



City of  
**LAUNCESTON**

# **COUNCIL AGENDA**

**COUNCIL MEETING  
MONDAY 20 NOVEMBER 2017  
1.00pm**

# City of Launceston

COUNCIL AGENDA

Monday 20 November 2017

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

Date: 20 November 2017

Time: 1.00pm

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## Section 65 Certificate of Qualified Advice

### Background

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

### Declaration

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



**Michael Stretton**  
General Manager

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10 November 2017

Mr Michael Stretton  
General Manager  
City of Launceston  
PO Box 396  
**LAUNCESTON TAS 7250**

Dear Michael,

**COUNCIL MEETING**

In accordance with regulation 4 of the *Local Government (Meeting Regulations) 2015* which states:

4. *Convening meeting of council*
  - (1) *The mayor of a council may convene council meeting.*

I request that you make the necessary arrangements for the next Ordinary Meeting of Council to be convened on Monday, 20 November 2017 commencing at 1.00pm in the City of Launceston Council Chamber, Town Hall, St John Street, Launceston.

Yours sincerely



**Alderman A M van Zetten**  
**MAYOR**

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# City of Launceston

COUNCIL AGENDA

Monday 20 November 2017

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**1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES**

**2 DECLARATIONS OF INTEREST**

*Local Government Act 1993 - Section 48*

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

**3 CONFIRMATION OF MINUTES**

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

**RECOMMENDATION:**

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 30 October 2017 be confirmed as a true and correct record.

**4 DEPUTATIONS**

**No Deputations have been identified as part of this Agenda**

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**5 PETITIONS**

*Local Government Act 1993 - Sections 57 and 58*

**5.1 Petition - Eat Street**

**FILE NO:** SF0097

**AUTHOR:** John Davis (Manager Corporate Strategy)

**GENERAL MANAGER:** Michael Stretton (General Manager)

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**DECISION STATEMENT:**

To consider a petition submitted by Mr Cameron Gallagher to retain the Food Vans on High Street, East Launceston.

**RECOMMENDATION:**

That Council:

1. Receive the petition from Mr Cameron Gallagher to retain the Food Vans on High Street East Launceston, and
  2. Note its decision of 30 October 2017 that included the recommendation that Council "Investigate a long term solution to support the operation of mobile food vans in the Launceston municipality that maximises public safety whilst maintaining community usage".
- 

**REPORT:**

A petition, containing 720 signatures, was received from Mr Cameron Gallagher requesting the following:

*We, the undersigned Launceston residents hold concerns about the direction of policy relating to the regulation of food vans in the Launceston municipality. Undersigned residents strongly support sensible regulation which allows food van businesses to reasonably succeed and prosper.*

**Background**

In early 2017 Council requested a report be prepared on addressing a number of issues arising from the operations of mobile food vans from St Georges Square.

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## 5.1 Petition - Eat Street ...(Cont'd)

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The objectives of the investigation were:

- To retain St Georges Square as a casual dining venue serviced by on-street food vans.
- To maximise public safety given the number crossing High Street and particularly crossing between vans/in front of (blind side) of vans.
- To address the worn grass.
- To minimise litter in the park.
- To consider requests for built public conveniences.
- To work within the existing Policy on Mobile Food Vans and apply priority to the needs of 'fixed' business operations.

On 20 March 2017 Council adopted an interim solution for St Georges Square which limited the number of food vans on site to five and applied a speed limit during trading hours.

On Tuesday, 4 April 2017 a Workshop was held with current licenced mobile food van operators. Five operators were in attendance. The intent of the Workshop was to hear concerns of operators, talk about concerns of the Council, discuss draft criteria for identifying other sites from which mobile food vans could operate, discuss alternate locations and governance arrangements.

A number of Workshops have been held with Aldermen - exploring criteria for assessment of suitable trading locations, alternative sites, governance arrangements and feedback from a variety of stakeholders.

On Monday, 30 October 2017 Council resolved as follows:

A. *In respect to the operation of mobile food vans operating within the Launceston municipal area, adopts the following criteria for assessment of suitable trading locations:*

- *Pedestrian separation from moving traffic*
- *Hard stand for vans to park on when frequent attendance occurs*
- *Sufficient parking for vans or customers, relative to numbers of vans*
- *Congregating space for customers*
- *Separation from residential areas of at least 100m*
- *Waste management capacity*
- *Food businesses within 200m must consent*
- *Level site*
- *CBD Exclusion Zone*

B. *Supports the following actions for an interim period until 30 April 2018:*

1. *A maximum of four food vans be permitted to trade at St Georges Square, seven nights week.*
-

**5.1 Petition - Eat Street ...(Cont'd)**

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2. *Food vans operating at St Georges Square to have no openings onto the road side except for the driver side door.*
  3. *Current traders be given two months to comply with the recommendation to have no openings onto the road side except for the driver side door.*
  4. *Applications to trade at other locations will be assessed against the relevant criteria and determined by the General Manager.*
- C. *Establish selection criteria for selection of food vans to trade at the High Street location.*
- D. *In February 2018 calls for expressions of interest from mobile food van traders to operate from the site for a period of 12 months, requiring them to address the selection criteria and to identify the locations from which they wish to trade.*
- E. *Expressions of interest to be assessed by a council working group consisting of two Aldermen and two Council employees with a recommendation to be made to Council.*
- F. *Under section 205 of the Local Government Act 1993, a revised fee be adopted as follows:*  
*6 month licence = \$1,000 GST inclusive*  
*4 hours = \$150 GST inclusive (issued to vendor no more than twice per annum)*
- G. *Investigate a long term solution to support the operation of mobile food vans in the Launceston municipality that maximises public safety whilst maintaining community usage.*

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024  
Priority Area 8 - A secure, accountable and responsive Organisation

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5.1 Petition - Eat Street ...(Cont'd)

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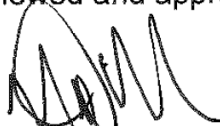
**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Michael Stretton: General Manager**

**ATTACHMENTS:**

1. Petition Extract - Let's Keep Eat Street Alive
-

Attachment 1 - Petition Extract - Let's Keep Eat Street Alive

**PETITION: Let's Keep "Eat Street" Alive**

To the Aldermen of Launceston City Council:

We, the undersigned Launceston residents hold concerns about the direction of policy relating to the regulation of food vans in the Launceston municipality. Undersigned residents strongly support sensible regulation which allows food van businesses to reasonably succeed and prosper.

Full Name	Address	Signature	Mobile
Eve Gowen	2-16 North St Newnham		
Sam Kuravita	286A Hobart Road Youngtown		
Liama Buck	Sherry St Camie		
Steven Ellis	Sherry St		
Kirsti Norman	Kate place		
Tom Sheriff	S Mountain View		
Matt Blair	84 Cambridge St		
Peter Trikalinos	12 Crawford St Newnham		
Simon Archer	4 Raymond Street		
Helene Steele	St Cornutus Rd Riverside		
Job Edmunds	19/53 Brisbane Street West Launceston		
Will Edmunds	3 Werona St Bealleigh VIC		
Clystan Brown	10 McCullough Lagon		
Nikki Gough	57 Brougham Street		
Luke Worthington	87 Brougham Street		
Madi Biggebar	4 Clarendon St		
Zenny L	"		

All information will treated confidentially only used in accordance with the petition and Eat Street campaign.

**6 COMMUNITY REPORTS**

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

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

**7 PUBLIC QUESTION TIME**

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

**7.1 Public Questions on Notice**

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

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

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

**7.2 Public Questions without Notice**

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

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

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

## **8 PLANNING AUTHORITY**

### **8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 car Spaces; General Retail and Hire - Retail Tenancy**

**FILE NO:** DA0155/2017

**AUTHOR:** Duncan Payton (Town Planner)

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

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#### **DECISION STATEMENT:**

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

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

Applicant:	S Group
Property:	4-6 Boland Street, 13 Tamar Street and 13A Tamar Street, Launceston
Zoning:	Urban Mixed Use
Receipt Date:	10/04/2017
Validity Date:	24/04/2017
Further Information Request:	01/05/2017
Further Information Received:	06/10/2017
Deemed Approval:	20/11/2017
Representations:	Three

#### **RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993*, a permit be granted for DA0155/2017, Residential - multiple dwellings; demolition of the existing cottages; construction and use of 30 multiple dwellings and 30 car spaces; General Retail and Hire - retail tenancy, at 4-6 Boland Street and 13 Tamar Street, Launceston subject to the following conditions:

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**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

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## **1. TASWATER**

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2017/00568-LCC).

## **2. ENDORSED PLANS & DOCUMENTS**

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

- a. Cover, prepared by S. Group, drawing no. A01, project no. J002464 4-6 Boland St / 13 Tamar Street, revision D, dated 29/6/17 AMENDED PLAN REQUIRED
- b. Ground Floor / Site, prepared by S. Group, drawing no. A02, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17
- c. First Floor, prepared by S. Group, drawing no. A03, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17 AMENDED PLAN REQUIRED
- d. Elevations 01, prepared by S. Group, drawing no. A04, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17 AMENDED PLAN REQUIRED
- e. Elevations 02, prepared by S. Group, drawing no. A05, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17 AMENDED PLAN REQUIRED
- f. Elevation 03, prepared by S. Group, drawing no. A06, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17 AMENDED PLAN REQUIRED
- g. 13 Tamar Street Proposed, prepared by S. Group, drawing no. A07, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17
- h. 13 Tamar Street existing, prepared by S. Group, drawing no. A08, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17
- i. 13 Tamar Street Roof plan, prepared by S. Group, drawing no. A09, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17
- j. Roof Plan, prepared by S. Group, drawing no. A10, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17 AMMENDED PLAN REQUIRED

## **3. AMENDED PLANS REQUIRED**

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

- a. Redesigned 4<sup>th</sup> floor and 5<sup>th</sup> floor (rooftop) to provide a minimum setback of six (6) metres from the Boland Street frontage.
  - b. The area within the setback, being the roof top of the 3<sup>rd</sup> floor, may be used as private open space.
  - c. Alterations to the façade to remove vertical louvre features
-



- 8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**
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#### **4. HOURS OF CONSTRUCTION**

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

#### **5. CAR PARKING**

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

#### **6. LEGAL TITLE**

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

#### **7. NON REFLECTIVE EXTERIOR FINISH**

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

#### **8. DRIVEWAY CONSTRUCTION**

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

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

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

#### **9. REFUSE & RECYCLING COLLECTION ARRANGEMENT**

Prior to the commencement of works, the applicant must provide written evidence of an agreement between the owner and a relevant contractor for the collection of refuse and recycling from the site. The relevant contractor may be the Council appointed contractor for refuse and recycling collection or other contractor engaged in the collection of refuse and/or recycling.

