended commercial use upon implementation and completion of the recommendations of the report.
 - f. The ground gas and vapour assessment report must be submitted to the Council to the satisfaction of the manager Health and Compliance.
-

- ii. Any ground gas and vapour mitigation measures, as recommended in the ground gas and vapour assessment report, that are to prevent ground gas and vapour migration into the building must be verified as being effective before the building can be occupied. Documentation confirming the mitigation measures are effective at preventing gas migration into the building must be submitted to the satisfaction of the Manager Health and Compliance prior to building occupation.
- iii. The ground gas and vapour intrusion recommendations in the ground gas and vapour assessment report must be implemented during the construction phase and any recommendations for ongoing management and monitoring of gases and vapours in the building structure must be implemented following construction.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0439/2022. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to the Council.

B. Restrictive Covenants

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

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

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and Administrative Tribunal (TASCAT).

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

For more information see the *Tasmanian Civil and Administrative Tribunal (TASCAT)* website www.tascat.tas.gov.au <<http://www.tascat.tas.gov.au>>

D. Permit Commencement

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

E. Noise Nuisance

Noise nuisance is regulated under the *Environmental Management and Pollution Control Act 1994*. You will be required to implement measures to eliminate noise nuisance if complaints about your premises are received and verified.

F. Fixed Equipment Use

Use of fixed equipment (eg. heat pumps, water pumps, swimming pool pumps) is subject to the *Environmental Management and Pollution Control (Noise) Regulations 2016* or any subsequent versions of this regulation.

G. Environmental Management and Pollution Control Act 1994 - Commercial and Industrial Activities

The activity must be conducted in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and regulations thereunder. The conditions of this document must not be construed as an exemption from any of those requirements.

REPORT:

PART A - APPLICATION FOR PLANNING SCHEME AMENDMENT

1.1 Introduction

An application was lodged under sections 37 and 40T of the *Land Use Planning and Approvals Act 1993* (the Act), by ERA Planning and Environment, for:

- an amendment to the Launceston Local Provisions Schedules, proposing to rezone land at 9 Rose Lane, South Launceston (described as CT159336/1, CT247578/2, CT217855/1 and CT200709/1) from the General Residential Zone and Recreation Zone to Community Purpose Zone; and
- a planning permit DA0439/2022 - Subdivision - Consolidate four titles into one, including alterations to the road network; Business and Professional Services - Construction of six new commercial tenancies and associated car parking.

The *9 Rose Lane, South Launceston Section 40T Application - Supporting Planning Report*, prepared by ERA Planning and Environment, dated 4 November 2022 is contained as Attachment 2. This will be referred to as the *Planning Submission* throughout the report.

The specialised reports forming part of the application are also contained in Attachment 3. These reports will be referred to individually as required.

The *Tasmanian Planning Scheme - Launceston - Launceston Local Provisions Schedule*, will be generally referred to as *the Scheme* in this report.

1.2 Act Requirements

The legislation allows for a combined application for a permit and a planning scheme amendment to be considered jointly in accordance with section 40T of the *Land Use Planning and Approvals Act 1993*.

37. Request for amendment of LPSs

- (1) A person may request a planning authority to amend an LPS that applies to the municipal area of the planning authority.
- (2) A request under [subsection \(1\)](#) is to be in a form approved by the planning authority or, if a form has been approved by the Commission, is to be in that form.
- (3) A request under [subsection \(1\)](#) by a person to a planning authority to amend the zoning or use or development of one or more parcels of land specified in an LPS must, if the person is not the owner, or the sole owner, of the land -
 - (a) be signed by each owner of the land; or
 - (b) be accompanied by the written permission of each owner of the land to the making of the request.

40T Permit application that requires amendment of LPS

- (1) A person who requests a planning authority under [section 37](#) to amend an LPS may also, under this subsection -
 - (a) make an application to the planning authority for a permit, which permit could not be issued unless the LPS were amended as requested; and
 - (b) request the planning authority to consider the request to amend the LPS and the application for a permit at the same time.
- (2) An application for a permit under [subsection \(1\)](#) is to be in a form, if any, approved by the Commission.
- (3) A planning authority must not refuse to accept a valid application for a permit, unless the application does not include a declaration that the applicant has -
 - (a) notified the owner of the intention to make the application; or
 - (b) obtained the written permission of the owner under [subsection \(6\)](#).
- (4) For the purposes of [subsection \(3\)](#), a valid application is an application that contains all relevant information required by the planning scheme applying to the land that is the subject of the application.
- (5) If -
 - (a) an undertaking is in respect of a combination of uses or developments or of one or more uses and one or more developments; and
 - (b) under a planning scheme any of those uses or developments requires a permit to be granted - a person may, in the one application under [subsection \(1\)](#), apply to the planning authority for a permit with respect to the undertaking.

- (6) An application for a permit under [subsection \(1\)](#) by a person to a planning authority to amend the zoning or use or development of one or more parcels of land specified in an LPS must, if the person is not the owner, or the sole owner, of the land and the relevant planning scheme does not provide otherwise -
- (a) be signed by each owner of the land; or
 - (b) be accompanied by the written permission of each owner of the land to the making of the request.
- (7) [Subsection \(6\)](#) does not apply to an application for a permit to carry out mining operations, within the meaning of the [Mineral Resources Development Act 1995](#), if a mining lease or a production licence which authorises those operations has been issued under that Act.

2. Subject Site and Surrounding Uses

The subject site is located at 9 Rose Lane, South Launceston and comprises of four titles, CT159336/1, CT247578/2, CT217855/1 and CT200709/1, 13.38ha in size. The site is semi irregular and is a corner lot on Rose Lane.

The site is an old quarry then refuse tipping area. It currently sits vacant, with a gentle then steep slope closer to the Rose Lane frontages, noting some fill has levelled out the site.

To the north of the site is the Glen Dhu Primary School, to the east and south Rose Lane Park and to the west is residential land containing multiple dwellings, as well as the Tasmanian Congregation of Jehovah's Witnesses. Further out to the north, east and south are predominantly residential areas, and further to the west is vacant residential land and the BIG4 Caravan Park.

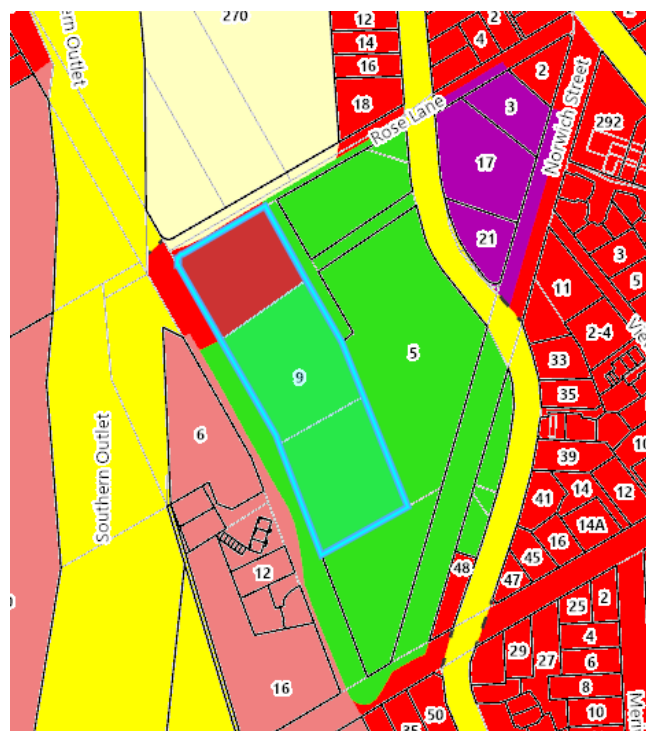


Figure 2 - Subject site and zoning (source: SAM Mapping)



Figure 3 - Subject site aerial (source: SAM mapping)

3. Existing Conditions on the Site

3.1 Heritage Values

The site is not listed in the Local Historic Heritage Code under the Scheme or within a state listed property on the Tasmanian Heritage Register. There is no identified or known Aboriginal or Cultural heritage on the site or adjoining land.

3.2 Scenic Values

The subject site is partially located within the Southern Gateway Specific Area Plan.



Figure 4 - Southern Gateway Specific Area Plan (source: SAM mapping)

3.3 Natural Values

The site is listed as containing priority vegetation under the Planning Scheme overlays.

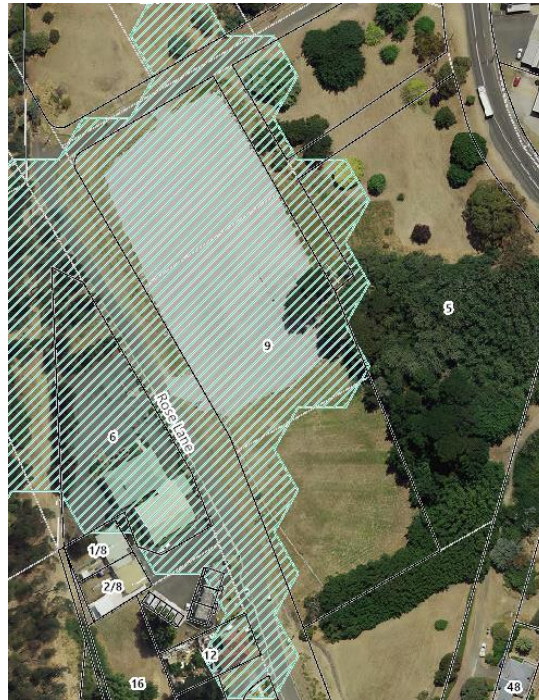


Figure 5 - Priority Vegetation (source: SAM mapping)

3.4 Land Capability

The site is not subject to any land capability assessment.

3.5 Environmental Hazards

3.5.1 Bushfire

The site is located within a bushfire prone area.



Figure 6 - Bushfire Prone Areas (source: SAM mapping)

3.5.2 Flood Hazard

The site is not subject to flood inundation.

3.5.3 Landslip

The site is subject to low, medium and medium-active landslip.

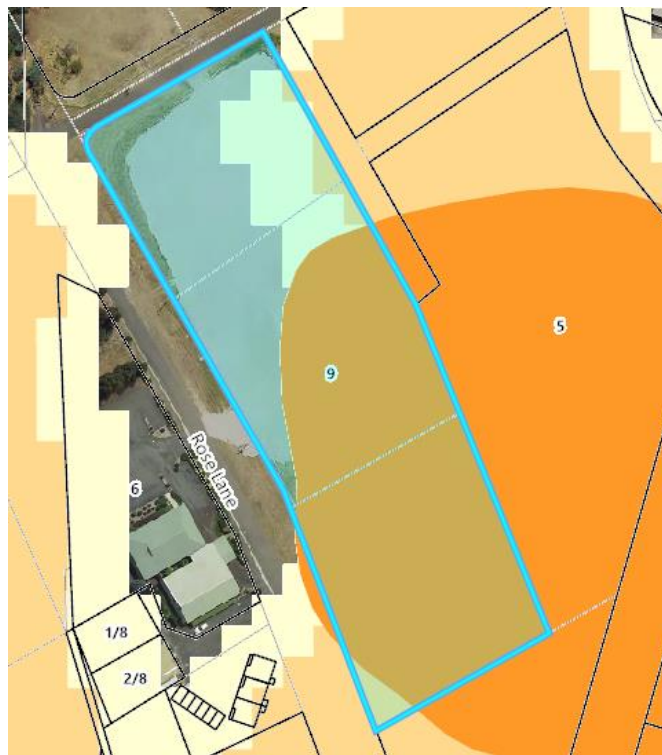


Figure 3 - Landslide Risk (source: SAM mapping)

3.5.6 Infrastructure

The subject site is located within an area that is serviced by reticulated sewerage, water and stormwater infrastructure.

3.5.7 Waterways

There are no waterways or wetlands within close proximity to the site.

4. Strategic Proposal

It is proposed to amend the Launceston Local Provisions Schedule to rezone land from General Residential and Recreation to Community Purpose.

4.1 Landowner Consent

The land is owned by OLSP Pty Ltd and consent was provided on 15 July 2022. Council, acting as the Road Authority, also provided consent.

4.2 Considerations for an Amendment

The relevant requirements of the Act are outlined below:

34. LPS Criteria

- (2) *The LPS criteria to be met by a relevant planning instrument are that the instrument -*
- (a) *contains all the provisions that the SPPs specify must be contained in an LPS; and*
 - (b) *is in accordance with [section 32](#); and*
 - (c) *furtheres the objectives set out in [Schedule 1](#); and*
 - (d) *is consistent with each State policy; and*
 - (da) *satisfies the relevant criteria in relation to the TPPs; and*
 - (e) *as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*
 - (f) *has regard to the strategic plan, prepared under [section 66 of the Local Government Act 1993](#), that applies in relation to the land to which the relevant planning instrument relates; and*
 - (g) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*
 - (h) *has regard to the safety requirements set out in the standards prescribed under the [Gas Safety Act 2019](#).*

Response: (a)

No SPP provision will be overridden as a result of the amendment.

Response: (b)

The amendment will not override the existing provisions and will rely on the provisions set out with the SPPs. The site is located within the Launceston municipal area.

Response: (c)

A response to the objectives is provided below:

Schedule 1, Part 1 - Objectives of the Resource Management and Planning System of Tasmania

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

Response: Whilst it is understood that the site is within a priority vegetation area, it has been cleared and does not contain any areas of native vegetation.

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

Response: The land is identified as a consolidation area within the regional land use strategy. The rezoning is considered to be an appropriate use of underutilised land that will not impact on air or water.

(c) to encourage public involvement in resource management and planning

Response: The public will have the opportunity to comment on this proposal during the exhibition period which will run for three weeks, should the Council decide to exhibit the application. The public has the opportunity to lodge a written representation to the application during the public exhibition period. The Tasmanian Planning Commission may also decide to hold a public hearing to deal with the representations if any are received.

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

Response: The rezoning of the site will allow for a sustainable and positive use of a previously underutilised site. Its rezoning will not impact upon air or water, nor will the ecology of the site be disrupted.

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

Response: This application was referred to TasWater. There are no other relevant agency referrals required. If initiated the amendment will also be advertised and assessed by the Tasmanian Planning Commission consistent with this objective.

Schedule 1, Part 2 - Objectives of the planning process established by the Act

The objectives of Part 2 must also be considered:

(a) to require sound strategic planning and co-ordinated action by State and Local Government

Response: The amendment is consistent with the objectives of the Northern Tasmania Regional Land Use Strategy and the Scheme. Being within the urban growth area, its development is supported within a residentially focused area.

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

Response: An application made pursuant to section 440T of the Act must be considered against the objectives of the Act and the planning system of Tasmania more broadly for compliance. The application of the Community Purpose will enable the land to be assessed against the relevant provisions of the Scheme.

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

Response: The assessment of the proposed amendment and subsequent development application have considered the effects on the natural values of the subject site and water resources.

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

Response: The proposed amendment is consistent with the local, regional and State policies as assessed by this report.

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

Response: The application is made under section 40T of the Act and includes a rezoning of land to the Scheme to facilitate consideration of a mixed use business precinct. This process allows for the concurrent assessment of an application which would otherwise require two separate processes.

(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation

Response: The amendment facilitates a zone that will encourage uses that support the local residents and visitors alike.

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

Response: The site is not listed as a local heritage place by the Tasmanian Heritage Council or by the City of Launceston.

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

Response: As part of the application the new lot will connect into existing infrastructure in a sustainable manner. Comments and conditions from TasWater will help form part of the permit conditions and will allow these connections to occur sufficiently.

(i) to provide a planning framework which fully considers land capability.

Response: The land is within an urban area and will not be utilised for agricultural purposes.

Response: (e)

Section 7.1 of this report deals with the relevant regional land use strategy.

Response: (h)

Section 6 of this report deals with relevant gas requirements.

4.3 State Policies

State Policy on the *Protection of Agricultural Land 2009*

The policy only applies to rural land. The subject site is located outside of the rural area and is, therefore, not applicable.

State Coastal Policy 1996

The State Coastal Policy applies to Tasmania's coastal area, including all islands except for Macquarie Island. The coastal zone includes State Waters (as defined in the *Living Marine Resources Management Act 1995*) and all land to a distance of 1km from the high water mark. The subject site is located outside of this distance and therefore is not applicable

State Policy on *Water Quality Management 1997*

The provisions of this Policy are reflected in the E9.0 Water Quality Code in the planning scheme and is considered as part of the assessment of the proposed planning permit application. The assessment of the application addresses this Code to achieve the objectives of this Policy.

National Environment Protection Measures

Section 12A of the *State Policies and Projects Act 1993* states that a National Environment Protection Measure (NEPM) is taken to be a State Policy. The following, therefore, require consideration:

- Ambient air quality 2002
- Diesel vehicle emissions 2001
- Assessment of site contamination 1999
- Used packaging materials 1999
- Movement of controlled waste between States and Territories 1998
- National pollutant inventory 2000

The Codes within the planning scheme deal in detail with the relevant matters listed above. The site is known to be contaminated. An Environmental Site Assessment, prepared by a suitably qualified person, accompanies the application. The report considered the type of contamination present and appropriate measures to mitigate potential nuisance to property or life through the requirements of NEPM. Through the endorsement of this report, the proposal meets this State policy.

5. City of Launceston Corporate Strategic Plan 2014-2024

The City of Launceston Corporate Strategic Plan 2014-2024 (LSP) is prepared under the *Local Government Act 1993* (Tas). The assessment of the application has had regard to the LSP and is generally consistent with the principles and goals:

- To promote Launceston as a unique place to live, work, study and play.
- To reduce the impacts on our natural environment and to build resilience to the changing intensity of natural hazards.
- To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions;
- To develop a strategic and dedicated approach to securing economic investment in Launceston;

- Supports housing choice and diversity in a planned location;
- Stimulates population growth in the municipal area; and
- Considers the impacts on the natural values of the site.

The amendment and development proposed will assist in achieving these goals. This will occur by:

- Developing new zoning that will encourage a small business prescient to assist with the population of Launceston;
- Ensuring all natural values of the development area are considered; and
- Invest in the local community by creating a new vacant residential lot which will allow future development to occur, as well as increase population numbers.

6. *Gas Pipelines Act 2000*

The gas pipeline is not available in proximity to the site. Therefore, the *Gas Pipelines Act 2000* is not applicable to the proposed development.

7. Planning Strategies

7.1 Northern Tasmania Regional Land Use Strategy (NTRLUS)

The NTRLUS provides the strategic direction for the region (made up of eight municipal areas), over a twenty year time frame until 2032 and supports residential opportunities in appropriate locations.

The site is located within the Supporting Consolidation Area, an urban growth area, within the regional framework. This land is within the developed urban settlement or in areas intended for urban development. G2.1.1 of the strategy identifies this area as:

- Comprising land in established suburbs which is separate from Priority Consolidation Areas as shown in the Regional Framework Plan Maps G.1, G.2 and G.3;
- Support reliable and effective transportation and reduce vehicle dependency;
- Physically connect new urban settlements to existing communities wherever possible, or otherwise provide new development with direct transport linkages to established urban areas;
- Promote cohesive communities;
- Support a wide range of services and facilities;
- Support access to existing or planned activity centres; and
- Comprise a suitable and complementary mix of land uses to support the Regional Settlement Hierarchy and the Regional Activity Centre Hierarchy.

In order to ensure the above is considered, there are a number of policies and actions within the strategy. Relevant to this assessment:

- Regional Settlement Networks
- Housing Dwellings and Densities
- Integrated Land use and Transport
- Regional Infrastructure Network
- Regional Environment Policy

The Planning Submission has assessed the policies and actions relevant to the amendment in detail, referencing specialised reports and strategic information. The relevant policies and actions in the NTRLUS are detailed as follows:

E2. Regional Settlement Network Policy
E2.4 Specific Policies and Actions

Regional Settlement Networks	
<p>RSN-P1 Urban settlements are contained within identified Urban Growth Areas. No new discrete settlements are allowed and opportunities for expansion will be restricted to locations where there is a demonstrated housing need, particularly where spare infrastructure capacity exists (particularly water supply and sewerage).</p>	<p>RSN-A1 Provide an adequate supply of well-located and serviced residential land to meet projected demand. Land owners/developers are provided with the details about how development should occur through local settlement strategies, structure plans and planning schemes. Plans are to be prepared in accordance with land use principles outlined in the NTRLUS, land capability, infrastructure capacity and demand.</p> <p>RSN-A2 Land supply will be provided in accordance with the Key Principles through local strategy for Urban Growth Areas which include:</p> <ul style="list-style-type: none"> • Priority Consolidation Areas • Supporting Consolidation Areas • Growth Corridor • Future Investigation Areas. <p>RSN-A3 Apply zoning that provides for the flexibility of settlements or precincts within a settlement and ability to restructure underutilised land.</p>

Response:

The proposal to rezone into Community Purpose from Recreation will allow future uses that improve and support the community within an identified urban growth area being a Supporting Consolidation area. The zoning would not change any settlement hierarchy, but it fact would assist the existing population within its proximity. The new zoning will directly allow for future flexibility within the area for an existing underutilised piece of land.

E3. Regional Activity Centre Network
E3.4 Specific Policies and Actions

<p>RAC-P1 Maintain and consolidate the Regional Activity Centres Network so future urban development consolidates and reinforces the spatial hierarchy of existing centres. This will be achieved through the reuse and redevelopment of existing buildings and land to integrate a mix of land uses including the coordinated provision of residential development, retail, commercial, business, administration, social and community facilities, public and active transport provision and associated infrastructure.</p>	<p>RAC-A1 Integrate the Regional Activity Centres Network into government policy and strategies (including strategic plans, corporate plans, planning schemes and capital works programs).</p> <p>RAC-A2 Zoning and land use planning provisions are to minimise potential for decentralisation of functions outside of the Regional Activity Centres Network and reinforce the spatial hierarchy, role and function of centres.</p>
<p>RAC-P9 Discourage <i>out-of-centre</i> development and provide for new development that supports the Regional Activity Centres Network and the integrated transport system.</p> <p>Development applications that are <i>out of centre</i> will only be considered if all of the following criteria are adequately addressed:</p> <ul style="list-style-type: none"> • Community need; • No adverse impact on existing activity centres; and • Synergy with existing employment hubs (ie. health, education, research). <p>Overall, community benefit must be demonstrated through a social and economic impact assessment to reflect the strategic directions and policies of the NTRLUS.</p>	<p>RAC-A11 Undertake master planning for the major regional activity centres, taking into account the Regional Activity Centres Network and supporting policies to encourage in-centre developments. Master plans should include a detailed development capacity audit, public consultation, opportunities and constraints assessment, methods to improve urban amenity and an economic development strategy and address other activity centre principles.</p> <p>Master plans should enhance accessibility of the higher order activity centres through good layout and good pedestrian movement.</p> <p>RAC-A12 Require any proposed <i>out of centre</i> developments are to undertake a detailed economic impact assessment that addresses how the <i>out of centre</i> proposal complies with the strategic directions and policies of the NTRLUS.</p>

<p>RAC-P10 Provide for a range of land uses to be incorporated into activity centres appropriate to their role and function within the Activity Centres Hierarchy.</p>	<p>RAC-A13 Focus higher density residential and mixed-use development in and around regional activity centres and public transport nodes and corridors.</p> <p>RAC-A14 Planning scheme controls concerned with land use, built form and residential density should reflect the Regional Activity Centres Network.</p>
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Response:

The rezoning will not affect the regional activity centre hierarchy. With the combined application, the proposal would allow access to a small number of businesses, convenient for the surrounding land uses. The zoning will allow for community focused uses or such uses that are permissible with the zone.

The site is within easy walking distance to the established public transport network. The site is highly accessible for the persons residing in South Launceston and given the type of uses that will be able to be utilised within the new zoning, there is the option for a high density mixed use development.

The site is away from the Principal Activity Centre, Major Activity centres in Kings Meadows or Mowbray, and away from the suburban Activity Centre of Kmart Plaza and aware from neighbourhood centres. Therefore, it can be considered that the rezoning and subsequent application is an *out of centre* site. It has been demonstrated that the development will provide for a positive social and economic impact due to the uses proposed, as well as the new zoning. An analysis of other potential zoning has been prepared by the applicant, and the most appropriate uses have been put forward. It is not considered that these will have an overall negative impact on the existing hierarchy, but instead will provide or further opportunity to address a need in the community.

An activity centre is generally underpinned by retail, and then expands into other uses. The development application associated with the rezoning identifies six sub-uses of the Business and Professional use class that are permissible within the zone. The floor area of all combined uses is just over 3,000m² on a 13ha lot (approximately 20%). In typical activity centres, the density is often much higher, or the number of tenancies much higher, or both. In this instance, the proposed design of the development application allows for vehicular parking to access the uses, with the uses generally being single visit. What this means is, and based on the current development application, is a person visiting the site would generally not visit more than one tenancy, which is opposite to how a typical activity centre works.

None of the uses proposed are retail, but instead are uses that would support a local population, such as medical centre, veterinarian and dentist. Notwithstanding the proposed uses, it is also important to understand what other uses could occur within the zone.

Community Purpose Zone and the Hierarchy

The purpose of the Community Purpose Zone is to provide for key community facilities and services including health, educational, government, cultural and social facilities. It further encourages multi-purpose, flexible and adaptable social infrastructure.