Collection will not be permitted to occur directly from Boland Street and bins must be located within the property boundary in the areas set aside for collection.

#### **10. DAMAGE TO COUNCIL INFRASTRUCTURE**

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

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**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

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liable for all reasonable costs associated with the enforcement of compliance with the conditions, bylaws and legislation relevant to the development activity on the site.

## **11. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

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

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

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

## **12. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS**

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

## **13. VEHICULAR CROSSINGS**

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

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

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

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**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

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

**14. SOIL AND WATER MANAGEMENT PLAN**

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

**15. OCCUPATION OF ROAD RESERVE (COMPLEX)**

Any works in the road reserve, or requiring the occupation of the road reserve, must be undertaken by, or under the supervision of a tradesman/contractor who is registered with Council as a "Registered Contractor".

Where it is necessary for works to occur within the road reserve or for the occupation of the road reserve, the express written permission of the Director Infrastructure Services is required. Application for the occupation of Boland Street must be made 14 days prior to date of the scheduled occupation or works and detailing (but not limited to);

- a. The nature, dates and duration of the occupation and/or works,
- b. The contractors name and registration number,
- c. The traffic management works that are must employed to provide for the continued safe use of the road reserve by pedestrians and vehicles,
- d. Any alternative pedestrian routes to be provided where the existing footpath in Boland Street is unavailable for use due to the delivery of materials such as the precast concrete panels
- e. Any temporary works required to maintain the serviceability of the road or footpath.

A permit issued for any occupation and/or works may be subject to conditions specifying or limiting:

- a. The nature, dates and duration of the occupation and/or works;
  - b. The traffic management works that must be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles, Any alternative pedestrian
-

**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

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routes to be provided where the existing footpath in Boland Street is unavailable for use due to the delivery of materials such as the precast concrete panels

- c. Any temporary works required to maintain the serviceability of the road or footpath,
- d. All remedial works required to repair any damage to the road reserve resulting from the occupation and/or works.

Inspections must be arranged for prior to the commencement of the occupation and at the completion of the works.

**16. DAMAGE TO COUNCIL INFRASTRUCTURE**

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

**17. AMENITY**

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

**18. SITE REMEDIATION AND VALIDATION**

Prior to the commencement of any construction and/or use, a Remediation and Validation report that includes a statement that the land is suitable for the intended use, completed or reviewed by a certified Site Contamination Practitioner, must be submitted to the satisfaction of the Manager Environmental Services.

**19. EXTERIOR AND SECURITY LIGHTING PLANNING**

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

**20. WASTE MATERIALS**

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

**21. DEMOLITION**

The Developer must:

- (a) protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
-

**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

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- (b) not undertake any burning of waste materials on site;
- (c) remove all rubbish from the site for disposal at a licensed refuse disposal site;
- (d) dispose of any asbestos found during demolition in accordance with the Worksafe Tasmania 'How to Safely Remove Asbestos' Code of Practice 2012 or any subsequent versions of the document

### **Notes**

**A. Occupancy Permit Required**

*Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2016. Section 225. A copy of this planning permit should be given to your Building Surveyor.*

**B. Plumbing Permit Required**

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

**C. General**

*This permit was issued based on the proposal documents submitted for DA0155/2017. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).*

*This permit takes effect after:*

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

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

**D. Restrictive Covenants**

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

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**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

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

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

**E. Appeal Provisions**

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

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

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

**F. Permit Commencement.**

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

**G. Acoustic Treatment**

*It is recommended that the proposed apartments are fitted with double glazing on windows and glass doors and adequate insulation is installed to minimise the potential for intrusive noise.*

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**REPORT:**

**1. THE PROPOSAL**

It is proposed to demolish the remnants of the two dilapidated cottages at 4-6 Boland Street, Launceston and the shed structure on an adjoining lot at the rear. The site will then be developed by the construction of two adjoining five storey blocks of multiple dwellings, containing a total of 24 two bed and four three bedroom dwellings. The ground floor level will provide access, 30 car parking spaces, 14 bicycle spaces, storage, rubbish collection, mailboxes and walkway. Additionally, the adjacent existing building at 13 Tamar Street, Launceston will be refurbished to provide a three bedroom

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dwelling on the first floor and a two bedroom dwelling, retail tenancy, courtyard and walkway on the ground level.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The subject site consists of these titles forming an 'L' shape with frontage to both Boland and Tamar Streets - a gated walkway will be provided between these frontages.

The Tamar Street frontage is located between a motor cycle retail outlet and an existing dwelling. The Boland Street frontage is between the recently constructed Centerlink building and the historic hotel - currently the Men's Gallery. To the south west is the old Gas Works site, including the nearest similarly tall building - the Vertical retort - recognised as the "Cooking with Gas" building. To the north west, over Tamar Street, is the Boags Brewery complex which also incorporates some similarly tall silos. Opposite the site is the North Esk River and then the Inveresk site undergoing development of the University relocation.

The site is fully serviced and is located just outside the CBD parking exemption precinct.

It is a level site on the banks of the river and is protected by the existing levee system.

**3. PLANNING SCHEME REQUIREMENTS**

**3.1 Zone Purpose**

15.0 Urban Mixed Use Zone

15.1.1 Zone Purpose Statements

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

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

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

15.1.1.4 To create:

(a) activity at pedestrian levels, with active road frontages offering interest and engagement to shoppers; and

(b) appropriate provision for car parking, pedestrian access and traffic circulation.

**Consistent**

The report provided by Pitt & Sherry asserts that the multi storey, multiple dwelling development, plus redeveloped retail tenancy, will cater primarily for city workers and university employees and students.

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As such, this provides for the integration of residential, community and commercial activities, supporting the role of the activity centres of the city and university and likely to increase activity outside normal business hours.

**15.3 Use Standards**

**15.3.1 Hours of operation**

<p>Objective: To ensure that non-residential uses do not cause unreasonable loss of amenity to nearby sensitive uses.</p>
<p><b>Consistent</b> The proposed retail tenancy for 13 Tamar Street is the only non-residential use proposed. The small scale of this tenancy will limit the likely future use of the site. Loss of amenity to nearby residential uses is unlikely given that the closest residential dwellings are within the same building.</p>
<p>A1 Commercial vehicles must only operate between 6.00am and 10.00pm.</p>
<p><b>Complies</b> If any variation to this is proposed in the future, further approval will be required.</p>

**15.3.2 Mechanical plant and equipment**

<p>Objective: To ensure that the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to sensitive uses.</p>
<p><b>Consistent</b> The proposed multiple dwellings will incorporate a lift in each block. Plant and machinery will be internal and roof mounted and consistent with modern equipment, will not have unreasonable noise emissions</p>
<p>A1 Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining or immediately opposite sensitive uses.</p>
<p><b>Complies</b></p>

**15.3.3 Light spill and illumination**

<p>Objective: To ensure that light spill and levels of illumination from external lighting does not cause unreasonable loss of amenity to sensitive uses.</p>
<p><b>Consistent</b> If approved, a condition will be included to ensure that car park and walkway lighting is suitably baffled to prevent loss of amenity to the ground floor residents at 7-11 and 13 Tamar Street, both of whom adjoin the walkway.</p>



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15.3.4 Noise level

Objective: To ensure that noise levels from uses do not unreasonably impact on the amenity of nearby sensitive uses.
<b>Consistent</b> The nearest sensitive uses will be other dwellings within the same complex.
A1 Noise generated by a use on the site must: (a) not exceed a time average A-weighted sound pressure level (L <sub>aeq</sub> ) of 5 dB(a) above background during operating hours when measured at the boundary of an existing sensitive use adjoining or immediately opposite the site; or (b) be in accordance with any permit conditions required by the Environment Protection Authority or an environmental protection notice issued by the Director of the Environment Protection Authority.
<b>Complies</b> Residential uses are not expected to exceed these limits. The proposed retail tenancy will be similarly constrained without further approval.

15.3.5 Retail impact

Objective: To ensure that the economic, social and environmental impact of significant new retail use and development is consistent with the activity centre hierarchy.
<b>Consistent</b> Only a single small retail tenancy is proposed.
A1 If for no permit required or permitted use class.
<b>Complies</b> Retail tenancy below 250m <sup>2</sup> is permitted.

**15.4 Development Standards**

15.4.1 Building height, setback and siting

Objective: To ensure that building bulk and form, and siting: (a) is compatible with the streetscape and character of the surrounding area; (b) protects the amenity of adjoining lots; and (c) promotes and maintains high levels of public interaction and amenity.
<b>Consistent</b> The proposed building is five storeys within an area of predominately two storey buildings with some of a single level. As such, it stands substantially above the adjoining structures and, as presented, is not compatible with the streetscape or the character of the surrounding area. A condition is proposed to require modifications to the top floor to provide a setback of at least 6m from the frontage. This modification will enable the building to present, within the streetscape, as only marginally higher than the acceptable solution.

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Concerns with the incompatibility of the proposed height have been raised by representors.

Significantly, the Boland Street site is heritage listed in Table E13.2 of the scheme and Council's Urban Designer advises:

*The proposed building is obviously significantly higher than the cottages it is proposed to replace and the surrounding buildings, with the vast majority of these being either single or double storey. The notable exception to this is the Vertical Retort building which stands alone, set well back from any street frontage in the centre of the former Gasworks site.*

*While the detail proposed in the recycled brickwork at ground level offers some human scale and use of material which are very much 'of the site', the larger form and material palette does not address the scale, pattern or level of detail evident in the valued streetscape along this historic section of the industrial riverfront.*

*In its current form the development is not considered to meet either the 'Height and bulk' standard within the Heritage code or the performance criteria for appropriate building height in the zone. Without further justification, the only way that a five storey building such as the one proposed here may be considered to meet these provisions in regard to scale would be to step the upper floors back from Boland Street so that they are not evident as part of significant streetscape views along the river edge, and to break down the scale of the overall structure with more horizontal articulation of form, rather than the largely vertical orientation utilised.*

*When buildings are proposed with heights above the 'norm' (or acceptable level) in an area of valued scale and built character a common 'rule of thumb' to provide for an appropriate 'height versus setback' relationship is to prevent the floors above the norm from being visible to a human of an average height when the building is viewed from street level on the opposite side of the road. Although there is not a footpath at street level on the north side of Boland Street, this is still considered to be a useful measure in the assessment of the impact of building scale in this streetscape.*

A1 Building height must be no greater than:

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

**Relies on Performance Criteria**

The proposed building at 4-6 Boland Street has a total height of 17.65m.