The site is appropriately suited to achieve this outcome. It is a large lot accessible by the highly utilised Westbury Road. It is easily accessible from the southern suburbs of Launceston, as well as of the western suburbs and Prospect. Its surrounding land uses are such that the sites development will be able to be relatively large in nature whilst having minimal impact on nearby sensitive uses. The use table for the zone prohibits general retail and hire use unless for a market, meaning any future use cannot be underpinned by retail. In fact, whilst the use table is an array of uses, it encourages social and accessible community businesses, education, medical, and community meeting areas. The rezoning would give way for the underutilised site to be established as a community business focused area, in a location that is highly accessible, with minimal land use conflict.

**E.4 Regional Infrastructure Network Policy
E4.4 Specific Policies and Actions**

<p>RIN-P3 Direct new development towards settlement areas that have been identified as having spare infrastructure capacity.</p>	<p>RIN-A3 Direct growth to areas where existing infrastructure capacity is underutilised and give preference to urban expansion that is near existing transport corridors and higher order Activity Centres.</p>
<p>RIN-P7 Facilitate an efficient and convenient public transport system through land use planning.</p>	<p>RIN-A23 Provide for new urban development to be located adjacent to existing and preferably mixed-use areas to reduce travel requirements and distances.</p> <p>RIN-A24 With reference to the Regional Framework Plan Maps D.1, D.2 and D.3 identify higher density residential areas, mixed-use development and new commercial areas to support greater access and use of public transport services, particularly in areas that have higher frequency services.</p>

Response:

The site has sufficient infrastructure capacity to be fully serviced by the reticulated systems. The site is located within walking distance to Westbury Road, a highly utilised vehicular corridor with multiple public transport stops.

The applicant provided a traffic impact assessment to understand how the site works and its capacity to utilise the transport network. The reports assessment of the traffic generated within the immediate surrounding area for the existing uses is detailed within the report. Based on an assessment of the proposed six tenancies concluded that the proposed road network is able to handle an increase in traffic generation. This will be assisted by the widening and upgrade of a portion of Rose Lane, as well as further widening and intersection works at Rose Lane and Westbury Road.

E.7 Regional Environment Policy

E.7.4 Specific Policies and Actions

Landscape and scenic amenity	
<p>LSA-PO1 Consider the value of protecting the scenic and landscape amenity of key regional tourism routes having regard to the routes identified in Map E3 and local circumstances, as well as the:</p> <ul style="list-style-type: none"> • Importance of scenic landscapes as viewed from major roads and tourist routes/destinations as contributing to economic basis of the tourism industry as well as local visual amenity; • Importance of natural/native vegetation in contributing to scenic values of rural and coastal areas generally, with particular emphasis on prominent topographical features; and • Need to protect skylines and prominent hillsides from obtrusive development/works. <p>LSA-PO2 Protect specific topographic or natural features of significant scenic/landscape significance.</p>	<p>LSA-A02 Develop a regionally consistent approach to determining scenic corridor overlays around identified tourism routes.</p> <p>LSA-A03 Include performance criteria in planning schemes for development within scenic corridor overlays that address following considerations:</p> <ul style="list-style-type: none"> • The impact of development skylines, ridgelines and prominent locations; • The establishment and/or retention of existing vegetation to provide screening in combination with other requirements for hazard management; • The bulk and form of buildings and earthworks and the ability of development to blend with the landscape; • The impact of materials, finishes and colours of buildings on the landscape setting; and • Whether existing native or significant exotic vegetation within the corridor is managed to retain the visual values of the tourism route. <p>LSA-A04 Planning schemes may identify visually significant topographic, natural features and landscapes (eg. Cataract Gorge) in an overlay, including objectives and discretionary criteria relating to the visual impact of use and development.</p>

Response:

The northern section of the site is located within the Southern Gateway Specific Area Plan which was developed to ensure the southern approach into Launceston is protected from inappropriate development. Assessment against the provisions of the development and its visual impact have been undertaken in Part B of this report.

**E5 Regional Economic Development Policy
E.5.4 Specific Policies and Actions**

Economic Development	
<p>ED-P4 Provide suitable training and education opportunities in response to identified regional challenges, including those concerned with:</p> <ul style="list-style-type: none"> • An ageing population; • Out-migration of younger generations; • Low literacy/education/skilled workers; • Lack of diversity in the economy; • Lack of support and training facilities; and • Availability of affordable housing. 	<p>ED-A5 Identify the existing requirements of industry employers and the skills/services that are needed in the labour force. This process should:</p> <ul style="list-style-type: none"> • Build on opportunities for employment in new, emerging and growth industries; and • Facilitate transition to new employment and training opportunities in response to local redundancies.

Response:

The site is large, vacant, and has considerable development potential without interfering with surrounding land uses. Potential uses of the site through an easily obtainable pathway include training and education, as well as medical and dentistry, within a city of an aging population.

**E6 Social Infrastructure and Community Policy
E.6.4 Specific Policies and Actions**

<p>SI-PO1 Coordinate planning for social infrastructure with residential development.</p> <p>SI-PO2 Provide social infrastructure that is accessible and well-located to residential development, public transport services, employment and educational opportunities.</p> <p>SI-PO3 Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.</p>	<p>SI-A01 Plan for the region’s social infrastructure needs through:</p> <ul style="list-style-type: none"> • A needs analysis; • Identification of locally appropriate standards of service; • Identification of gaps in supply and predicted future needs; • An implementation plan; and • Monitoring and review. <p>SI-A02 Provide for the use and development of community gardens within residential areas in planning schemes.</p>
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Response:

The sites rezoning would allow for social infrastructure uses, such as health and education, in an area easily accessible from residential suburbs.

**E7 regional Environment Policy
E.7.4 Specific Policies and Actions**

Biodiversity and Native Vegetation	
<p>BNV-P01 Implement a consistent regional approach to regional biodiversity management, native vegetation communities and native fauna habitats including comprehensive spatial regional biodiversity mapping.</p>	<p>EBNV-A01 Apply appropriate zoning and/or overlays through planning schemes to protect areas of native vegetation.</p>

Response:

Whilst mapped as priority vegetation, no native vegetation exists over the site, and in fact the site has been cleared due to its previous use. The change of zoning and utilisation of the area for a commercial purpose will allow for the re-establishment of vegetation.

8. Referral Agencies

8.1 TasWater

The application was referred to TasWater under section 17 of the *Land Use Planning and Approvals Regulations 2004*. TasWater has issued its Submission to Planning Authority Notice (TWDA 2021/02264-LCC) dated 06/01/2022, in support of the proposal subject to conditions.

PART B. DEVELOPMENT APPLICATION

9. The Development Application

As part of this combined permit the development application DA0439/2022 seeks to consolidate four titles into one, including alterations to the road network; as well as the construction of six new commercial tenancies and associated car parking, as shown below:



Figure 7 - Proposed Development

Subdivision:

It is proposed to consolidate four titles into a single title through a subdivision, and an adjustment of the boundary is also proposed along the northern end of the site to allow for road widening.

Title	Zone	Size (m ²)
CT159336/1	General Residential	3,868
CT247578/2	Recreation	4,656
CT200709/1	Recreation	4,851
CT217855/1	General Residential	8.3
Total		13,383.3

It is also proposed to consolidate a northern lot to the north of the main subject site, being CT210081/1, into the road reserve to allow for road widening.

Use and Development:

It is further proposed to develop the site into six separate tenancies that will fit within the Business and Professional use class. All tenancies have a discretionary use class with the exception of the Medical Centre. The following outlines the uses and their sizes.

Tenancy	Use	Size
1	Medical Centre	502.20m ²
2	Dental Clinic	502.20m ²
3	Veterinary Clinic	502.20m ²
4	Accountants	502.20m ²
5	Legal Service	502.20m ²
6	Engineering	495.26m ²

All tenancies are generally identical, containing:

- Reception;
- Kitchen;
- Storeroom x 3;
- Bathrooms;
- Boardroom; and
- Meeting Rooms x 10

It is proposed that for the medical centre, dental clinic and veterinary clinic, that six practitioners per use will be present.

The tenancies has been aligned to maintain equal separation, with all buildings setback 4.9m from the Rose Lane secondary frontage, 3.9m from the eastern side boundary and 19.7m from the primary Rose Lane frontage. The buildings will generally have similar heights once excavation levels the property. But notwithstanding, the maximum height above existing ground level will be approximately 8m.

Car Parking:

Associated with the uses is proposed car parking, which includes 123 car parking spaces, including four accessible parking spaces. The car park will be accessed via an entrance from the northern section of Rose Lane, and two new entrances from the south western section of Rose Lane. New pathways are proposed to navigate the car park for safety and access into the tenancies. Eight bicycle spaces are also proposed.

Works and Vegetation:

The site is mostly bare, however, the trees that do remain will be removed. New services for the lot are also proposed. Due to the slope of the land, cut and fill will be required, along with retaining walls. Bin storage is located to the north of tenancy 4 and the south of tenancy 6.

Road Works:

The application also proposes works within the road reserve, including:

- Widening of the northern Road Lane section to 6.9m;
- Path and kerb works on existing island at the intersection of Rose Lane and Westbury Road;
- New recess intersection line work a at the intersection of Rose Lane and Westbury Road; and
- A new 1.5m pedestrian footpath along the southern section of the northern part of Rose Lane, following the road around the bend into Westbury Road and to the public bus stop. The new footpath will traverse Rose Lane Park (described as CT226165/2 and CT68237/1).

10. Planning Scheme Requirements

27.0 Community Purpose Zone

The purpose of the Community Purpose Zone is:

27.0.1 To provide for key community facilities and services including health, educational, government, cultural and social facilities.

27.0.2 To encourage multi-purpose, flexible and adaptable social infrastructure.

Consistent

Consistency with the purpose of the zone has been achieved as the proposal will provide for new community facilities within an appropriate area.

27.2.1 Non-residential use

That non-residential use does not cause an unreasonable loss of amenity to residential zones.

Consistent

A1 Hours of operation of a use, excluding Emergency Services, Hospital Services, Natural and Cultural Values Management, Passive Recreation or Utilities, within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must be within the hours of:

- (a) 8am to 8pm Monday to Friday;
- (b) 9am to 6pm Saturday; and
- (c) 10am to 5pm Sunday and public holidays.

<p>Complies The following condition is recommended to ensure compliance with the Acceptable Solution.</p> <p>BUSINESS HOURS The operation of all uses on site must be confined to:</p> <ul style="list-style-type: none">(a) 8am to 8pm Monday to Friday(b) 9am to 6pm Saturdays(c) 10am to 5pm Sundays and Public Holidays
<p>A2 External lighting for a use, excluding Natural and Cultural Values Management, Passive Recreation and Utilities and flood lighting of Sports and Recreation facilities, on a site within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must:</p> <ul style="list-style-type: none">(a) not operate between 9pm and 6am, excluding any security lighting; and(b) if, for security lighting, must be baffled so that direct light does not extend into the adjoining property.
<p>Complies The following condition is recommended to ensure compliance with the Acceptable Solution.</p> <p>EXTERIOR AND SECURITY LIGHTING</p> <ul style="list-style-type: none">(a) Security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries; and(b) Exterior lighting, excluding security lighting, must not operate between the hours of 9pm and 6pm.
<p>A4 Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services or Hospital Services, within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must be within the hours of:</p> <ul style="list-style-type: none">(a) 7am to 6pm Monday to Friday; and(b) 9am to 5pm Saturday, Sunday and public holidays.
<p>Complies The following condition is recommended to ensure compliance with the Acceptable Solution.</p> <p>COMMERCIAL VEHICLE MOVEMENTS Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, must be within the following hours:</p> <ul style="list-style-type: none">(a) 7am to 6pm Monday to Friday; and(b) 9am to 5pm Saturday, Sunday and public holidays.

27.3.1 Building height

<p>That building height:</p> <ul style="list-style-type: none">(a) is compatible with the streetscape; and(b) does not cause an unreasonable loss of amenity to adjoining residential properties.
<p>Consistent A1 Building height must be not more than 10m.</p>
<p>Complies The maximum building height is approximately 8.5m.</p>

27.3.2 Setback

That building setback:

- (a) is compatible with the streetscape; and
- (b) does not cause an unreasonable loss of residential amenity to adjoining residential zones.

Consistent

Consistency with the objective is sought as the development is considered to be compatible with the streetscape and will not cause an unreasonable loss of residential amenity to residential zones to the west.

A1 Buildings must have a setback from a frontage of:

- (a) not less than 5m; or
- (b) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties, whichever is the lesser.

Relies on Performance Criteria

All buildings will be setback 19.7m from the primary Rose Lane frontage, however, will only have a 4.9m from the Rose Lane secondary frontage. Accordingly, reliance on the performance criteria is sought.

P1 Buildings must have a setback from a frontage that is incompatible with the streetscape, having regard to:

- (a) the topography of the site;
- (b) the setbacks of buildings on adjacent properties;
- (c) the height, bulk and form of existing and proposed buildings; and
- (d) the safety of road users.

Complies

Rose Lane has an unusual streetscape, noting low level dwellings and units to the west which then borders the Southern Outlet and Glen Dhu Primary School oval to the north. Tasmania Congregation of Jehovah's Witnesses is directly opposite the site to the west. The setbacks of the existing buildings are inconsistent, being built to the front boundary, and setback 32m from the frontage. Whilst development of this vacant site will be a change, the front setback intrusion is considered compatible. It is further noted that there is a significant portion of reserve between the road and the property's boundary, approximately 12m. The setbacks are required to allow for the development of the site, as well as the safety of the road users.

The proposal complies with the performance criteria.

27.3.4 Outdoor storage areas

That outdoor storage areas for do not detract from the appearance of the site or surrounding area.

Consistent

The proposed waste storage areas will not detract from the appearance of the site or surrounding area.

A1 Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.

Relies on Performance Criteria

As the waste storage areas will be visible from Rose Lane, reliance on the performance criteria is sought.

P1 Outdoor storage areas, excluding for the display of goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.

Complies

There are two waste storage areas on site that will allow for industrial bins. There are located close to the eastern side boundary. The most southern location will barely be visible from the road due to the slope of the land and the northern location will be screened by vegetation. Accordingly, it is not considered they will cause an unreasonable loss of amenity and as such the proposal meets the performance criteria.

27.4.1 Lot design

That each lot:

- (a) has an area and dimensions appropriate for use and development in the zone; and
- (b) is provided with appropriate access to a road.

Consistent

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

- (a) have an area of not less than 600m² and:
 - (i) be able to contain a minimum area of 10m x 15m, with a gradient not steeper than 1 in 5, clear of:
 - a. all setbacks required by clause 27.4.2A1 and A2; and
 - b. easements or other title restrictions that limit or restrict development; and
 - (ii) existing buildings are consistent with the setback required by clause 27.4.2 A1 and A2;
- (b) be required for public use by the Crown, a Council or a State Authority;
- (c) be required for the provision of Utilities; or
- (d) be for the consolidation of a lot with another lot provided each lot is within the same zone.

Complies

The proposed consolidation will result in a 13.38ha lot able to contain a minimum area of 10m x 15m, meeting A1(a).

The consolidation of CT210081/1 into the road reserve is a requirement for safe road widths, meeting A1(b).

A2 Each lot, or lot proposed in a plan of subdivision, must have a frontage or legal connection to a road by a right of carriageway of not less than 10m.

Complies

The consolidation will result in a lot with a frontage of more than 10m to a Council maintained road.

A3 Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the Road Authority.

Complies

The new consolidated lot will have three vehicular access points in accordance with the requirements of the Council.

27.4.2 Services

That the subdivision of land provides services for the future use and development of the land.

<p>Consistent A1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or utilities, must:</p> <ul style="list-style-type: none">(a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or(b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service <p>unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</p>
<p>Complies The new lot will be connected into the reticulated water system.</p>
<p>A2 Each lot, or a lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>
<p>Complies The new lot will be connected into the reticulated sewerage system.</p>
<p>A3 Each lot, or a lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>
<p>Complies The new lot will be connected into the reticulated stormwater system.</p>

C2.0 Parking and Sustainable Transport Code

<p>The purpose of the Parking and Sustainable Transport Code is:</p> <p>C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.</p> <p>C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.</p> <p>C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.</p> <p>C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.</p> <p>C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.</p> <p>C2.1.6 To provide for parking precincts and pedestrian priority streets.</p>
<p>Consistent Consistency with the code purpose has been achieved as the proposal ensures there is safe and adequate parking and access.</p>
<p>C2.5.1 Car parking numbers That an appropriate level of car parking spaces are provided to meet the needs of the use.</p>
<p>Consistent A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <ul style="list-style-type: none">(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;(b) the site is contained within a parking precinct plan and subject to Clause C2.7;(c) the site is subject to Clause C2.5.5; or

(d) it relates to an intensification of an existing use or development or a change of use where:

- (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or
- (ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:

$$N = A + (C - B)$$

N = Number of on-site car parking spaces required

A = Number of existing on site car parking spaces

B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1

C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.

Complies

Table C2.1 sets out the parking requirements for Business and Professional Services. The relevant parking requirements for each tenancy are listed below:

Tenancy	Use	C2.1 Requirements
1	Medical Centre	four spaces per practitioner
2	Dental Clinic	four spaces per practitioner
3	Veterinary Clinic	four spaces per practitioner
4	Accountants	one space per 40m ² space
5	Legal Service	one space per 40m ² space
6	Engineering	one space per 40m ² space

Based on the above and considering the gross floor area the following car parking spaces are required:

Tenancy	Use	Size/practitioners	Required
1	Medical Centre	6	24
2	Dental Clinic	6	24
3	Veterinary Clinic	6	24
4	Accountants	502.20m ²	13
5	Legal Service	502.20m ²	13
6	Engineering	495.26m ²	12

As such, a total of 110 car parking spaces are required. The proposal has complied by providing 123 car parking spaces.

C2.5.2 Bicycle parking numbers

That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.

Consistent

A1 Bicycle parking spaces must:

- (a) be provided on the site or within 50m of the site; and
- (b) be no less than the number specified in Table C2.1.

Complies

Bicycle spaces are calculated as follows:

Tenancy	Use	C2.1 Requirements
1	Medical Centre	two spaces for each eight practitioners
2	Dental Clinic	two spaces for each eight practitioners
3	Veterinary Clinic	No requirement
4	Accountants	one space per 500m ² site area
5	Legal Service	one space per 500m ² site area
6	Engineering	one space per 500m ² site area

Based on the above and on the assumption of 18 practitioners, seven bicycle parking spaces are required. As the proposal includes eight bicycle spaces, compliance against the requirements of C2.1 is met.

C2.5.3 Motorcycle parking numbers

That the appropriate level of motorcycle parking is provided to meet the needs of the use.

Consistent

A1 The number of on-site motorcycle parking spaces for all uses must:

- (a) be no less than the number specified in Table C2.4; and
- (b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.

Complies

Under Table C2.4, uses that requirement 0-20 spaces do not require a motorcycle space. Uses that require 21-40 spaces require one space. Accordingly, the Medical Centre, Dental Clinic and Veterinary Clinic all require one space, for three in total. As eight motorcycle spaces have been provided, compliance with Table C2.4 has been met.

C2.6.1 Construction of parking areas

That parking areas are constructed to an appropriate standard.

Consistent

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

- (a) be constructed with a durable all weather pavement;
- (b) be drained to the public stormwater system, or contain stormwater on the site; and
- (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.

Complies

All parking, access ways, manoeuvring and circulation spaces will be constructed with asphalt and able to drain to the reticulated stormwater system.

C2.6.2 Design and layout of parking areas

That parking areas are designed and laid out to provide convenient, safe and efficient parking.

Consistent

A1.1 Parking, access ways, manouevring and circulationspaces must either:

(a) comply with the following:

(i) have a gradient in accordance with *Australian Standard AS 2890 - Parking facilities, Parts 1-6*;

(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces;

(iii) have an access width not less than the requirements in Table C2.2;

(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;

(v) have a combined access and manouevring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are three or more car parking spaces;

(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and

(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or

(b) comply with *Australian Standard AS 2890-Parking facilities, Parts 1-6*.

Complies

All parking, access ways, manouevring and circulation spaces will have a gradient in accordance with the relevant Australian Standard, allow for vehicles to enter and exit the site in a forward direction, have access widths and car parking dimensions which satisfy Tables C2.2 and C2.3, a vertical clearance of more than 2.1m and be delineated by line marking.

A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:

(a) be located as close as practicable to the main entry point to the building;

(b) be incorporated into the overall car park design; and

(c) be designed and constructed in accordance with *Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities*.

Complies

All accessible parking spaces are located as close as practicable to the main entry points of all tenancies by being located within the centre of the site. They are visible and have been designed and will be constructed in accordance with the relevant Australian Standard.

C2.6.3 Number of accesses for vehicles

That:

(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;

(b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and

(c) the number of accesses minimise impacts on the streetscape.

Consistent

A1 The number of accesses provided for each frontage must:

(a) be no more than one; or

(b) no more than the existing number of accesses, whichever is the greater.

Complies

As three accesses are proposed the proposal is reliant on the Performance Criteria.

The location of the new crossovers have been chosen to allow safe and efficient access to the site. This includes separation distances between entrances to allow for traffic safety. There is no formal on-street parking in the proposed access locations. The number is considered necessary due to the proposed use and is their impacts on the streetscape will be minimal noting locations and will also have minimal impact on the residential amenity of the adjoining residential land to the west.

The proposal complies with the performance criteria.

C2.6.5 Pedestrian access

That pedestrian access within parking areas is provided in a safe and convenient manner.

Consistent

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

- (a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding 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, guardrails 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.

Complies

The car parking areas contain a 1m wide pedestrian footpath that will be physically separated from the parking aisle. The footpaths will be signed and lined marked for safe aisle crossing.

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

Complies

All accesses to the provided accessible parking areas meet the requirements of the acceptable solution.

C3.0 Road and Railway Assets Code

The purpose of the Road and Railway Assets Code is:

C3.1.1 To protect the safety and efficiency of the road and railway networks; and

C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

Consistent

Consistency with the code purpose has been achieved as the proposal ensures the safety and efficiency of the road network is maintained.

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.

Consistent

A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing or level crossing to serve the use and development has been issued by the Road Authority.

Complies

Council, as the Road Authority, has provided written consent.

C13.0 Bushfire-Prone Areas Code

The purpose of the Bushfire-Prone Areas Code is:

C13.1.1 To ensure that use and development is appropriately designed, located, serviced and constructed, to reduce the risk to human life and property and the cost to the community, caused by bushfires.

Consistent

Consistency with the code purpose has been met as the proposal will ensure that the bushfire risk is appropriately managed.

C13.6.1 Provision of hazard management areas

That subdivision provides for hazard management areas that:

- (a) facilitate an integrated approach between subdivision and subsequent building on a lot;
- (b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and
- (c) provide protection for lots at any stage of a staged subdivision.

Consistent

Consistency with the objective has been met as the proposal will ensure that the bushfire risk is appropriately managed.

A1

- (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or
- (b) The proposed plan of subdivision:
 - (i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;
 - (ii) shows the building area for each lot;
 - (iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.6 of *Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas*; and
 - (iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than the separation distances required for BAL 19 in Table 2.6 of *Australian Standard AS3959-2018 Construction of buildings in bushfire-prone Areas*; and
- (c) if hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.

Relies on Performance Criteria

As the TFS or an accredited person has not certified that there is an insufficient increase in risk, nor has the proposal plan of subdivision demonstrate hazard management areas, reliance on the performance criteria is required.

P1 A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:

- (a) the dimensions of hazard management areas;
- (b) a bushfire risk assessment of each lot at any stage of staged subdivision;
- (c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;
- (d) the topography, including site slope;
- (e) any other potential forms of fuel and ignition sources;
- (f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;
- (g) an instrument that will facilitate management of fuels located on land external to the subdivision; and
- (h) any advice from the TFS.

Complies

The performance criteria will be met through the following recommended condition:

Prior to the sealing of the final plan, a report prepared by the Tasmanian Fire Service or an accredited person must be provided to the Council and endorsed by the Manager City Development that:

- a. *Certifies there is an insufficient increase in risk to the use and development from bushfire to warrant any specific bushfire protection measures in accordance with C13.4.1(a); or*
- b. *Demonstrates compliance with C13.6.1 and C13.6.2 under C13.0 Bushfire-Prone Areas Code by demonstrating the provision of hazard management areas and public and fire-fighting access.*

C13.6.2 Public and fire-fighting access

That access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, fire fighters and emergency service personnel;
- (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack, and for hazard management works to be undertaken;
- (c) are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) provide access to water supplies for fire appliances; and
- (e) are designed to allow connectivity and where needed, offering multiple evacuation points.

Consistent

Consistency with the objective has been met as the proposal will ensure sufficient and safe fire-fighting access.

A1

- (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire-fighting; or
- (b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas, is included in a bushfire hazard management plan that:
 - (i) demonstrates proposed roads will comply with Table C13.1, proposed property accesses will comply with Table C13.2 and proposed fire trails will comply with Table C13.3 and
 - (ii) is certified by the TFS or an accredited person.