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

- (a) the topography of the site;

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**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

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

**Complies**

Whilst it is clear that there are a number of examples of tall buildings throughout Launceston (eg. Grand Chancellor Hotel, Quest Hotel, Telstra building, the old Queen Victoria Maternity Hospital and student accommodation at Inveresk, plus industrial structures such as silos at Kings Wharf and Boags Brewery and the Vertical Retort at the Gas Works), the majority of these are remote from this site and its surrounds. As such they provide context for the proposed building when viewed from roads and public places other than the immediate area.

The applicant's consultants have sought to demonstrate that the proposed building is compatible with the streetscape and the character of the surrounding area by reference to the isolated individual structures at the Gas Works and Brewery sites, plus reference to the recently constructed student accommodation at Inveresk.

The streetscape - encompassing Boland Street between Willis Street and Tamar Street and Tamar Street between the bridge and Cimitiere Street - is predominately two storey with some single storey structures interspersed. A five storey structure projecting straight up from almost each boundary has the potential to dominate this streetscape. To mitigate this, a condition requiring the top floor to be setback not less than 6m from the Boland Street frontage is proposed. The effect of this will be that the front of the building will be 12m high, plus a 1m parapet. The recessed upper floor will be shielded from the immediate views from the street and levee. Oblique and long distance views will see the full height, however, this will be mitigated by distance and the back drop of existing development.

Relevantly, the acceptable solution provides for a height of 12m. In other words, building to a height of 12m is deemed to be compatible with the streetscape and character of the surrounding area. Whilst the proposed building is taller than the adjoining buildings, it will present as only marginally taller than the acceptable solution when viewed from Boland Street.

The taller brewery, hotel and old wool store structures on the western side of Tamar Street, to perhaps a three storey height, are not considered pertinent to the streetscape within which this building is proposed. They do, of course, impact on the character of the surrounding area.

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<p>The surrounding area is a more subjective consideration, encompassing a wider scope than the streetscape. If the surrounding area is limited to 100m from the site (as accepted in Henry Design and Consulting v Clarence City Council &amp; Ors [2017] TASRMPAT 11 at para 23) then the Vertical Retort is the only existing structure greater than 12m tall within the surrounding area. If a wider area was to be considered to include the student accommodation, then the city park and the yet to be redeveloped Willis Street site would be included.</p> <p>Views along the waterfront show a mix of heights and industrial buildings against the backdrop of the developed hillsides and with taller city buildings in the middle distance. Eastwards, against the backdrop of Windmill Hill, including the Aquatic Centre and Queen Victoria Maternity Hospital, are the Vertical Retort buildings and the Willis Street site awaiting university development.</p> <p>Having regard to the images provided by the applicant, the topography, height of adjoining and adjacent buildings, bulk and form and views from roads and public areas, the proposed five storey 16m tall building, with the proposed top floor setback, is not compatible with the streetscape or character of the surrounding area.</p>
<p><b>A2 Setback from a frontage:</b></p> <ul style="list-style-type: none"> <li>(a) must be built to the frontage at ground level; or</li> <li>(b) be setback a distance that is not more or less than the maximum and minimum setbacks of the buildings on adjoining lots.</li> </ul>
<p><b>Relies on Performance Criteria</b></p> <p>The proposed building is to be setback approximately 1m. Both adjoining buildings are built to the boundary.</p>
<p><b>P2 Buildings must be sited to be compatible with the streetscape and character of the surrounding area, having regard to:</b></p> <ul style="list-style-type: none"> <li>(a) the level of public interaction and amenity, and pedestrian activity;</li> <li>(b) the topography of the site;</li> <li>(c) the setbacks of surrounding building;</li> <li>(d) the height bulk and form of existing and proposed buildings;</li> <li>(e) the appearance when viewed from roads and public places;</li> <li>(f) the retention of vegetation;</li> <li>(g) the existing or proposed landscaping; and</li> <li>(h) the safety of road users.</li> </ul>
<p><b>Complies</b></p> <p>The existing cottages are setback from the frontage by around one metre and the proposed building seeks to maintain that setback. Whilst the adjoining buildings are built to the frontage boundary, the proposed 1m setback is not considered incompatible.</p>

**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

<p>A3 Setback from a side boundary:</p> <ul style="list-style-type: none"> <li>(a) must be built to the side boundaries at ground level; or</li> <li>(b) be setback a distance that is not more or less than the maximum and minimum setbacks of the buildings on adjoining lots.</li> </ul>
<p><b>Complies</b></p> <p>The proposed building is effectively built to the side boundaries, notwithstanding that the ground level is open providing parking, storage and a walkway.</p>

15.4.2 Location of car parking

<p>Objective:</p> <p>To ensure that car parking:</p> <ul style="list-style-type: none"> <li>(a) does not detract from the streetscape; and</li> <li>(b) provides for vehicle and pedestrian safety.</li> </ul>
<p><b>Consistent</b></p>
<p>A1 Car parking must be located:</p> <ul style="list-style-type: none"> <li>(a) within the building structure; or</li> <li>(b) behind the building.</li> </ul>
<p><b>Complies</b></p> <p>Parking is located at ground floor with the majority hidden from clear view behind brick walls. There will be some incidental view through the entrance to the carpark.</p>

15.4.3 Active ground floors

<p>Objective:</p> <p>To ensure that building facades promote and maintain high levels of pedestrian interaction and amenity.</p>
<p><b>Consistent</b></p>
<p>A3 The building must:</p> <ul style="list-style-type: none"> <li>(a) provide a direct access for pedestrians from the road or publicly accessible areas; and</li> <li>(b) be orientated to face a road, mall, laneway or arcade, except where the development is not visible from these locations.</li> </ul>
<p><b>Complies</b></p> <p>Pedestrian access is provided directly from Boland and Tamar Streets to the walkway.</p>
<p><b>Complies</b></p> <p>The plans show a total garage opening width of 6m.</p>

15.4.4 Pedestrian access to dwellings

<p>Objective:</p> <p>To ensure pedestrian access to residential development is safe and convenient.</p>
<p><b>Consistent</b></p>

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A1.1 New dwellings or residential developments must be provided with a pedestrian access independent of the access to any ground floor use in the building, or tenancies on the same site or within the same building; and  
 A1.2 Pedestrian access directly onto a road frontage must be no wider than 4m.

**Complies**  
 The ground floor use of the building is for residential car parking - limited to the residents of the building. Two lift and stair wells are provided, both of which can be accessed directly from the walkway. The walkway is not wider than 4m at either Boland or Tamar Streets.

15.4.5 Daylight to windows

**Objective:**  
 To allow adequate daylight into habitable room windows.

**Consistent**  
 Whilst the nature of the development - two blocks of multiple dwellings - is such that many of the rear dwellings will have limited access to direct sunlight, there is sufficient clearance, decks and windows to attain adequate daylight into habitable rooms.

A1 Where the minimum distance between:  
 (a) a new window in a habitable room and an existing building; or  
 (b) a new building constructed directly opposite an existing habitable room window, is less than 3m, a light court with an area of no less than 3m<sup>2</sup> and dimension of no less than 1m clear to the sky must be provided.

**Complies**  
 The proposed building is closer than 3m to the adjoining premises. There is a 14m<sup>2</sup> deck in front of large window openings, effectively creating the required light court for each dwelling unit affected.

15.4.6 Private open space

**Objective:**  
 To provide adequate and useable private open space for the needs of residents.

**Consistent**  
 A1 Dwellings must have an area of private open space with direct access from a habitable room other than a bedroom, comprising:  
 (a) on the ground floor, 24m<sup>2</sup> with a horizontal dimension of no less than 3m; or  
 (b) wholly above ground floor, 8m<sup>2</sup> with a minimum horizontal dimension of 2m; or  
 (c) a roof-top area, 10m<sup>2</sup> with a minimum horizontal dimension of 2m.

**Complies**  
 The only ground floor dwelling is at 13 Tamar Street and more than 24m<sup>2</sup> with a minimum horizontal dimension of 3m is provided.

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All other dwellings are above ground floor and all are provided with more than 8m <sup>2</sup> private open space with a minimum horizontal dimension of 2m.
A2 Private open space must receive a minimum of four hours of direct sunlight on 21 June to 50% of the designated private open space area.
<b>Relies on Performance Criteria</b> Some of the dwelling units will not achieve the minimum four hours of direct sunlight to their private open space on 21 June.
P2 Private open space must receive adequate sunlight having regard to: (a) the topography of the site; (b) site constraints, including any vegetation; (c) the orientation and shape of the site; and (d) the location and size of buildings on the site and adjoining lots.
<b>Complies</b> Given the orientation of the proposed building and the size and location of adjoining buildings, some of the private open space proposed will receive very little direct sunlight. Although adequate daylight will be received.  Consequently, a roof top garden is proposed to provide an immediate area open to direct sunlight all day for the relative private use of the residents.

15.4.7 Overshadowing private open space

Objective: To ensure new buildings do not unreasonably overshadow existing private open space.
<b>Consistent</b> The proposed building will overshadow the private open space of the dwelling at 7-11 Tamar Street and part of the morning sunlight will be lost.
A1.1 Where new buildings reduce sunlight to the private open space of an existing dwelling, at least 75% of the private open space must receive no less than four hours of sunlight on 21 June; and A1.2 Where less than 75% of the existing private open space receives four hours of sunlight on 21 June, new buildings must not further reduce the amount of sunlight.
<b>Relies on Performance Criteria</b> The result of the overshadowing of the private open space at 7-11 Tamar Street is that less than 75% of the area will receive four hours of sunlight on 21 June.
P1 New buildings must not unreasonably overshadow existing private open spaces, having regard to: (a) the impact on the amenity of existing dwellings; (b) sunlight penetration to the private open space of the existing dwelling; (c) the time of day and the duration that sunlight is available to the private open space of the existing dwelling; and (d) the effect of a reduction in sunlight on the existing use of the private open space.

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**Complies**

The public open space area at the rear of 7-11 Tamar Street presents as if the use of the site has been abandoned. The brick wall adjoining the subject site has fallen in and the toilets appear to have been vandalised. The ground floor of 11 Tamar Street appears to have last been used for non-residential purposes. Relevantly, residential use of the ground floor in the Urban Mixed Use is discretionary. Any past use of the ground floor of 7-11 Tamar Street for residential purposes appears to have been abandoned.

The current proposal may become a catalyst for the redevelopment of 7-11 Tamar Street which may include first floor residential use with open space provided by a deck. Reconfiguration of the ground floor level could provide private open space with adequate sunlight.

15.4.8 Storage

**Objective:**

To provide adequate storage facilities for each dwelling.

**Consistent**

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

**Complies**

Whilst there is a total of 30 dwellings proposed, only 29 storage areas are shown on the proposal plans. This can be resolved by a condition if required.