Relies on Performance Criteria

As the TFS or an accredited person has not certified that there is an insufficient increase in risk, nor has the proposed road layout been endorsed by the TFS or accredited person, reliance on the performance criteria is required.

P1 A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:

- (a) appropriate design measures, including:
 - (i) two way traffic;
 - (ii) all weather surfaces;
 - (iii) height and width of any vegetation clearances;
 - (iv) load capacity;
 - (v) provision of passing bays;
 - (vi) traffic control devices;
 - (vii) geometry, alignment and slope of roads, tracks and trails;
 - (viii) use of through roads to provide for connectivity;
 - (ix) limits on the length of cul-de-sacs and dead-end roads;
 - (x) provision of turning areas; provision for parking areas;
 - (xi) perimeter access;
 - (xii) fire trails; and
- (b) the provision of access to:
 - (i) bushfire-prone vegetation to permit the undertaking of hazard management works; and
 - (ii) fire-fighting water supplies; and
- (c) any advice from the TFS.

Complies

The performance criteria will be met through the following recommended condition:
Prior to the sealing of the final plan, a report prepared by the Tasmanian Fire Service or an accredited person must be provided to the Council and endorsed by the Manager City Development that:

- a. *Certifies there is an insufficient increase in risk to the use and development from bushfire to warrant any specific bushfire protection measures in accordance with C13.4.1(a); or*
- b. *Demonstrates compliance with C13.6.1 and C13.6.2 under C13.0 Bushfire-Prone Areas Code by demonstrating the provision of hazard management areas and public and fire-fighting access.*

C14.0 Potentially Contaminated Land Code

The purpose of the Potentially Contaminated Land Code is: C14.1.1 To ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.

Consistent

Consistency with the code purpose has been met as the proposal ensures that use or development of potentially contaminated land does not adversely impact on human health or the environment.

C14.6.1 Excavation works, excluding land subject to the *Macquarie Point Development Corporation Act 2012*

That works involving excavation of potentially contaminated land, excluding on land subject to the *Macquarie Point Development Corporation Act 2012*, do not adversely impact on human health or the environment.

Consistent

Consistency with the objective has been met as the proposal ensures the excavation works do not adversely impact on human health or the environment.

A1 Excavation, excluding on land subject to the *Macquarie Point Development Corporation Act 2012*, must involve less than 250m³ of site disturbance.

Relies on Performance Criteria

It is anticipated that more than 250m³ of site disturbance will occur and, therefore, reliance on the performance criteria is required.

P1 Excavation, excluding on land subject to the *Macquarie Point Development Corporation Act 2012*, must not have an adverse impact on human health or the environment, having regard to:

- (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated;
- (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) an environmental site assessment, including a plan to manage contamination and associated risk to human health and the environment, that includes:
 - (i) any specific remediation and protection measures required to be implemented before excavation commences; and
 - (ii) a statement that the excavation does not adversely impact on human health or the environment.

Complies

The applicant provided an Environmental Site Assessment, prepared by es&d, Ref: 7928, Version 4, dated November 2022 to assist in the assessment of the application.

The report concluded that the development can proceed as risk is acceptable, noting an Environmental Engineer (vapour specialist) will certify that their design will secure the long term occupation of the development, including specifying any post construction gas monitoring.

Management measures for the contamination are present within the report, complying with P1(c).

C15.0 Landslip Hazard Code

The purpose of the Landslip Hazard Code is:

C15.1.1 To ensure that a tolerable risk can be achieved and maintained for the type, scale and intensity and intended life of use or development on land within a landslip hazard area.

Consistent

The purpose of the code has been met as the landslip risk will be tolerable.

C15.5.1 Use within a landslip hazard area

That uses, including critical, hazardous or vulnerable use, can achieve and maintain a tolerable risk from exposure to a landslip for the nature and intended duration of the use.

Consistent

Consistency with the objective has been achieved as the proposal ensures the uses proposed can achieve and maintain a tolerable risk from exposure to a landslip for the nature and intended duration of the use.

A1 No Acceptable Solution.

Relies on Performance Criteria

As there is no acceptable solution, reliance on the performance criteria is sought.

P1.1 A use, including a critical use, hazardous use, or vulnerable use, within a landslip hazard area achieve and maintain a tolerable risk from exposure to landslip, having regard to:

- (a) the type, form and duration of the use; and
- (b) a landslip hazard report that demonstrates that:
 - (i) any increase in the level of risk from landslip does not require any specific hazard reduction or protection measure; or
 - (ii) the use can achieve and maintain a tolerable risk for the intended life of the use.

Complies

The applicant provided a Landslide Risk Assessment, prepared by Scherzic, Ref: 7390B, dated 6 July 2022, to assist in the assessment of the code.

The assessment considered the type, form, and duration of the use, and concluded that the risk to life remains 0.0, as does the risk to property. This is, therefore, considered to be a tolerable risk, and compliant with P1.1

C15.6.1 Building and works within a landslip hazard area

That building and works on land within a landslip hazard area can:

- (a) minimise the likelihood of triggering a landslip event; and
- (b) achieve and maintain a tolerable risk from a landslip.

Consistent

The objective of the clause is met as the proposal can maintain a tolerable risk from landslip.

A1 No Acceptable Solution

Relies on Performance Criteria

As there is no acceptable solution, reliance on the performance criteria is sought.

P1.1 Building and works within a landslip hazard area must minimise the likelihood of triggering a landslip event and achieve and maintain a tolerable risk from landslip, having regard to:

- (a) the type, form, scale and intended duration of the development;
- (b) whether any increase in the level of risk from a landslip requires any specific hazard reduction or protection measures;

- (c) any advice from a State Authority, Regulated Entity or a Council; and
- (d) the advice contained in a landslip hazard report.

Complies

The applicant provided a Landslide Risk Assessment, prepared by Scherzic, Ref: 7390B, dated 6 July 2022, to assist in the assessment of the code.

The assessment considered the type, form, and scale of development, and concluded that the risk to life remains 0.0, as does the risk to property. The proposal complies with the performance criteria.

C15.7.1 Subdivision within a landslip hazard area

That subdivision within a landslip hazard area does not create an opportunity for use or development that cannot achieve a tolerable risk from a landslip.

Consistent

The proposal meets the objective as subdivision within the landslip hazard area will not create an opportunity for use or development that cannot achieve a tolerable risk from a landslip.

A1 Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area, must:

- (a) be able to contain a building area, vehicle access and services that are wholly located outside a landslip hazard area;
- (b) be for the creation of separate lots for existing buildings;
- (c) be required for public use by the Crown, a Council or a State Authority; or
- (d) be required for the provision of Utilities.

Relies on Performance Criteria

As the building area is within the landslip area reliance on the performance criteria is required.

P1 Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area must not create an opportunity for use or development that cannot achieve a tolerable risk from landslip, having regard to:

- (a) any increase in risk from a landslip for adjacent land;
- (b) the level of risk to use or development arising from an increased reliance on public infrastructure;
- (c) the need to minimise future remediation works;
- (d) any loss or substantial compromise, by a landslip, of access to the lot on or off site;
- (e) the need to locate building areas outside the landslip hazard area;
- (f) any advice from a State Authority, Regulated Entity or a Council; and
- (g) the advice contained in a landslip hazard report

Complies

The applicant provided a Landslide Risk Assessment, prepared by Scherzic, Ref: 7390B, dated 6 July 2022, to assist in the assessment of the code.

It has been demonstrated that the proposed use and development is able to achieve a tolerable level of risk from the landslip, noting there will not be an increase in landslip risk due to the development and all development will be able to be maintained to a safe level.

The proposal complies with the performance criteria.

C16.0 Safeguarding of Airports Code

The purpose of the Safeguarding of Airports Code is:

C16.1.1 To safeguard the operation of airports from incompatible use or development.

C16.1.2 To provide for use and development that is compatible with the operation of airports in accordance with the appropriate future airport noise exposure patterns and with safe air navigation for aircraft approaching and departing an airport.

Consistent

The proposed buildings will not affect the safety of any airspace.

C16.6.1 Buildings and works within an airport obstacle limitation area

That buildings and works do not interfere with safe aircraft operations in the vicinity of an airport and on land within an airport obstacle limitation area.

Complies

A1 Buildings and works within an airport obstacle limitation area associated with a Commonwealth-leased airport that exceed the specified height limit shown on the airport obstacle limitation area overlay applicable for the site of the development must have approval from the relevant Commonwealth department under the *Airports Act 1996* (Commonwealth).

Complies

The specified height limit for the site is 316m AHD. No part of any proposed building will exceed this height.

LAU-S14.0 Southern Gateway Specific Area Plan

The purpose of this specific area plan is:

LAU-S14.1.1 To protect the southern approach into Launceston City and municipality from intrusive or inappropriate development.

LAU-S14.1.2 To allow for inevent development that complements the existing undeveloped and rural character of the area.

LAU-S14.1.3 To maintain the vegetative screening alongside major roads.

Consistent

The proposal meets the purpose of the Specific Area Plan as the proposed development is at a scale that is acceptable to the area.

LAU-S14.7 Development Standards for Building and Works

LAU-S14.7.1 Visual impact

That the siting and design of development is inevent and does not negatively impact on the visual qualities of the southern approach into Launceston City and municipality.

Consistent

The proposal meets the objective as the siting and design of development is in event and does not negatively impact on the visual qualities of the southern approach into Launceston City and municipality.

A1 Development for an alteration or extension to an existing building must:

- (a) have a gross floor area of not more than 20% of that existing at the effective date;
- (b) have a building height of not more than the existing building;
- (c) have external building finishes:
 - (i) with a light reflectance value not more than 40%; and
 - (ii) not in bold or bright colours.

<p>Relies on Performance Criteria As new development is proposed, reliance on the performance criteria is required.</p>
<p>P1 Development must not be intrusive and must be compatible with the existing treed and rural character of the southern approach, having regard to:</p> <ul style="list-style-type: none">(a) the visual impact on skylines and vistas when viewed from a major road;(b) the proximity of development to a major road;(c) the bulk and form of buildings including materials and finishes;(d) the potential for current or proposed vegetation to provide screening;(e) the need to clear existing vegetation;(f) the location of development to facilitate the retention of existing vegetation;(g) the impact of any clearing required for hazard management or infrastructure; and(h) any earthworks for cut or fill.
<p>Complies Only the northern section of the site, being CT159336/1 is located within the scenic area. This area contains tenancies 1 and 4 and portions of tenancies 2 and 5, as well as car parking and landscaping.</p> <p>The Specific Area Plan is in place to protect the southern approach into Launceston.</p> <p>The site is located approximately 20m east from the Southern Outlet, but is mostly screened by an existing row of large trees. The site also sits about 3m below the road. Accordingly, whilst its proximity is relatively close, and considering the 90km/h speed limit along the Southern Outlet, it is not a visually engaging site in terms of its location to the road, as it also sits below the skyline. There is no need to clear any vegetation within thin the SAP, and whilst earthworks will be occurring, the existing screening will assist in maintaining the visual qualities of the southern approach. New landscaping will assist the wood and concrete precast walls to blend into the background.</p> <p>The proposal complies with the performance criteria.</p>

LAU-S14.7.2 Vegetation

<p>That the siting of development protects the existing treed and rural character of the southern approach.</p>
<p>Consistent A1 Buildings and works must be separated from a prominent tree by a distance of not less than 4m.</p>
<p>Complies All buildings and works will be separated from any prominent trees by a distance of not less than 4m.</p>

The application seeks to rezone land at 9 Rose Lane, South Launceston (described as CT159336/1, CT247578/2, CT217855/1 and CT200709/1) from the General Residential Zone and Recreation Zone to Community Purpose Zone, of the Launceston Local Provisions Schedule. The rezoning will allow the consolidation of titles and subsequent development of six new commercial tenancies.

The amendment and planning permit application has been assessed to be consistent with all requirements of the *Land Use Planning and Approvals Act 1993* as set out in this report.

The planning permit application satisfies all the relevant provisions of the Scheme including the code provisions and the performance criteria.

10. CONCLUSION

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

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. PSA-LLP0002 - Application Documents [9.3.1 - 205 pages]
2. PSA-LLP0002 - Draft Instrument [9.3.2 - 1 page]
3. PSA-LLP0002 - South Launceston Section 40T Application - Supporting Planning Report [9.3.3 - 44 pages]

10. ANNOUNCEMENTS BY THE MAYOR

10.1 Mayor's Announcements

FILE NO: SF2375

Thursday 1 December 2022

- Chaired City of Launceston Annual General Meeting

Friday 2 December 2022

- Attended Blueline Laundry Employee Outstanding Efforts and Achievements presentation (Represented by Deputy Mayor, Councillor Matthew Garwood)
- Participated in the Commissioner for Children and Young People Ambassador Program
- Conducted a private Citizenship Ceremony
- Attended *Resonance: the instinctive designs of Brodie Neill* opening at Design Tasmania

Saturday 3 December 2022

- Acted as a judge for the Launceston Christmas Parade
- Attended the Dance Fit Celebration Concert at Door of Hope
- Attended Mudlark Theatre's *One Day 19* at the Earl Arts Centre

Monday, 5 December 2022

- Attended Kim Roe School of Dance's *Under the Sea* at the Princess Theatre

Tuesday 6 December 2022

- Presented an Award at Croagh Patrick (Year 9 St Patrick's College) annual Award Ceremony
- Attended the Glen Dhu Primary School Presentation Evening (Represented by Deputy Mayor, Councillor Matthew Garwood)

Wednesday 7 December 2022

- Participated in the Mayors' Workshop provided by Local Government Association of Tasmania
- Attended the Celebration Night 2022 for Launceston Christian School (Represented by Deputy Mayor, Councillor Matthew Garwood)

Thursday 8 December 2022

- Attended the Keep Australia Beautiful Sustainable Communities Awards in Currie (Represented by Councillor Andrea Dawkins)
 - Attended the Inveresk Community Festive barbeque Upcycled Decoration Making and YAG End of Year event
 - Attended the QVMAG Art Foundation Christmas drinks at the *Archie 100: A Century of the Archibald Prize*
-

- Attended the Queechy High School Presentation Evening (Represented by Deputy Mayor, Councillor Matthew Garwood)

Friday 9 December 2022

- Acted as a Judge for Grade 6 students participating in two challenges of the Launceston Time Travel Challenge funded by the Greater Regional City Challenge
- Attended the Christmas in Rocherlea event (Represented by Councillor McKenzie)

Sunday 10 December 2022

- Attended Ballet and Dance Arts Tasmania's *Mirror Mirror* at the Princess Theatre
- Attended Emerge Productions' *Killers with Benefits* at the Earl Arts Centre

Monday 12 December 2022

- Attended John Fitzgerald farewell with Tourism Tasmania
- Attended Launceston Gastronomy meet and greet event

Tuesday 13 December 2022

- Adjudicated debating final at the Launceston Preparatory School
- Attended the Scotch Oakburn Celebration Evening

Wednesday 14 December 2022

- Attended the Waverley Primary School Awards Ceremony
 - Presented certificates at Invermay Primary School for students who contributed as part of the ABCDE Learning Site program
 - Attended the Adventure Play Celebrations at Rocherlea
 - Attended the Museum Governance Advisory Board Meeting
-

11. COUNCILLORS' REPORTS

(This item provides an opportunity for Councillors 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).

12. QUESTIONS BY COUNCILLORS

12.1. Councillors' 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 Chief Executive Officer of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be provided in writing).

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

12.2. Councillors' 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).

13. NOTICES OF MOTION

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

13.1 Notice of Motion - Clean Air Strategy - Councillor D H McKenzie and Councillor A E Dawkins

FILE NO: SF5547

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

DECISION STATEMENT:

To consider a notice of motion submitted by Councillor D H McKenzie and Councillor A E Dawkins regarding development of a clean air strategy.

RELEVANT LEGISLATION:

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

RECOMMENDATION:

That Council agrees that Launceston City Council develop a Clean Air Strategy, which should not be limited to but will include:

1. review of current State and Federal Government legislation to determine its effectiveness in supporting a clean air strategy and where there are improvements required develop a plan to lobby for change;
2. review of the effectiveness of past Council programs to improve air quality outcomes, such as the Wood Heater buy-back program;
3. compilation of baseline data to provide a base to measure improvements;
4. engagement of Northern Councils to achieve shared actions where possible;
5. education of industry and the broader community on better environmental practices;
6. investigation of more effective enforcement processes; and
7. recommendations to Council regarding means to improve outcomes.

Report back to Council should occur in reasonable time outlining next steps and to enable progress to be achieved ahead of next winter.

REPORT:

Launceston's Community Plan, the Greater Launceston Plan (GLP), sets a vision for the City that *Sustainable prosperity for greater Launceston will be achieved by consolidating and building nationally and internationally recognised strategic advantages for the region through a focus on creativity and innovation, maintaining exceptional environmental and liveability qualities and ensuring a diverse, connected and inclusive region.*

Environmental sustainability is a major component of the recommended policy framework for the GLP. Within the greater Launceston area, the key environmental challenges include the need for ongoing education and public awareness programs to build understanding and support of the significance of environmental and biodiversity health as overarching issues for the overall sustainability, liveability and amenity of the region.

In support of the GLP, the Council's Corporate Strategic Plan includes the following Strategic Priority:

We protect our Environment by caring for our unique natural assets and amenity, and sensitively managing future development opportunities.

We strive to minimise the impact of our actions on the environment, while planning for, adapting to and managing the impact of climate change. We want to protect the special character and values of our city for future generations.

Our City has a 10-Year Goal to enhance the unique natural character, values and amenity of our City by minimising the impacts of our organisations and our community's activities in the environment.

Air quality is a significant component to achieving this goal and this needs to be recognised through a commitment to genuine actions to improve our City's air quality.

Launceston is a city that has been plagued by air quality issues due largely to its topography and climate which leads to an inversion layer over the City, particularly during the winter months.

We are City that is striving to be a tourism hub through its culture and gastronomy and is currently thriving as a destination of choice for many interstate travellers.

We present a clean and green image to the world and an essential part of this message should include our air quality (and it is noted our Tourism Tasmania advertising actually uses our air as a focus of their messaging). We would argue that cleaner air is essential to our tourism story. This was further endorsed by our Premier the Honourable Jeremy Rockliff recently, where he commented to a room of investment managers on our clean air.

Whilst the statements are largely true in relation to Tasmania and even Launceston, but not so in the depths of winter for the reasons mentioned in our opening statement. Take a typical winter's day in Launceston, not one where you can see the brown haze of woodsmoke but a reasonably clear day. Our air quality typically rates at a PM25 score of 57 (PM25 are very small particles usually found in smoke - they have a diameter of 2.5 micrometres (0.0025mm or smaller)).

This concentration (at times) is currently three times the WHO annual air quality guideline value and this measure is not one we should find acceptable for our clean air identity, nor the ongoing respiratory issues suffered by many of our residents, exacerbated by our air quality.

We believe our motion provides a logical series of steps to move toward a city that can be proud of its *clean air* on all measures.

OFFICER COMMENTS:

Dan Ryan (General Manager Community and Place Network)

The Environmental Health team is very supportive of the development of a Clean Air Strategy. It is very exciting to have Councillor support for this issue, especially given rising energy prices which may lead to increased use of wood heating, including by socially and financially disadvantaged communities.

Wood heater smoke is a perennial issue with significant resources from the Environmental Health team deployed to address the problem every winter. A strategic approach to managing wood heater smoke is welcomed to address this issue which is considered *wicked* due to the interplay of social, economic and environmental factors.

A robust Clean Air Strategy should also incorporate consideration of other factors that contribute to air pollution including, however, not limited to, vehicle and fuel emissions and industrial processes.

Given the existing responsibilities of the Council's Environmental Health team and the need for community and industry engagement, it is unlikely that a well-considered strategy that is complete enough to move forward with a consistent position, could be delivered prior to next winter.

It is anticipated that by March or April next year items 1-3 contained in the Recommendation could be achieved. This would inform the development of an Engagement Strategy around items 4-6 and the subsequent timing of the delivery of item 7 following the conclusion of the engagement component. A discussion about resourcing will be required as the Environmental Health team does not currently have the capacity to complete this work in house.

We respectfully request that Council's views on a *reasonable time* be informed by these constraints.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and Chief Executive Officer have no interests to declare in this matter.

ATTACHMENTS:

1. Notice of Motion - Clean Air Strategy - Councillor D H McKenzie and Councillor A E Dawkins [13.1.1 - 3 pages]

14. INFRASTRUCTURE AND ASSETS NETWORK

14.1 Petition Response - Bronwyn Thompson - Reduction of Plane Trees in Norwood Avenue, Norwood

FILE NO: SF0097

AUTHOR: Debbie Pickett (Personal Assistant - Infrastructure and Assets)

GENERAL MANAGER APPROVAL: Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider the Petition submitted by Bronwyn Thompson regarding the reduction of plane trees in Norwood Avenue, Norwood.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas).

PREVIOUS COUNCIL CONSIDERATION:

Council - 17 November 2022 - Agenda Item Number 9.1 - Petition - Bronwyn Thompson - Reduction of Plane Trees in Norwood Avenue, Norwood.

RECOMMENDATION:

That Council approves:

1. the London plane trees in Norwood Avenue, Norwood to be pruned in accordance with existing schedule;
 2. a local community engagement process be carried out to receive input into a management plan for street trees in Norwood Avenue, Norwood; and
 3. the development a long-term management plan for street trees in Norwood Avenue, Norwood in line with the Urban Forest Strategy (currently under development).
-

REPORT:

At its Meeting on 17 November 2022, Council received a letter and petition containing 42 signatures from Bronwyn Thompson.

The petition stated:

We petition the Council to reduce plane trees in Norwood Avenue in height and volume by two thirds and prune biannually.

It is required, under section 60(2)(b) of the *Local Government Act 1993* (Tas), that a report will be brought back to the Council within 42 days for the Council to determine any action to be taken in respect of the petition.

This report provides background to the matter and responds to the concerns and requests outlined in Ms Thompson's letter and petition.

Background

The Council owns and maintains 26 street trees on Norwood Avenue, Norwood between Penquite Road and Veronica Crescent. Of the 26 trees, there are nine mature London plane trees (*Platanus x acerifolia*), predominantly on the southern side of the street.

Residents of Norwood Avenue have periodically contacted the Council regarding these trees, including a petition in 2007 to remove the plane trees and replace with another species along with requests for substantial pruning. Complaints regarding the trees have centred around autumn leaf fall (leaves blocking house gutters and stormwater pits; volume of leaves that require raking and removal), alleged damage to footpaths, fences and pipes, overhanging limbs, allergies, and deprivation of sunlight.

Two of the large London plane trees have died in recent years. One tree was poisoned, as evidenced by multiple drill holes in the trunk, while a second tree appears to have died from secondary poisoning. The poisoned tree has been reduced to a stump (refer to photograph at left below); the second tree has recently died and is yet to be pruned or removed (refer to photograph at right below).



The City of Launceston has several policy and strategic documents regarding tree management, including the Council Tree Management Policy (26-Plx-005), Nature Strip Policy (26-Plx-019) and the Launceston Street Tree Strategy (2012).

The Launceston Street Tree Strategy (2012) aimed to create a *liveable green network with attractive and usable tree-lined streets connecting areas of interest for all road and footpath users to safely experience and explore the city.*

The City of Launceston is undertaking a review of the street tree strategy, with a view to developing an Urban Forest Strategy that incorporates economic, environmental, amenity, access, social, health and wellbeing benefits in its approach to green urban infrastructure, and particularly provides for the longevity and sustainability of the recommended priorities. This includes recognising the impact of Launceston's changing climate on its liveability and green assets.

Regarding the request from the petitioners to reduce the height and volume of the London plane trees by two-thirds annually, advice from the Council's arborists is that this would create a significant increase to the level of service for these trees and is unlikely to resolve the issues experienced by the residents. While it would result in short-term increase in sunlight to properties and resolve overhanging branches, this scale of pruning can cause trees to create several new leaders to replace the ones lost. These leaders compete with each other and compromise the structural integrity of the tree; trees with one dominant central trunk fare better when faced with storms, and have a healthier form. Significant reduction of the trees will not resolve the allergy issues described by the residents, excessive leaf litter, nor any issues caused by tree roots.

A Council Engineer has inspected the footpath, driveways, kerb and channel and fences along this section of Norwood Avenue. It was concluded that the London plane trees are having a minor impact on the Council's infrastructure by causing cracks or lifting asphalt footpaths in localised areas, which is expected from established large trees in the urban environment.

The footpaths in Norwood Avenue from Penquite Road to Veronica Crescent are not scheduled for a reseal in the four-year footpath reseal program as they are in good condition and safe for the public. Most of the kerb and channel is in good condition and not affected by the London plane trees. The damaged private infrastructure (boundary walls) mentioned in the petition are more likely caused by the advanced age of the assets, uneven ground settlement and internal structures issues.

From observations of the tree root damages to the Council/private assets within the road reserve and the distance from the trees to private buildings, the London plane trees are not likely impacting building foundations, ceilings etc., within private properties on Norwood Avenue. Some minor uplift of a boundary wall and minor damage to two driveway crossovers was the only damage to private infrastructure that may be attributable to the London plane trees (refer to example in photograph below).