15.4.9 Common property

**Objective:**

To ensure that common areas are easily identified.

**Consistent**

A1 Site drawings must clearly delineate private and common areas, including:

- (a) driveways;
- (b) parking spaces, including visitor parking spaces;
- (c) landscaping and gardens;
- (d) mailboxes; and
- (e) storage for waste and recycling bins.

**Complies**

Common property is clearly identified in the plans.

E2.0 Potentially Contaminated Land Code

E2.1 The purpose of this provision is to:

- (a) ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.



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<b>Consistent</b>
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E2.5 Use Standards

Objective: To ensure that potentially contaminated land is suitable for the intended use.
A1 The Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.
<b>Complies</b> An Environmental Site Assessment prepared by a certified Site Contamination Practitioner, Jemrok, has approved a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.

**E2.6 Development Standards**

E2.6.2 Excavation

Objective: To ensure that works involving excavation of potentially contaminated land does not adversely impact on human health or the environment.
<b>Consistent</b>
A1 No acceptable solution.
<b>Relies on Performance Criteria</b>
P1 Excavation does not adversely impact on health and the environment, having regard to: (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health and the environment that includes: (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before excavation commences; and (iii) a statement that the excavation does not adversely impact on human health or the environment.

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**Complies**  
 An Environmental Site Assessment prepared by a certified Site Contamination Practitioner, Jemrok, has approved a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.

**E4.0 Road and Railway Assets Code**  
**E4.1** The purpose of this provision is to:  
 (a) protect the safety and efficiency of the road and railway networks; and  
 (b) reduce conflicts between sensitive uses and major roads and the rail network.  
**Consistent**

**E4.5 Use Standards**  
**E4.5.1** Existing road accesses and junctions  
 Objective:  
 To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.  
**Consistent**

**E4.6 Development Standards**  
**E4.6.2** Road accesses and junctions  
 Objective:  
 To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.  
**Consistent**  
**A2** No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.  
**Complies**

**E4.6.4** Sight distance at accesses, junctions and level crossings  
 Objective:  
 To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.  
**Consistent**  
**A1** Sight distances at:  
 (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and  
 (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.

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**Complies**

The applicants have provided a Traffic Impact Assessment, prepared by Pitt & Sherry, that argues that traffic exiting the site is to be limited to left turn only. Consequently, the required sight distance only applies from the east (i.e. looking right) and this distance meets the requirements of Table E4.6.4.

**E6.0 Parking and Sustainable Transport Code**

E6.1 The purpose of this provision is to:

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

**Consistent**

The Traffic Impact Assessment also addresses the suitability of the parking numbers provided.

**E6.5 Use Standards**

**E6.5.1 Car parking numbers**

Objective:

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

**Consistent**

A1 The number of car parking spaces must:

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

**Relies on Performance Criteria**

The Table requires one parking space per bedroom or two parking spaces for every three bedrooms, plus one visitor space for every five dwellings. The proposal includes 25 two bedroom and five three bedroom dwellings, requiring a total of 66 car parking spaces. Only 30 spaces are proposed.

**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

<p>P1.1 The number of car parking spaces for other than residential uses, must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the availability of off-road public car parking spaces within reasonable walking distance;</li> <li>(b) the ability of multiple users to share spaces because of:               <ul style="list-style-type: none"> <li>(i) variations in car parking demand over time; or</li> <li>(ii) efficiencies gained by consolidation of car parking spaces;</li> </ul> </li> <li>(c) the availability and frequency of public transport within reasonable walking distance of the site;</li> <li>(d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</li> <li>(e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</li> <li>(f) an assessment of the actual car parking demand determined in light of the nature of the use and development;</li> <li>(g) the effect on streetscape; and</li> <li>(h) the recommendations of any traffic impact assessment prepared for the proposal; or</li> </ul> <p>P1.2 The number of car parking spaces for residential uses must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the intensity of the use and car parking required;</li> <li>(b) the size of the dwelling and the number of bedrooms; and</li> <li>(c) the pattern of parking in the locality; or</li> </ul> <p>P1.3 The number of car parking spaces complies with any relevant parking precinct plan.</p>
<p><b>Complies</b> Effectively, one car parking space is available for each unit. The developers assert that given the site's proximity to the CBD and the developing university complex, car ownership is unlikely to be a priority for many residents. Additionally, public transport is readily available.</p>

<p>E6.5.2 Bicycle parking numbers</p>
<p>Objective: To ensure that an appropriate level of bicycle parking spaces are provided to meet the needs of the use.</p>
<p><b>Consistent</b></p>
<p>A1 The number of bicycle parking spaces must be provided on either the site or within 50m of the site in accordance with the requirements of Table E6.1.</p>
<p><b>Complies</b> The Table requires 13 bicycle parking spaces and 14 are provided.</p>

**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

E6.5.4 Motorcycle parking

Objective: To ensure that motorcycle parking is provided to meet the needs of the use.
<b>Consistent</b>
A1 Except for dwellings in the General Residential zone, uses that require greater than 20 car parking spaces by Table E6.1 must provide one motorcycle parking space on site with one additional motorcycle parking space on site for each additional 20 car parking spaces required.
<b>Relies on Performance Criteria</b> The Table requires one motorcycle parking space for every 20 car parking spaces required by the Table. As the Table required 66 spaces, notwithstanding that only 30 are to be provided, four motorcycle spaces are required.
P1 Motorcycle parking spaces must be provided to meet the reasonable needs of the use, having regard to: (a) the nature of the proposed use and development; (b) availability and accessibility of motorcycle parking spaces on the road or in the vicinity; and (c) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping.
<b>Complies</b> The same arguments mounted for car parking can be applied to the provision of motorcycle parking spaces and the two spaces provided are acceptable.

**E6.6 Development Standards**

E6.6.1 Construction of parking areas

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

**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

E6.6.2 Design and layout of parking areas

<p>Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>
<p><b>Consistent</b></p> <p>A1.1 Car parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> <li>(a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces;</li> <li>(b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2;</li> <li>(c) have parking space dimensions in accordance with the requirements in Table E6.3;</li> <li>(d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are three or more car parking spaces; and</li> <li>(e) have a vertical clearance of not less than 2.1m above the parking surface level.</li> </ul> <p>A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.</p> <p>A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more.</p> <p>A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.</p>
<p><b>Relies on Performance Criteria</b></p> <p>The parking space dimensions do not meet the requirements of Table E6.3.</p>
<p>P1 Car parking, access ways, manoeuvring and circulation spaces must be convenient, safe and efficient to use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the characteristics of the site;</li> <li>(b) the proposed slope, dimensions and layout;</li> <li>(c) vehicle and pedestrian traffic safety;</li> <li>(d) the nature and use of the development;</li> <li>(e) the expected number and type of vehicles;</li> <li>(f) the nature of traffic in the surrounding area; and</li> <li>(g) the provisions of Australian Standards AS 2890.1 - Parking Facilities, Part 1: Off Road Car Parking and AS2890.2 Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.</li> </ul>
<p><b>Complies</b></p> <p>The Traffic Impact Assessment demonstrates compliance with the relevant Australian Standard for all spaces other than space number one, which can only cater for a smaller car. Having regard to the characteristics of the site, safety and expected use, the parking, access, manoeuvring and circulation spaces are considered to be safe and efficient.</p>

**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

E6.6.3 Pedestrian access

Objective: To ensure pedestrian access is provided in a safe and convenient manner.
<b>Consistent</b>
A1.1 Uses that require 10 or more parking spaces must: (a) have a 1m wide footpath that is separated from the access ways or parking aisles, except where crossing access ways or parking aisles, by: (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and (b) be signed and line marked at points where pedestrians cross access ways or parking aisles; and A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a minimum width of 1.5m and a gradient not exceeding 1 in 14 is required from those spaces to the main entry point to the building.
<b>Relies on Performance Criteria</b> Footpaths are not provided within the car park.
P1 Safe pedestrian access must be provided within car parks, having regard to: (a) the characteristics of the site; (b) the nature of the use; (c) the number of parking spaces; (d) the frequency of vehicle movements; (e) the needs of persons with a disability; (f) the location and number of footpath crossings; (g) vehicle and pedestrian traffic safety; (h) the location of any access ways or parking aisles; and (i) any protective devices proposed for pedestrian safety.
<b>Complies</b> The Traffic Impact Assessment states <i>the pedestrian crossing points provide guidance to the stair and lift locations and are adequate for this car park which carries low volumes of vehicles at low speeds.</i>

E6.6.5 Bicycle facilities

Objective: To ensure that cyclists are provided with adequate facilities.
<b>Consistent</b>

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

**Complies**

**E6.6.6 Bicycle parking and storage facilities**

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

**Consistent**

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

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

**Complies**

A2 Bicycle parking spaces must:

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

**Complies**

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

**E13.0 Local Historic Cultural Heritage Code**

E13.1 The purpose of this provision is to:

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



- 8.1 **4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

**Not Consistent.**

**E13.6 Development Standards**

E13.6.1 Demolition

<p>Objective: To ensure that the demolition or removal of buildings and structures does not impact on the historic cultural heritage significance of local heritage places and their setting.</p>
<p><b>Consistent</b></p>
<p>A1 No acceptable solution.</p>
<p><b>Relies on Performance Criteria</b></p>
<p>P1 Buildings or parts of buildings and structures may be demolished, provided there is no unreasonable impact on the historic cultural heritage significance of the local heritage place and setting, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the physical condition of the local heritage place;</li> <li>(b) the extent and rate of deterioration of the building or structure;</li> <li>(c) the safety of the building or structure;</li> <li>(d) the streetscape or setting in which the building or structure is located;</li> <li>(e) the cultural heritage values of the local heritage place;</li> <li>(f) the need for the development;</li> <li>(g) any options to reduce or mitigate deterioration;</li> <li>(h) whether demolition is the most reasonable option to secure the long-term future of a building or structure; and</li> <li>(i) any overriding economic considerations.</li> </ul>
<p><b>Complies</b></p> <p>4-6 Boland Street has been removed from the State listing, however, it remains on the list of Local Historic Cultural Heritage in the planning scheme.</p> <p>The current owners were made aware prior to purchase that any demolition would need to address the performance criteria. To this extent the applicants have relied on the deteriorated condition of the now dilapidated cottages to support their complete demolition. Whilst demolition by neglect is not encouraged, this is effectively what has happened with this site.</p>

E13.6.2 Maintenance and repair

<p>Objective: To ensure that maintenance and repair of heritage buildings are constructed and undertaken to be sympathetic to, and not detract from the historic cultural heritage significance of local heritage places.</p>
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**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

<p><b>Consistent</b> The Tasmanian Heritage Council has granted conditional approval to the proposed changes to 13 Tamar Street.</p>
<p>A1 New materials and finishes match or are similar to the materials and finishes that are being replaced.</p>
<p><b>Complies</b> The THC approval conditions seek to ensure this.</p>

E13.6.3 Lot size and dimensions and frontage

<p>Objective: To ensure that subdivision does not impact on the historic cultural heritage significance of local heritage places and their settings.</p>
<p><b>Consistent</b> P1 Subdivision must not unreasonably impact on the historic cultural heritage significance of local heritage places or their settings, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the historic development pattern of the area; (c) the separation of buildings or structures from their original setting; (d) the lot sizes, dimensions, frontage, access and orientation; (e) the suitability of the proposed lots for their intended uses; and (f) the removal of vegetation, significant trees or garden settings.</p>
<p><b>Complies</b> The three existing lots will be consolidated into a single lot.</p>

E13.6.4 Site coverage

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

**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

**Complies**

The proposed site coverage is consistent with the site coverage of buildings on sites in the surrounding area and the pattern of development.