Good kerb/channel condition & minor driveway crossover damaged due to tree uplifting (27 Norwood Ave)

RISK IMPLICATIONS:

Considered in this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

14.2 Proposed Names for the Council's Assets

FILE NO: SF7296

AUTHOR: Wezley Frankcombe (Governance and Legal Officer)

GENERAL MANAGER APPROVAL: Shane Eberhardt (Infrastructure and Assets)

DECISION STATEMENT:

To consider an application to Place Names Tasmania under the *Place Names Act 2020* for the naming of two of the Council's assets.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 25 November 2021 - Naming of University of Tasmania Assets
Workshop - 9 June 2022 - Naming of the Council's Assets

RECOMMENDATION:

That Council approves the submission by the Chief Executive Officer for a proposal to the Place Name Register as per the *Place Names Act 2020* for:

1. Naming of Bridge A: *Inveresk Bridge* spanning over the North Esk River from Boland Street to the Inveresk Precinct as further described in Attachment 1; and
 2. Naming of Bridge B: *Riverbend Bridge* spanning from Alexandra Walk to Riverbend Park as further described in Attachment 1.
-

REPORT:

The bridges proposed for naming are now owned by the Council. The significance of these bridges supports the assets having official names.

The *Inveresk Bridge* was commissioned and built by the University of Tasmania as part of the redevelopment of the Inveresk Precinct. Ownership of the bridge has now passed to the Council. There has been continued discussion regarding the naming of the bridge and this has resulted in *Inveresk Bridge* being recommended for the name of the bridge.

Riverbend Bridge was completed in July 2018 spanning from Alexandra Walk to *Riverbend Park*. Currently, there is no official name for the bridge. Establishing an official name provides clarity to residents and tourists.

Key stakeholder consultation has been conducted in relation to the above recommended names with support provided for the proposed names.

The Council's officer will specify the necessary details in the application to *Placenames Tasmania* including the exact location of the respective bridges.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 1: We connect with our community and our region through meaningful engagement, cooperation and representation.

10-Year Goal: To seek out and champion positive engagement and collaboration to capitalise on the major opportunities and address the future challenges facing our community and region.

Focus Areas:

3. To advocate and collaborate to enhance regionally significant services and infrastructure for the benefit of our communities.

Strategic Priority 4: We value our City's unique identity by celebrating our special heritage and culture and building on our competitive advantages to be a place where people choose to live, work and visit.

10-Year Goal: To sustain and promote Launceston as a unique place to live, work, learn and play.

Focus Areas:

2. To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

15. ORGANISATIONAL SERVICES NETWORK

15.1 Financial Report to Council 30 September 2022

FILE NO: SF3611

AUTHOR: Nathan Williams (Manager Finance)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the Council's financial performance for the period ended 30 September 2022.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 22 November 2022 - Agenda Item 9.1 - Capital Report

Audit Panel - 22 November 2022 - Agenda Item 9.3 - Financial Statements (Analysis and Commentary)

RECOMMENDATION:

That Council adopts the operational and capital financial reports for the period ended 30 September 2022, noting the operational report discloses an underlying deficit of \$2.332m compared to a budgeted deficit of \$3.578m for the period, resulting in a favourable variance of \$1.246m.

REPORT:

The Statement of Comprehensive Income, Statement of Financial Position and Capital Expenditure Reports for the three months to 30 September 2022 follows the commentary below.

The Statement of Comprehensive Income discloses an underlying deficit of \$2.332m for the quarter ending 30 September 2022, compared to a budgeted deficit of \$3.578m. The variance comprising mainly of \$1.172m in revenue and \$0.092m in expenses.

The major favourable variances have occurred in Statutory Fees and Charges, Employee Benefits and Other Income. Unfavourable variances are primarily seen in Depreciation of Council assets and Materials and Services.

The large budgeted deficit for the September quarter is attributable to paying many annual expenses in the first quarter, including insurances, software license fees and registration fees. It should be noted the current quarterly savings in materials and services may be eroded during the year due to timing differences.

The Capital Report shows a total approved budget of \$81.8m, including both the Council's and external funds.

Total actual and committed expenditure year-to-date is \$21.5m, which is comprised of:

- work in progress expenditure, from capital projects that which have been carried over from previous financial years of \$11.6m;
- actual year-to-date expenditure of \$3.5m; and
- committed expenditure of \$6.5m.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

BUDGET AND FINANCIAL IMPLICATIONS:

As per the report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. Financial Statements Analysis and Commentary [**15.1.1** - 3 pages]
2. Capital Expenditure Report 1 [**15.1.2** - 1 page]
3. Capital Expenditure Report 2 [**15.1.3** - 1 page]

15.2 2022/2023 Budget - Budget Amendments

FILE NO: SF7463/SF6939

AUTHOR: Nathan Williams (Manager Finance)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

For Council to consider changes for the period 1 October to 30 November 2022 to the Council's 2022/2023 Statutory Estimates.

Requires an absolute majority of Council

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993 (Tas)* and by an absolute majority, approves the following changes to the 2022/2023 Statutory Estimates:
 - (a) Revenue
 - i. the net increase in revenue from external grants and contributions of \$365,000.
 - (b) Expenses
 - i. the net increase in operations expenditure of \$37,676.
 - (c) Capital Works Expenditure
 - i. the net increase in expenditure from external funds of \$365,000.
 - ii. the net decrease in the Council's funded expenditure of \$37,676.
 2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus being amended to \$16,289,816(including capital grants of \$23,732,793) for 2022/2023.
 - (b) the capital budget being increased to \$38,610,916 for 2022/2023.
-

REPORT:

1. Budget Amendments

The budget amendments are changes to the Statutory Estimates which require a Council decision. The changes relate to external grant revenue and transfers between Operations and Capital projects.

	Operations \$'000	Capital \$'000
Statutory Budget as 01/07/2022	(4,931)	16,737
Adjustments Approved by Council to 30/09/2022	20,894	21,547
Balance Previously Advised as at 30/09/2022	15,963	38,284
<u>Amendments</u>		
Additional Council Funds	0	0
Capital to Operations	(47)	(47)
Operations to Capital	9	9
External Funds	365	365
External Funds Not Received	0	0
Statutory Budget as at 30/11/2022	16,290	38,611
Deduct Capital Grants and Contributions	(23,733)	
Underlying Operating Budget Surplus/(Deficit)	(7,443)	

The table summarises all other Budget Agenda Items and includes reconciliations of the budgeted operating result and capital expenditure.

Details of the amendments are as follows:

1(a) The following items need to be reallocated from Capital to Operations:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24187	Cardigan Street Renewal	\$300,000	\$46,576	\$0	\$253,424
OPM25207	OPM2023 Cardigan St Renewal	\$0	\$0	\$46,576	\$46,576
	TOTALS	\$300,000	\$46,576	\$46,576	\$300,000

The project scope of works:

An old retaining wall has been demolished and a new retaining wall has been constructed in a slightly different location which is located on top of the existing sewer line. As part of the project, the sewer line has now been abandoned and a new sewer line has been created and will be handed to TasWater. Additionally, a new section of stormwater main has been created and an existing section has been replaced. The pipes are in the combined area and will also be handed to TasWater. As the new sewer and combined system stormwater lines are not the Council's assets, the costs cannot be capitalised. Therefore, actuals have been moved into the operations area and require a matching budget amount to be transferred into the applicable operations project.

Capital to Operations	Operations	Capital
Cardigan Street Renewal	\$46,576	(\$46,576)
TOTAL	\$46,576	(\$46,576)

1(b) The following items need to be reallocated from Operations to Capital:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
OP22908	CCN Inveresk Maintenance Non-Routine	\$15,000	\$8,900	\$0	\$6,100
CP24470	QVMAG Inveresk Shade Sails Replacement	\$0	\$0	\$8,900	\$8,900
	TOTALS	\$15,000	\$8,900	\$8,900	\$15,000

The project scope of works:

The shade sails at QVMAG Inveresk require replacement. Two out of the five sails were replaced as part of capital project CP24470 as one was beginning to tear and the other one had completely broken off. This budget amendment will cover the costs of the replacement of the shade sails.

Operations to Capital	Operations	Capital
QVMAG Inveresk Shade Sails Replacement	(\$8,900)	\$8,900
TOTAL	(\$8,900)	\$8,900

1(c) The following items have been affected by external funding changes and affect both the Capital and Operations budgets:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
GL10.0.1066.10 00.12732	Grant Capital Sports State	(\$6,000,000)	\$305,000	\$0	(\$6,305,000)
CP24348	Lilydale Football Club Facilities	\$0	\$0	\$305,000	\$305,000
	TOTALS	(\$6,000,000)	\$305,000	\$305,000	(\$6,000,000)

The project scope of works:

External grant funding has been allocated to the Council under a 2021 State Election Commitment to support the extension of the Lilydale Football Club's clubrooms, including the construction of accessible toilets and a covered viewing area. It is, therefore, required that these unbudgeted funds are recognised on the capital project.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
GL10.0.1059.10 00.12517	Capital Contributions Museum	\$0	\$60,000	\$0	(\$60,000)
CP24457	QVMAG Collection Purchases 22/23	\$60,000	\$0	\$60,000	\$120,000
	TOTALS	\$60,000	\$60,000	\$60,000	\$60,000

The project scope of works:

An artwork has been commissioned with artist Fiona Hall for a total of \$120,000. An initial payment of \$60,000 was made in 2021/2022 with funds provided by the Turner Ralph bequest. The remaining payment will be funded by the Arts Foundation and this budget amendment recognises the external funds the Council will receive along with allocating budget to the capital project where the asset purchase will occur.

External Funding	Operations	Capital
Lilydale Football Club Facilities	(\$305,000)	\$305,000
QVMAG Collection Purchases 2022/2023	(\$60,000)	\$60,000
TOTAL	(\$365,000)	\$365,000

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

BUDGET AND FINANCIAL ASPECTS:

As per the report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

16. CHIEF EXECUTIVE OFFICER NETWORK

16.1 Report on Council's 2022 Annual General Meeting

FILE NO: SF0098

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

DECISION STATEMENT:

To report on the Council's 2022 Annual General Meeting, held in compliance with section 72B of the *Local Government Act 1993* (Tas) on Thursday, 1 December 2022 at 5.30pm in the Council Chambers, Town Hall, Launceston.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That, in respect of the Annual General Meeting held on Thursday, 1 December 2022 at 5.30pm in the Council Chambers, Town Hall, Launceston, Council notes the following motions passed at that Meeting:

- (a) that the Minutes of the Annual General Meeting of the City of Launceston Council held on 2 December 2021 be confirmed as a true and correct record.
 - (b) that Council:
 - 1. receives the City of Launceston Annual Report for the year ended 30 June 2022 and pursuant to section 72(2)(a) of the *Local Government Act 1993* (Tas) and submits one copy of the Annual Report to the Director of Local Government and one to the Director of Public Health.
 - 2. notes the Queen Victoria Museum and Art Gallery Annual Report 2021/2022 was received by the Council at its Meeting on 17 November 2022 and Launceston Flood Authority Annual Report for the period ended 30 June 2022 was received by the Council at its Meeting on 1 December 2022.
-

REPORT:

In compliance with section 72B(1) of the *Local Government Act 1993* (Tas), the Annual General Meeting (AGM) of the City of Launceston was held in the Council Chambers, Town Hall, Launceston on Thursday, 1 December 2022.

Notices of the Meeting were published in *The Examiner* on Saturday, 5 November 2022 and Saturday, 12 November 2022.

No submissions in respect of the 2021/2022 Annual Report were received.

No Questions on Notice were received.

No Notices of Motion were received.

A quorum of Council was present at the AGM, consisting of the Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor J J Pentridge and Councillor A J Britton. The attendance of the Council's Officers and electors was recorded.

The motions passed at the AGM were:

- (a) That the Minutes of the Annual General Meeting of the City of Launceston Council held on 2 December 2021 be confirmed as a true and correct record (moved Councillor A G Harris, seconded Councillor D H McKenzie).
- (b) That Council:
 - 1. receives the City of Launceston Annual Report for the year ended 30 June 2022 and pursuant to section 72(2)(a) of the *Local Government Act 1993* (Tas) and submits one copy of the Annual Report to the Director of Local Government and one to the Director of Public Health.
 - 2. notes the Queen Victoria Museum and Art Gallery Annual Report 2021/2022 was received by the Council at its Meeting on 17 November 2022 and Launceston Flood Authority Annual Report for the period ended 30 June 2022 was received by the Council at its Meeting on 1 December 2022 (moved Councillor A J Britton, seconded Councillor A G Harris).

Section 72B(6) of the *Local Government Act 1993* (Tas) requires that a motion passed at the Annual General Meeting is to be considered at the next meeting of Council.

Section 72B(7) of the Act requires the General Manager to keep Minutes of the AGM. The Minutes of the AGM will be published at www.launceston.tas.gov.au.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Chief Executive Officer has no interests to declare in this matter.