**E13.6.5 Height and bulk of buildings**

**Objective:**

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

**Consistent**

The proposed condition to require a 6m setback on the top floor will reduce the impact of the proposed building on the site to make it compatible with the adjoining local heritage places.

A1 No acceptable solution.

**Relies on Performance Criteria**

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

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

This is discussed at clause 15.4.1 and the advice of Council's Urban Design and Heritage Planner is noted:

*The proposed building is obviously significantly higher than the cottages it is proposed to replace and the surrounding buildings, with the vast majority of these being either single or double storey. The notable exception to this is the Vertical Retort building which stands alone, set well back from any street frontage in the centre of the former Gasworks site.*

*While the detail proposed in the recycled brickwork at ground level offers some human scale and use of material which are very much 'of the site', the larger form and material palette does not address the scale, pattern or level of detail evident in the valued streetscape along this historic section of the industrial riverfront.*

*... Without further justification, the only way that a five storey building such as the one proposed here may be considered to meet these provisions in regard to scale would be to step the upper floors back from Boland Street so that they are not evident as part of significant streetscape views along the river edge, and to break down the scale of the overall structure with more horizontal articulation of form, rather than the largely vertical orientation utilised.*

**8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

Having regard to this advice, it is proposed to condition the permit to require amended plans showing a 6m setback on the top floor and alterations to the façade to remove the vertical louvres.

These changes will visually reduce the bulk and scale of the building when viewed from the streetscape and promote a greater consistency in the horizontal form of the adjoining buildings.

E13.6.6 Site of buildings and structure

<p>Objective: To ensure that the siting of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p><b>Consistent</b></p>
<p>A1 No acceptable solution.</p>
<p><b>Relies on Performance Criteria</b></p>
<p>P1 The front, side and rear setbacks must be compatible with the historic cultural heritage significance of a local heritage place and its setting, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the cultural heritage values of the local heritage place and setting;</li> <li>(b) the topography of the site;</li> <li>(c) the size, shape, and orientation of the lot;</li> <li>(d) the setbacks of other buildings in the surrounding area;</li> <li>(e) the historic cultural heritage significance of adjacent places; and</li> <li>(f) the streetscape.</li> </ul>
<p><b>Complies</b> Having regard to the streetscape, the historic cultural heritage significance of adjacent places, the setbacks of other buildings in the area and the characteristics of the lot, the proposed setbacks are compatible.</p>

E13.6.8 Roof form and materials

<p>Objective: To ensure that roof form and materials are compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p><b>Consistent</b></p>
<p>A1 No acceptable solution.</p>
<p><b>Relies on Performance Criteria</b></p>
<p>P1 Roof form and materials are compatible with the historic cultural heritage significance of a place and its setting, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the cultural heritage values of the local heritage place and setting;</li> <li>(b) the design, period of construction and materials of the dominant building on the site;</li> <li>(c) the dominant roofing style and materials in the setting; and</li> </ul>

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(d) the streetscape.
<b>Complies</b> The proposed roof style is consistent with the dominant style in the area and will be largely obscured by the proposed roof garden.

E13.6.9 Wall materials

Objective: To ensure that wall materials are compatible with the historic cultural heritage significance of local heritage places and their settings.
<b>Consistent</b>
A1 No acceptable solution.
<b>Relies on Performance Criteria</b>
P1 Wall material for buildings and structures must be compatible with the historic cultural heritage significance of a place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the design, period of construction and materials of the dominant building on the site; (c) the dominant wall materials in the setting; and (d) the streetscape.
<b>Complies</b> The applicants advise that the wall materials have been selected to be compatible with the existing structure.

E13.6.11 Driveways and parking

Objective: To ensure that driveways and parking are compatible with the historic heritage significance of local heritage places and their settings.
<b>Consistent</b>
A1 Car parking areas for non-residential purposes must be located behind the primary buildings on the site.
<b>Complies</b> Parking is to be provided at ground level, with the dwellings constructed above.

E13.6.12 Tree and vegetation removal

Objective: To ensure that the removal, destruction or lopping of trees or the removal of vegetation does not impact on the historic heritage significance of local heritage places and their settings.
<b>Consistent</b>
A1 No acceptable solution.

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<b>Relies on Performance Criteria</b>
P1 The removal, destruction or lopping of trees or the removal of vegetation must not unreasonably impact on the historic cultural heritage significance of a local heritage place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the age and condition of the tree or vegetation; (c) the size and form of the tree or vegetation; (d) the importance of the tree or vegetation to the historic cultural heritage significance of a local heritage place or its setting; and (e) whether the tree or vegetation is located within a garden that is a listed as a local heritage place.
<b>Complies</b>
The only vegetation on site is weed growth and that will be removed.

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	The application was referred to Council's Urban Design and Heritage Planner and the comments received have been incorporated into this report.  13 Tamar Street remains on the list of the Tasmanian Heritage Council who has provided conditional consent to the granting of a permit.
Building and Plumbing	N/A
<b>EXTERNAL</b>	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2017/00568-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

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## 5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 11 October 2017 to 26 October 2017. Three representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

ISSUE	COMMENT
Height of the building may affect the amount of natural light entering the Motorcycle City building through the existing skylights.	The proposed five level multiple dwelling development will be built to the northern boundary of the Motorcycle City building, which is predominately a single level structure utilising multiple skylights across its roof to gain benefit from natural daylight. Inevitably, this proposed building will cast a shadow across a number of these skylights at various times throughout the day. However, being in shadow does not completely block out daylight. To consider what might be adequate daylight, the private open space requirement for 50% of the area to receive four hours of direct sunlight, is a useful guide. More than 50% of the skylights will receive more than four hours of direct sunlight.
Adjoining old buildings could be damaged during construction, especially if piles are driven into the ground.	There is limited capacity in the planning scheme to address the construction methods. Nevertheless, the site adjoins other heritage listed buildings and appropriate caution and engineering assessment should be undertaken as part of any building approval process.
Questions of process validity: -the application is not clear in terms of the uses proposed; - rights of way	The proposal was correctly advertised and described in accordance with the <i>Land Use Planning and Approvals Act 1993</i> and accurately represented what was applied for. Relevantly, the applicant has applied for a small retail tenancy, rather than a specific type of shop. The listing of Food Services on a secondary screen on council's website, not part of the statutory exhibition requirement, ought to have prompted a question if it is alleged that confusion resulted. The statutory provisions were met and no such question arose during exhibition. The representor's property is not a beneficiary of the right of way, which provides access to property the subject of this application. The right of way, over which the adjoining building has a fire escape, is not affected by any of the proposed works.

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ISSUE	COMMENT
<p>Height- at 5-6 storeys it is not compatible with the adjoining 2-3 storey buildings; is out of character with the area and there has been no attempt to reduce the bulk of the building as the height increases.</p>	<p>The representors have provided a discussion asserting that the proposed building is too tall and that the City of Launceston needs firmer policies to maintain a sense of low rise to preserve its historic city-scape. It is asserted that there are only a small number of inappropriate buildings and care should be taken to avoid adding to this list and detracting from the visitor experience and Launceston's sense of place.</p> <p>Conversely, the applicants argue that the subject site is in an area of transition. Further, they argue that there are surrounding buildings and structures (in various zones) that exceed the 12m height contained in the acceptable solution.</p> <p>Notwithstanding the above, there are many examples of buildings within Launceston that are significantly taller than their immediate neighbours. All contribute and have a lasting impact on the streetscape.</p> <p>A more detailed consideration of this issue can be found in the body of this report.</p>
<p>Will introduce ingress and egress to the already overloaded Boland Street causing traffic chaos.</p>	<p>The applicants have provided a traffic impact assessment, prepared by Pitt &amp; Sherry, that does not support this contention and concludes that "the additional traffic volumes generated by the development are low and expected to have a minimal impact on the safety and operation of the surrounding network". It is, however, recommended that vehicle movements at that access be limited to left in and left out. In practical terms, it is not council practice to install traffic signage regulating access to a private site (eg. right turn into the Cimitiere Street bus depot is not prohibited). Whilst the developers can install a left turn only sign within their site, no such signage will be installed within the road reserve. Therefore, the likelihood of congestion is increased as residents may attempt to enter or leave the site via a right hand turn. Anecdotally, traffic has been observed banked along Boland Street, from the Tamar Street lights, beyond the proposed entrance to this site.</p>



- 8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**
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## **6. CONCLUSION**

It is considered that the proposal complies with the Scheme and it is appropriate to recommend for approval.

### **ECONOMIC IMPACT:**

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

### **ENVIRONMENTAL IMPACT:**

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

### **SOCIAL IMPACT:**

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

### **STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

### **BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

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- 8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**
- 

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Leanne Hurst: Director Development Services**

**ATTACHMENTS:**

1. Locality Map (distributed electronically)
  2. Plans of Proposal (distributed electronically)
  3. Representations (distributed electronically)
-

**8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective)****FILE NO:** DA0490/2017**AUTHOR:** Iain More (Town Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Lyndon Claude Kettle
Property:	27 Benvenue Road, St Leonards
Zoning:	General Residential
Receipt Date:	27/09/2017
Validity Date:	29/09/2017
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	20/11/2017
Representations:	One

**PREVIOUS COUNCIL CONSIDERATION:**

DA0461/2009 - The previous approval was for the construction of a building including extensions to the rear of the dwelling and a carport, varying the side setback. This was approved under the superseded 1996 Planning Scheme. This development has been constructed to the relevant standard and does not form part of this application.

As part of this application a 600mm retaining wall to support the driveway was proposed. A 600mm retaining wall did not, and currently does not, require planning approval. However, as the actual constructed driveway retaining wall exceeded 600mm, it triggered the need for a planning permit, which is the subject of this application.

**RECOMMENDATION:**

That, in accordance with section 51 and section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted, for DA0490/2017 - Residential - Single Dwelling; construction of retaining wall on boundary (retrospective) at 27 Benvenue Road, St. Leonards subject to the following conditions:

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**8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)**

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**1. ENDORSED PLANS & DOCUMENTS**

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

- (a) Site Plan (Indicative Only) & Retaining Wall/Driveway Section Type, prepared by Brierley Consulting Engineers, Project No. 1703L, Drawing No. S02, Rev B, dated 18.09.17;
- (b) Site Plan, indicating stormwater runoff; and
- (c) Retaining wall side view

**2. LEGAL TITLE**

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

**3. CONSTRUCTION OF RETAINING WALLS**

All retaining walls above 0.5m high, located within 1.5m of the property boundaries, are to be designed, and where required, certified by a suitably qualified person. The design must have regard to the installation of fencing atop the retaining wall and other imposed loading in addition to site conditions on adjoining properties.

**Notes****A. General**

*This permit was issued based on the proposal documents submitted for (DA0490/2017). You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

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

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

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## 8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)

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### B. Restrictive Covenants

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

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

### C. Appeal Provisions

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

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

*For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au) <<http://www.rmpat.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 Council's Notice to Waive Right of Appeal is attached.*

### E. Building and Plumbing Permit Required

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

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## REPORT:

### 1. THE PROPOSAL

This is a retrospective approval. A boundary retaining wall has been constructed to the south western boundary of the property, from the footpath back, for a distance of 10.5m. The retaining wall was constructed as part of a previous building project. The construction varied from the plans requiring further approval.

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## **8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)**

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This proposal is only for the retaining wall for the driveway. It does not include any extensions to the dwelling, the existing carport, or other constructed slabs beyond the driveway retaining wall. All other development of the site has been previously approved and is not the subject of this development application.

The retaining wall is 10.5m in length and starts on the front boundary and extends to the building line of the dwelling at 25 Benvenue Road. The retaining wall at its highest point is 900mm, plus a 140mm driveway slab (1.04m in height).

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

The site is located at 27 Benvenue Road, is a rectangular lot, and is 668m<sup>2</sup> in size. The site currently has an existing dwelling and attached carport, with existing access off Benvenue Road.

The site slopes downwards from north to south, from 75.75m AHD to 73.25m AHD. It is mostly cleared with some residential planted vegetation and is connected to all reticulated services.

The site sits within a residential area of St Leonards. The pattern of residential development is predominately single detached dwellings and sheds on lots of a similar size facing Benvenue Road, with larger residential internal lots to the rear. Adjoining the site to the north east is a larger internal lot containing a single dwelling and shed located upslope of the subject site due to the slope. Adjoining the site to the south west is a lot containing a single dwelling that has been constructed to the boundary and downslope to the site.

### **3. PLANNING SCHEME REQUIREMENTS**

#### **3.1 Zone Purpose**

##### **10.0 General Residential Zone**

##### **10.1.1 Zone Purpose Statements**

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

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

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

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

10.1.1.5 To encourage residential use and development that facilitates solar access,

**8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)**

integrated urban landscapes, and utilisation of public transport, walking and cycling networks.
<p><b>Consistent</b>                  Consistency with the Zone Purpose has been achieved as the proposal is for the continuation of a residential use in a residential zone.</p>

**10.4 Development Standards**

10.4.12 Earthworks and retaining walls

<p>Objective:                  To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.</p>
<p><b>Consistent</b>                  Consistency with the objective has been achieved as the proposal ensured that the retaining wall has been appropriately designed with respect to the amenity on adjoining lots.</p>
<p>A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must:</p> <ul style="list-style-type: none"> <li>(a) be located no less than 900mm from each lot boundary;</li> <li>(b) be no higher than 1m (including the height of any batters) above existing ground level;</li> <li>(c) not require cut or fill more than 1m below or above existing ground level;</li> <li>(d) not concentrate the flow of surface water onto an adjoining lot; and</li> <li>(e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.</li> </ul>
<p><b>Relies on Performance Criteria</b>                  As the constructed retaining wall is located on the boundary and is more than 600mm in height, it is unable to comply with the Acceptable Solutions and is reliant on the Performance Criteria.</p>
<p>P1 Earthworks and retaining walls must be designed and located so as not to have an unreasonable impact on the amenity of adjoining lots, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the appearance, scale and extent of the works;</li> <li>(c) overlooking and overshadowing of adjoining lots;</li> <li>(d) the type of construction of the works;</li> <li>(e) the need for the works;</li> <li>(f) any impact on adjoining structures;</li> <li>(g) the management of groundwater and stormwater; and</li> <li>(h) the potential for loss of topsoil or soil erosion.</li> </ul>

## 8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)

### Complies

A boundary retaining wall was constructed along the south western boundary as part of a previous approval. At the time of approval the wall did not have the dimensions to trigger a planning assessment. However, the wall was not constructed to the dimensions that would allow a 'no permit required' status, and as such has resulted in this current retrospective application.

The retaining wall that has been constructed reaches 900mm at its highest point and in addition there is also a 140mm driveway slab on top, totalling 1.04m in height. The following figures illustrate what was original standing and what has been constructed:



Figure 1 - Original wall



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**8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)**

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**Figure 2 - Constructed retaining wall**

It is noted that the carport was approved as part of DA0461/2009. The current application only looks at the impact the driveway retaining wall will have on the amenity of the adjoining lots, in accordance with this clause.

**Topography**

The site slopes downwards from north to south, from 75.75m AHD to 73.25m AHD. The retaining wall has altered the topography, but has allowed for a safer and more convenient access into the site. Further, the retaining wall is not out of place due to the slope and as it is set against an existing garden on the adjoining lot, it will not cause an unreasonable loss of amenity.

**Appearance, scale and extent of works**

The following image illustrates the appearance, scale and extent of works of the retaining wall:

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**8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)**

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**Figure 3 - Existing Retaining Wall**

Whilst it is noticeable, the wall tapers down to ground level closer to Benvenue Road, with only the 1.04m above natural ground level evident closer to the building at 25 Benvenue Road. Furthermore, there is a vegetative buffer along the boundary in the adjoining property's front yard, minimising the appearance of the wall as the plants grow.

**Overlooking and overshadowing of adjoining lots**

The retaining wall will result in very minimal overshadowing, evident in Figure 3 above. Any overlooking will be into a front garden. It is therefore considered that there will be no unreasonable loss of amenity due to the construction of the wall.

**The type of construction of the works**

The works have been constructed to allow a safer and more convenient access into the site.

**The need for the works**

The wall was required in order to gain access into the approved carport.

**Impact on adjoining structures**

The structural integrity is a matter for the building permit.

It is noted that the main point of contention within the submission is if the constructed retaining wall has impacted on adjoining structures. This clause only looks at whether or not it will have an unreasonable impact on the amenity of the adjoining lot. The planning assessment, and indeed this clause, does not look at whether or not the retaining wall

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**8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)**

has been constructed to the relevant building guidelines, codes, or regulations. Amenity refers to the pleasant visual aesthetic appearance of a place, not the technical impact a development may have. In this instance, the retaining wall will not have a negative or unreasonable impact on the amenity of the adjoining lot. The structural integrity is a matter for the detailed design assessed by the building surveyor.

**Management of groundwater and stormwater**  
 The wall and driveway have been constructed wholly within the subject site and to a standard that is able to adequately drain stormwater into the reticulated system via a stormwater directional channel on the top of the wall.

**Potential for loss of topsoil or soil erosion**  
 The wall has allowed for a formalisation of an unsatisfactory driveway without any unreasonable loss of topsoil.

The proposal is able to comply with the Performance Criteria.

**E6.0 Parking and Sustainable Transport Code**

**E6.1** The purpose of this provision is to:

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

**Consistent**  
 No car parking or manoeuvring spaces are proposed, as the development is only for the side retaining wall. Whilst this is considered development, and therefore requiring assessment against the code, all other provisions will not be applicable.

**8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)**

**4. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	N/A
<b>EXTERNAL</b>	
TasWater	
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 7 October to 23 October 2017. One representation was 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 representation received which is attached to this report.

The representor was contacted on 25 October to discuss their concerns. The representor has engaged an engineering consultant to provide further information on their submission. It is noted that Clause 10.4.12 Earthworks and Retaining Walls is the only provision that has relied on the Performance Criteria.

**8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)**

<p><b>Issue #1</b> <i>The application does not cover the full extent of structural works undertaken at the 27 Benvenue road property, specifically the satisfactory support of the concrete driveway adjacent to the 25 Benvenue Road boundary wall.</i></p>
<p><b>Response:</b> The application is for a driveway retaining wall along the southern western boundary of the site. Assessment of the application was undertaken against Clause 10.4.12 Performance Criteria P1 which assessed the impact the retaining wall will have on the amenity of the adjoining lots. The report by JMG in the submission looks at the technical development of a slab that is outside the scope of the current proposal. It is not necessary to provide a full extent of structural works at the planning stage.</p>
<p><b>Issue #2</b> <i>The development application drawings show the retaining wall terminating at the south eastern corner of the 25 Benvenue Road dwelling, leaving the remained of the concrete driveway to be retained by the 25 Benvenue Road boundary wall.</i></p>
<p><b>Response:</b> The application is only for the retaining wall from the boundary of the site, terminating 10.5m back towards the rear, before the boundary wall of 25 Benvenue Road. No other assessment was required.</p>
<p><b>Issue #3</b> <i>The section of the driveway adjacent to the 25 Benvenue Road boundary wall is likely loading this wall, which would not have been designed to retain such loads. The loads transferred to the 25 Benvenue Road boundary wall from this driveway are also likely to have caused the cracking damage to the dwelling.</i></p>
<p><b>Response:</b> The proposal was not for any development beyond the driveway retaining wall. Development beyond the wall was approved in a previous application.</p>
<p><b>Issue #4</b> <i>From a structural perspective, the retaining wall shown on the development application, should be extended to retain the full extent of the concrete driveway, so as not to load the 25 Benvenue Road boundary wall.</i></p>
<p><b>Response:</b> This is a technical recommendation beyond the scope of a planning assessment, and is not what has been submitted for approval.</p>

The public notification period allows all persons with an interest in discretionary applications to raise their concerns. The submission, however, has not addressed the Performance Criteria under Clause 10.4.12 of the scheme. The impact the driveway retaining wall in its proposed state will have to the amenity of the adjoining lot has not been raised as a concern. Instead, the concerns raised are technical based and raise issues that are not within the scope of planning assessment, as they address issues that do not form part of this development assessment.