ATTACHMENTS:

Nil

16.2 2020/2021 City of Launceston Consultancy Register

FILE NO: SF7226

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

DECISION STATEMENT:

To consider the 2020/2021 City of Launceston Consultancy Register.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 22 November 2022 - Audit Panel 12.1 - City of Launceston Consultancy Register 2020/2021

Council - 11 March 2021 - Agenda Item 20.1 - Consultancy Register 2015/2016 - 2019/2020

RECOMMENDATION:

That Council notes the 2020/2021 City of Launceston Consultancy Register (ECM Doc Set ID 4819974).

REPORT:

Consultants are used by the Council to complete work when the Council either does not have the necessary level of expertise on staff, does not have the necessary resource capacity, or where a level of independence is required for a particular service.

Contracts at or exceeding \$100,000 (excluding GST) are reported to the community in the Council's Annual Reports. Given the public interest in this matter, the Council has undertaken a review of its line items, operational projects and capital projects to develop a consolidated consultancy register for the period 2020/2021 (Attachment 1).

Whilst every effort has been made to ensure completeness of the consultancy register, it has been compiled through an exhaustive manual process and accordingly there is a possibility that consultancies have been mistakenly excluded from the register. The Council will continue to refine this register in future years to reduce any margin of error in the information reported. These consultancies will be added to the register at the conclusion of the financial year.

The Council has decided to report the consultancy register to the public in the interests of achieving greater transparency and clarity in respect to the level of expenditure on consultants each year.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

16.3 Intention to Dispose of York Park and Associated Land to Stadiums Tasmania

FILE NO: SF6660

AUTHOR: Duncan Campbell (Team Leader Legal Services)

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

DECISION STATEMENT:

To consider forming an intention to dispose of York Park to *Stadiums Tasmania*.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)
Stadiums Tasmania Act 2022

RECOMMENDATION:

That Council

1. pursuant to section 178 of the *Local Government Act 1993 (Tas)*, forms an intention to transfer York Park and associated land and assets at 2 Invermay Road, Invermay to Stadiums Tasmania for nominal consideration, with such land totaling approximately 9.44ha as indicated as Lot 1 as shown in the map below:



2. notes that the transfer of the land, as a result of forming the intention at Recommendation 1, will not occur until each of the following events has occurred:
 - (a) the completion of the 21 day public objection period as required by section 178(4) of the *Local Government Act 1993* (Tas);
 - (b) any objection received as part of that objection process has been formally considered by Council;
 - (c) where an appeal is made to the Tasmanian Civil and Administrative Appeals Tribunal, the determination of such appeal; and,
 - (d) a planning permit has been issued by the Council in its capacity as Planning Authority to subdivide the relevant land.
 3. requests the Chief Executive Officer to determine the exact dimensions and parameters of the land and assets to be transferred and to exercise Council's powers in respect of the *Local Government Act 1993* (Tas) and the *Stadiums Tasmania Act 2022* in order to carry through with the intention formed at Recommendation 1 subject to the satisfaction of the requirements of Recommendation 2.
 4. notes that the term Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
-

REPORT:

The Council is the owner of York Park and associated land located at 2 Invermay Road, Invermay (the Stadium).

The site containing the Stadium spans a number of titles and comprises the Stadium itself, QVMAG, Victoria Gardens, flood levees, bowling green and associated facilities, carparks, cafes, gardens and a railway museum. The site previously included other assets which have since been subdivided and further developed, such as the Big Picture School, Tram Sheds Function Centre and a number of University of Tasmania assets.

The Stadium has hosted a number of important sporting and cultural events across its lengthy history, with similar high-profile events to continue into the future.

The *Stadiums Tasmania Act 2022* established the State Government entity Stadiums Tasmania. Stadiums Tasmania has a number of legislated functions as set out at section 6 of the *Stadiums Tasmania Act 2022*, including:

- to be the custodian of major public stadiums;
- to acquire, manage and invest in assigned assets;
- to host sporting, entertainment and event content and services; and
- to ensure the safe, accessible, effective and efficient operation, use and development of assigned assets.

The Council's officers have been working with the State Government to support a formal decision on whether to transfer the Stadium to Stadiums Tasmania. The proposed transfer is to occur within the context of continued public use of such facility.

The *Future Directions Plan*

The transfer of the Stadium is supported by the *Future Directions Plan - York Park (UTAS Stadium)*, which was endorsed by Council at its Meeting on 11 February 2021 (ECM Doc Set ID 4489811). The implementation of that plan will see the transfer of the asset to a State funded entity which will be best placed to respond to the financial demands of operating a large, public sporting and cultural venue into the future.

Whilst the envisaged model operated by Stadiums Tasmania differs from the trust discussed in the *Future Directions Plan*, it is expected that the model operated by Stadiums Tasmania will provide a professional level of service and ensure that the needs of the public continue to be met. Importantly, it will allow for the investment and long-term financial stability that is required to meet the growing needs of Launceston and Tasmania more generally.

Financials

The transfer will relieve the Council and its ratepayers of ongoing yearly deficits exceeding \$3,000,000 whilst ensuring that the Stadium remains available for public use. Further detail on the operating costs of the Stadium are detailed below:

Net Cost Avoided Under Stadiums Tasmania Ownership

	2022/23 Budget	2021/22 Actual	2020/21 Actual	2019/20 Actual
<u>Revenues</u>	\$	\$	\$	\$
Fees	(994,000)	(2,273,679)	(1,168,595)	(1,030,342)
Grants Operations State (Stadium Design Grant)	0	0	(250,000)	0
Contributions Operations	0	(1,500)	0	0
Other	(597,392)	(475,086)	(575,650)	(574,014)
	(1,591,392)	(2,750,266)	(1,994,245)	(1,604,356)
<u>Expenses</u>				
Labour	719,378	712,212	595,148	457,301
Material and Services	2,368,332	3,948,489	2,857,344	2,644,522
Asset Disposal Loss	0	0	0	80,705
Remissions and Abatements	0	0	87,503	11,766
Depreciation	1,198,279	1,182,738	1,196,736	1,102,052
Full Cost Attribution	37,429	36,516	36,516	36,516
	4,323,418	5,879,954	4,773,246	4,332,861
Net Deficit	2,732,025	3,129,689	2,779,001	2,728,505
<u>Inveresk Precinct Administration Labour also Saved</u>				
Labour	414,794	421,091	335,705	401,050
Overall Saving per Annum	3,146,819	3,550,780	3,114,706	3,129,555

The table below further details the value of assets to be transferred to Stadiums Tasmania, the accumulated depreciation and the written down value of those assets. The table also shows the projected written down and depreciation costs as at 15 December 2022. Note: projected depreciation is based on average daily calculation and not final depreciation figure.

In summary, the projected written down value of the relevant assets is \$63,000,750.58. However, that number cannot be confirmed until the responsibilities for shared services at the site have been determined which may also be affected by the proposed subdivision. Manholes, trees and bins are not included in the stated values due to grouped asset data.

SUMMARY - PROPOSED STADIUMS TASMANIA ASSETS (@ 31/10/2022)					
	Current Asset Cost	Current Depreciation	Written Down Value	Projected Depreciation to 15th December	Projected Written Down Value at 15th December
Fleet - York Park	\$ 868,861.92	\$ 530,271.04	\$ 338,590.88	\$ 7,328.00	\$ 331,262.88
IT - York Park	\$ 268,655.48	\$ 187,490.40	\$ 81,165.08	\$ 1,550.99	\$ 79,614.09
Infrastructure - York Park	\$ 73,849,039.60	\$ 18,248,579.44	\$ 55,600,460.16	\$ 151,992.32	\$ 55,448,467.84
Grouped Infrastructure - York Park	\$ 127,700.28	\$ 65,403.80	\$ 62,296.48	\$ 433.75	\$ 61,862.73
Land - York Park	\$ 2,240,141.17	\$ -	\$ 2,240,141.17	\$ -	\$ 2,240,141.17
Total York Park	\$ 77,354,398.45	\$ 19,031,744.69	\$ 58,322,653.77	\$ 161,305.05	\$ 58,161,348.72
	Current Asset Cost	Current Depreciation	Written Down Value		
Infrastructure - Invermay Park	\$ 3,706,614.72	\$ 963,623.96	\$ 2,742,990.76	\$ 7,573.55	\$ 2,735,417.21
Grouped Infrastructure - Invermay Park	\$ 126,784.39	\$ 17,344.04	\$ 109,440.36	\$ 281.70	\$ 109,158.66
Land - Invermay Park	\$ 1,743,240.14	\$ -	\$ 1,743,240.14	\$ -	\$ 1,743,240.14
Total Invermay Park	\$ 5,576,639.25	\$ 980,968.00	\$ 4,595,671.26	\$ 7,855.25	\$ 4,587,816.00
	Current Asset Cost	Current Depreciation	Written Down Value		
Infrastructure - Elizabeth Gardens	\$ 51,854.30	\$ 24,644.26	\$ 27,210.04	\$ 124.55	\$ 27,085.49
Grouped Infrastructure - Elizabeth Gardens	\$ -	\$ -	\$ -	\$ -	\$ -
Land - Elizabeth Gardens	\$ 224,500.36	\$ -	\$ 224,500.36	\$ -	\$ 224,500.36
Total Elizabeth Gardens	\$ 276,354.66	\$ 24,644.26	\$ 251,710.40	\$ 124.55	\$ 251,585.86
Total	\$ 83,207,392.37	\$ 20,037,356.94	\$ 63,170,035.43	\$ 169,284.85	\$ 63,000,750.58
			Daily Depn approx	\$ 3,680.11	
			Monthly Depn approx:	\$ 111,936.54	

Disposal Mechanism

The land under consideration is public land within the meaning of the *Local Government Act 1993* (Tas). That designation triggers the requirements of section 178 of *Local Government Act 1993* (Tas). Relevantly, that section provides that if the Council forms an intention to sell public land, public notice of that fact is to be given in accordance with the requirements, as detailed below:

If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to:

- (a) *publish that intention on at least two separate occasions in a daily newspaper circulating in the municipal area; and*
- (ab) *display a copy of the notice on any boundary of the public land that abuts a highway; and*
- (b) *notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.*

The Council's officers will ensure that notice of the intention to dispose of the Stadium is properly given and in line with legislative requirements.

If no objections are received to the disposal and subject to the issue of planning permit as detailed below, the transfer can occur at the direction of the Chief Executive Officer in accordance with the authority given by this decision outlined in the recommendations in the report.

If an objection is received, the matter will return to Council for formal consideration.

If an objector subsequently lodges an appeal with the Tasmanian Civil and Administrative Appeals Tribunal (TASCAT), the Council is further prevented from proceeding until that matter has been finalised.

It is important to highlight that there is no intention to transfer the land until a planning permit has been issued to facilitate the relevant subdivision, including the determination of any resultant appeal to TASCAT against the issue of such permit.

The Council's officers have engaged an external consultant to make such application for a planning permit, and the consideration of such application will be considered in due course.

Once all of the above requirements have been met, the transfer can occur by way of a transfer notice or transfer agreement pursuant to the *Stadiums Tasmania Act 2022* or as otherwise determined appropriate.

Valuation

The Council's officers have obtained a third party expert valuation from LG Valuation Services, putting the total asset fair value at \$95,112,750.

Third Party Rights

The Council's officers have consulted with third party rights holders to ensure they are aware of the proposed disposal process.

Representatives of the State Government expect existing agreements at the site will continue to be honoured and transfer to Stadiums Tasmania on a mutually agreed transfer date.

The Council's officers will work with Stadiums Tasmania and affected third parties to ensure that any disruption is kept to a minimum.

Employee Entitlements

The transfer of employees and their entitlements will occur as an operational matter and is being guided by the advice of an external firm specialising in employment law.

RISK IMPLICATIONS:

Risks considered relevant to this matter have been identified and discussed in the report above.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

The transfer of the Stadium to Stadiums Tasmania will allow for the necessary capital upgrades required for the facility, which in turn are expected to provide positive economic and social benefits for the community.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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Focus Area -

2. To fairly and equitably discharge our statutory and governance obligations.

BUDGET AND FINANCIAL IMPLICATIONS:

The budget adjustment consideration of this item has been approved by the General Manager Organisational Services Network.

The successful transfer of the Stadium to Stadiums Tasmania is expected to result in a positive effect on the Council's operating budget, in in the order of \$2,732,025 for the 2022/2023 financial year.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

17. MEETING CLOSURE

18. NEXT COUNCIL MEETING DATE

**The next Ordinary Meeting of Council will be held at 1.00pm on
25 January 2023 at the Council Chambers, Town Hall, 18-28 St John Street,
Launceston.**