**8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)**

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## **6. CONCLUSION**

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

### **ECONOMIC IMPACT:**

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

### **ENVIRONMENTAL IMPACT:**

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

### **SOCIAL IMPACT:**

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

### **STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

### **BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

### **DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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

  
**Leanne Hurst: Director Development Services**

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**8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)**

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**ATTACHMENTS:**

1. 27 Benvenue Road, St Leonards - Locality Map (distributed electronically)
  2. 27 Benvenue Road, St Leonards - Plans (distributed electronically)
  3. 27 Benvenue Road, St Leonards - Representations (distributed electronically)
-

**8.3 Amendment 38 - Rezone Part of 42-50 McKellar Road, Newstead from Community Purpose Zone to General Residential Zone and Approve DA0198/2017 for the Residential Subdivision at 42-50 McKellar Road, Newstead into 14 lots**

**FILE NO:** SF6616/DA0198/2017

**AUTHOR:** Duncan Payton (Town Planner)

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

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**DECISION STATEMENT:**

To consider a statement to the Tasmanian Planning Commission subsequent to the public exhibition period for an amendment to the Launceston Interim Planning Scheme 2015.

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 21 August 2017 - Agenda Item 8.5 - Council resolved to initiate Amendment 38 to the Launceston Interim Planning Scheme 2015 to:

- Rezone part of the land at 42-50 McKellar Road, Newstead from the Community Purpose Zone to the General Residential Zone; and

In accordance with section 43A of the *Land Use Planning and Approvals Act 1993*, to:

- Approve development application DA0198/2017 for the residential subdivision of the subject site at 42-50 McKellar Road, Newstead, into 14 lots plus road and consolidation of balance with 65 Amy Road, Newstead.

**RECOMMENDATION:**

That Council

1. In accordance with section 39(2) of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that no representations were received during the public exhibition period for Amendment 38; and
  2. Provides advice to the Tasmanian Planning Commission that Amendment 38 be approved as certified and exhibited.
- 

**Note:**

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

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**8.3 Amendment 38 - Rezone Part of 42-50 Mckellar Road, Newstead From Community Purpose Zone to General Residential Zone and Approve DA0198/2017 for the Residential Subdivision at 42-50 Mckellar Road, Newstead Into 14 Lots ...(Cont'd)**

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recommendation has therefore been made under those transitional provisions.

**REPORT:**

An application was made under section 33(1) of the *Land Use Planning and Approvals Act 1993* (the Act) by PDA Surveyors for an amendment to the Launceston Interim Planning Scheme 2015 and a concurrent development application pursuant to section 43A of the Act.

Council initiated the planning scheme amendment and approved the development application at its Meeting on 21 August 2017. The application and permit were then placed on public exhibition from 16 September to 16 October 2017. The amendment appeared in *The Examiner* on two separate occasions; the 16 and 23 September 2017. No representations were received during this period.

In accordance with section 39(2) and 43F(6) of the *Land Use Planning and Approvals Act 1993*, Council must, within 35 days of the close of the exhibition period, send a report to the Tasmanian Planning Commission on the amendment and planning permit.

There are no reasons for Council not to proceed with the amendment. The amendment should be forwarded to the Tasmanian Planning Commission with a recommendation that it be approved and the permit confirmed without change.

**ECONOMIC IMPACT:**

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

**ENVIRONMENTAL IMPACT:**

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

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**8.3 Amendment 38 - Rezone Part Of 42-50 Mckellar Road, Newstead From Community Purpose Zone To General Residential Zone And Approve DA0198/2017 For The Residential Subdivision At 42-50 Mckellar Road, Newstead Into 14 Lots ...(Cont'd)**

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**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

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

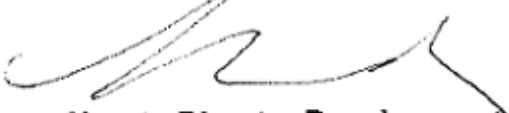
**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Leanne Hurst: Director Development Services**

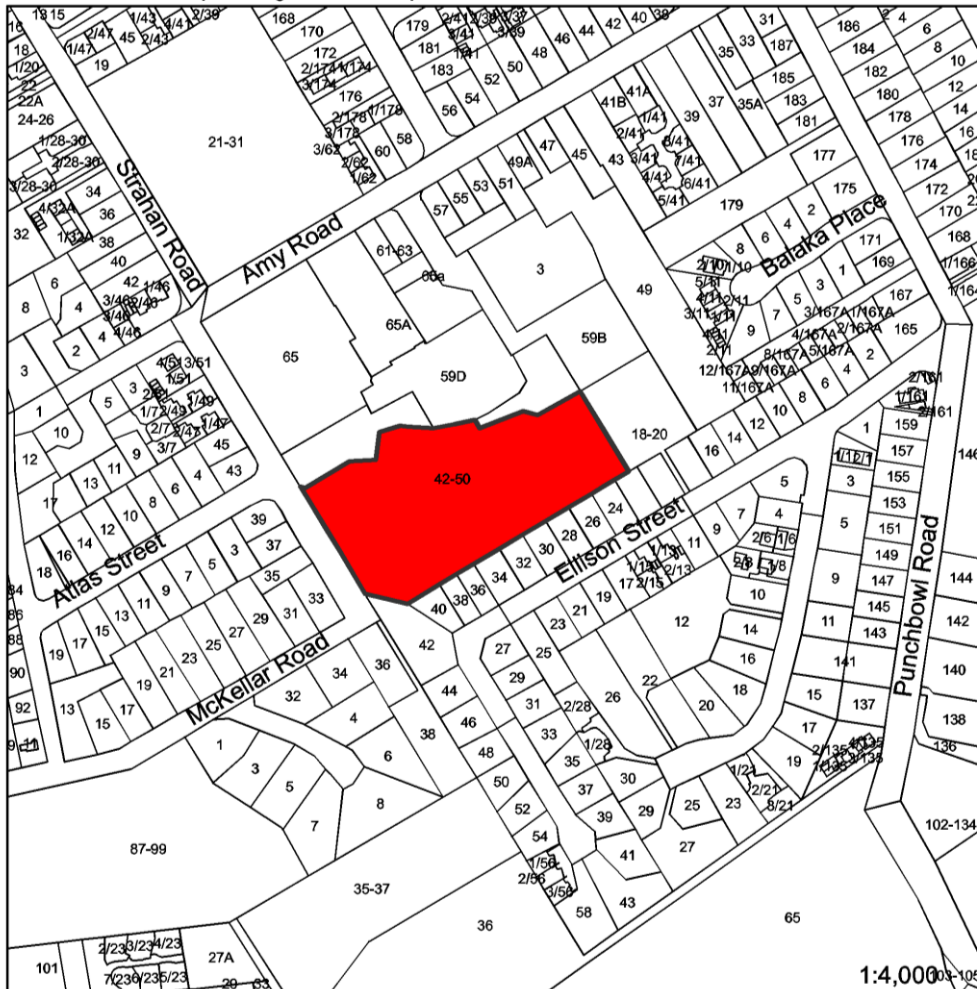
**ATTACHMENTS:**

1. 42-50 McKellar Road - section 39 report - 20 November 2017
-

Attachment 1 - 42-50 McKellar Road - section 39 report - 20 November 2017

Launceston Interim Planning Scheme 2015  
AMENDMENT 38

Amend the interim planning scheme maps as below:



Rezoning from Community Purpose to General Residential  
(42-50 McKellar Rd, Newstead C.T. 136958/1 )

THE COMMON SEAL  
of the City of  
Launceston was  
hereunto affixed in the  
presence of: -

Date

Michael Tidey  
Director  
Corporate Services

Leanne Hurst  
Director Development  
Services

**8.4 Amendment 39 - Site Specific Text Amendment to Include Residential (if for Multiple Dwellings) as a Discretionary Use in the Commercial Zone if at 45 Canning Street, Launceston (CT58444/1 (Flat 1))**

**FILE NO:** SF6624

**AUTHOR:** Brian White (Town Planner)

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

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**DECISION STATEMENT:**

To provide a statement to the Tasmanian Planning Commission subsequent to the public exhibition period for an amendment to the Launceston Interim Planning Scheme 2015.

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 7 August 2017 - Agenda Item 8.1 - Council resolved to initiate Amendment 39 to the Launceston Interim Planning Scheme 2015 to:

1. Insert the Residential use class, with the qualification 'if for multiple dwellings at 45 Canning Street, Launceston (CT58444/2 (Flat 1))' as a discretionary use in the Commercial Zone (Table 23.2) of the Launceston Interim Planning Scheme 2015.

**RECOMMENDATION:**

That Council:

1. In accordance with section 39(2) of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that one representation was received during the public exhibition period for Amendment 39;
  2. Provides advice to the Tasmanian Planning Commission that the one representation received was in support of amendment 39 and as such does not consider that the amendment needs to be changed as a result of the representation;
  3. Provides advice to the Tasmanian Planning Commission that Amendment 39 was initially initiated in error under section 33(3) of the *Land Use Planning and Approvals Act 1993* but this is to be corrected and now initiated under section 34(1) of the *Land Use Planning and Approvals Act 1993*;
  4. Request that the Tasmanian Planning Commission extend the 35 days stipulated in section 39(2) of the *Land Use Planning and Approvals Act 1993* for receipt of this section 39 report; and
-

**8.4 Amendment 39 - Site Specific Text Amendment to Include Residential (if for Multiple Dwellings) as a Discretionary Use in the Commercial Zone if at 45 Canning Street, Launceston (CT58444/1 (Flat 1)) ...(Cont'd)**

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5. Provides advice to the Tasmanian Planning Commission that it is the view of the Planning Authority that Amendment 39 be approved as exhibited.
- 

**Note:**

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

**REPORT:**

An application was made under section 33 (1) of the *Land Use Planning and Approvals Act 1993* by Commercial Project Delivery for a site specific text amendment to the Launceston Interim Planning Scheme 2015.

Council initiated the planning scheme amendment at its Meeting on 7 August 2017. The amendment was initiated in error under the incorrect section of the *Land Use Planning and Approvals Act 1993* (section section 33(3) rather than section 34(1)). The Tasmanian Planning Commission has advised that it is appropriate to remedy this as part of this section 39 report.

The application was placed on public exhibition from 12 August to 11 September 2017. The amendment appeared in *The Examiner* on two separate occasions; the 12 August and 16 August 2017. One representation was received during this period.

In accordance with section 39(2) of the *Land Use Planning and Approvals Act 1993*, Council must, within 35 days of the close of the exhibition period, send a report to the Tasmanian Planning Commission on the amendment unless the Tasmanian Planning Commission allows a further period. Due to the timing of advertising, Council Agendas and other administrative tasks this timing has not been possible so an extension has been requested.

The representation that was received was in support of the amendment. Therefore, no comment on the representation is required nor are any changes to the amendment recommended in light of the content of the representation.

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**8.4 Amendment 39 - Site Specific Text Amendment to Include Residential (if for Multiple Dwellings) as a Discretionary Use in the Commercial Zone if at 45 Canning Street, Launceston (CT58444/1 (Flat 1)) ...(Cont'd)**

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There are no reasons for Council not to proceed with the amendment. The amendment should be forwarded to the Tasmanian Planning Commission with a recommendation that it be approved without change.

**ECONOMIC IMPACT:**

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

**ENVIRONMENTAL IMPACT:**

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

**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

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

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

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- 8.4 **Amendment 39 - Site Specific Text Amendment to Include Residential (if for Multiple Dwellings) as a Discretionary Use in the Commercial Zone if at 45 Canning Street, Launceston (CT58444/1 (Flat 1)) ...(Cont'd)**
- 

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Leanne Hurst: Director Development Services**

**ATTACHMENTS:**

1. Amendment 39
  2. Letter of support for Amendment 39
-

**LAUNCESTON INTERIM PLANNING  
SCHEME 2015**

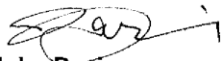
**AMENDMENT 39**

The text provisions of the Launceston Interim Planning Scheme 2015 Commercial Zone Use Table (23.2) are to be amended to insert the Residential use class, with the qualification 'if for multiple dwellings at 45 Canning Street, Launceston (CT58444/2 (Flat 1))' as a discretionary use:

Discretionary Use Class	Qualification
Residential	If for multiple dwellings at 45 Canning Street, Launceston (CT58444/2 (Flat 1))

The Launceston City Council resolved at its meeting of 7 August 2017 that amendment 39 of Launceston Interim Planning Scheme 2015 meets the requirements specified in section 32 of the Land Use Planning and Approvals Act 1993.

THE COMMON SEAL of the City of Launceston is affixed below, pursuant to the Council's resolution of 7 August 2017 in the presence of:-

  
John Davis  
Manager Corporate Strategy

  
Leanne Hurst  
Director Development Services





***Attachment 2 - Letter of support for Amendment 39***

**COMMERCIAL PROJECT DELIVERY**

Project + Construction Management

PO Box 210

Newstead TAS 7250

**August 28, 2017**

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

Dear Robert

**Amendment 39 – 45 Canning Street**

I act on behalf of the proponents of the above proposal lodged under S33 of the Land Use Planning and Approvals Act and wish to lodge my client's support for the proposed amendment.

Yours faithfully,



Chloe Lyne

**Planning and Development Consultant**

**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows**

**FILE NO:** DA0486/2017/SF6717

**AUTHOR:** Catherine Mainsbridge (Senior Town Planner)

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

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**DECISION STATEMENT:**

1. To decide whether to reject or exhibit Amendment 41 to insert the Educational and occasional care use into the Discretionary use column of Table 24.2 of the Light Industrial zone and to insert a site - specific qualification to allow the use to occur on land located at 18 Connector Park Drive, Kings Meadows if for trade, employment or transport related training and licensing on CT 154489/23; and
2. To make a decision on Development Application DA0486/2017 Educational and Occasional Care - Employment training centre; for trade, employment or transport related training and licensing; partial change of use 18 Connector Park Drive, Kings Meadows.

**PREVIOUS COUNCIL CONSIDERATION:**

DA0379/2008 - Subdivision - subdivide land into 13 lots (including balance land) plus roads

DA0494/2008 - Construction of a building - building to contain four tenancies for use as storage yard (builders yard and flooring contractor), warehouse and light industry (vary car parking requirements); Advertising sign - ground base signs

**RECOMMENDATION:**

That Council:

1. Pursuant to the former section 33 (3) and 34 of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 41 to the Launceston Interim Planning Scheme 2015 to insert the Educational and occasional care use into the Discretionary use column of Table 24.2 of the Light Industrial zone and to insert a site - specific qualification to allow the use to occur on land located at 18 Connector Park Drive, Kings Meadows if for trade, employment or transport related training and licensing.
-

**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

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2. Pursuant to the former section 35 (1)(a) of the *Land Use Planning and Approvals Act 1993*, certify the draft amendment as shown in Attachment 1.
3. Notify Council's decision of the Permit with the draft amendment under section 43F (3) and section 43F (1)(b).
4. Pursuant to section 43A of the *Land Use Planning and Approvals Act 1993*, approves DA0489/2017 Educational and Occasional Care - Employment training centre; partial change of use 18 Connector Park Drive, Kings Meadows subject to the following conditions subject to section 43C(3) of the *Land Use Planning and Approvals Act 1993*:

**1. ENDORSED PLANS & DOCUMENTS**

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

- a. Planning report, Prepared by Commercial Project Delivery, pages 32 to 53, Dated September 2017.

**2. LEGAL TITLE**

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

**3. AMENITY - COMMERCIAL/INDUSTRIAL USE**

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

**4. TASWATER**

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2017/01584-LCC) (attached).

**5. CAR PARK REQUIREMENT**

Twelve car spaces, including one accessible space, is required for the proposed use.

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**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

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**Notes**

A. Occupancy Permit Required for Changed Use

*Prior to the occupation of the premises, in the case where building work is not required, the applicant is required to attain an Occupancy Permit for the changed use of the building pursuant to the Building Act 2016 section 55.*

B. General

*This permit was issued based on the proposal documents submitted for DA0486/2017. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03) 6323 3000.*

*This permit takes effect after:*

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

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

C. Restrictive Covenants

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

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

D. Appeal Provisions

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

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**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

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

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

**E. Permit Commencement.**

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

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**Note:**

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

**REPORT:**

**PART A - APPLICATION FOR PLANNING SCHEME AMENDMENT**

**1.1 Introduction**

An application was made under section 43A of the *Land Use Planning and Approvals Act 1993*, by Commercial Project Delivery on behalf of Vintage Rose Developments Pty Ltd, for a site specific text amendment to the Launceston Interim Planning Scheme 2015 to insert the Educational and Occasional Care use into the discretionary use column of Table 24.2 of the Light Industrial zone and to insert a site - specific qualification to allow the use to occur on land located at 18 Connector Park Drive, Kings Meadows if for trade, employment or transport related training and licensing.

**1.2 Background:**

One of the tenants currently operating from the site wishes to offer training for employees and trades persons but the current zoning does not allow such an opportunity. The amendment will allow for the use to occur on this site only.

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**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

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The proposed change should not significantly alter the nature of the use. Training and education will focus on equipment that is already stored and available on site including training in:

1. *Sales and servicing of safety equipment such as gas monitors, ropes and harnesses for working at heights;*
2. *High risk safety services, from health and safety regulatory compliance to workplace safety training including rescue and high ropes, often relating to mining operations as well as fire warden and first aid training.*

The area of the existing warehouse on the site is ideal for high elevation and rope training.

The extent of training and education proposed is considered to be more than as an 'ancillary' component of the business. This is especially as the operators of the business wish to expand the use in the future if the training aspect is successful operation.

The current use is classed as Equipment and Machinery Sales and Hire. The sought use best fits the definition of 'employment training centre' which is defined as 'use of land to provide education and training to jobseekers and unemployed persons' and falls into the use class of Educational and Occasional Care'.

The application states that the zone prohibits Educational and Occasional Care to prevent conflict with the dominant uses within the use class, ie. the conflict that may result from children being in proximity to heavier vehicles required to service the uses in the Light Industrial Zone. As businesses are required to offer training to staff, especially as technology continually changes, to provide new ways of doing things, it is considered appropriate to include education and training for employees. The use is therefore considered appropriate in the zone.

**1.3. Proposed Amendment**

The proposed amendment, seeks to insert the use class of Educational and Occasional Care as a Discretionary use in Table 24.2 of the Light Industrial Zone with the qualification that such a use only applies to:

Trade, employment or transport related training and licensing at 18 Connector Park Road, CT 154489/23.

The proposed use is considered to be compatible with the anticipated impacts of other Discretionary uses in the Light Industrial zone and aligns with the zone purpose statements as follows -

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## **8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

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24.1.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimize conflict or impact on the amenity of any other uses.

24.1.1.2 To provide for uses that are complementary to and compatible with the above purpose.

### **1.4. Requirements of the Act**

The Act includes a process for a permit to be considered at the same time as an amendment to a planning scheme (sections 43A to 43M of the Act).

#### *43A. Application for a permit when amendment requested*

(1) *A person who requests a planning authority to amend a planning scheme may also request the planning authority to consider, in accordance with this Division, an application for a permit which would not be allowed if the planning scheme were not amended as requested.*

(2) *Where a planning authority has decided to initiate an amendment under section 33(3), it may consider the application for a permit referred to in subsection (1) concurrently with the preparation of the requested amendment to the planning scheme.*

(3) *An application may be made for a permit under this section even if it could not be granted under the existing planning scheme.*

The amendment must be decided under Section 33(3) and 34 which reads:

#### *33. Request for amendment of planning scheme*

(3) *A planning authority must, within 42 days of the receipt of a request or such longer time as the Commission may allow, make a decision as to whether or not to initiate an amendment of the planning scheme and serve on the person who made the request notice of its decision within 7 days of making the decision.*

(3AA) *If the planning authority decides under subsection (3) to initiate an amendment of a planning scheme after receipt of a request from a person under subsection (1), it must –*

*(a) initiate the amendment under section 34; and*

*(b) certify the draft amendment under section 35 –*

*within 42 days of receiving the request or such longer time as the Commission allows.*

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**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

The matters which Council must consider when making a decision whether to reject or exhibit the application are listed in section 32 and 43C of the Act and are set out in detail in a subsequent section of this report.

Section 38 of the Act sets out that after making a decision on an application made under section 43A it is to be publicly advertised for a period of 28 days:

*38. Public exhibition of draft amendment*

*(1) After giving to the Commission a copy of a draft amendment of a planning scheme and the instrument certifying that the amendment meets the requirements specified in section 32, the planning authority must –*

*(a) cause a copy of the draft amendment to be placed on public exhibition for a period of 28 days or a longer period agreed to by the planning authority and the Commission; and*

*(b) advertise, as prescribed, the exhibition of the draft amendment.*

*(2) If the period referred to in subsection (1)(a) includes any days on which the office of the planning authority is closed during normal business hours in that part of the State where the planning scheme to be amended applies, that period is to be extended by the number of those days.*

**2.0 CONSIDERATIONS FOR THE AMENDMENT**

**2.1 Consideration of Section 32**

**32. Requirements for preparation of amendments**

*(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A)–*

*(a) . . . . .*

*(b) . . . . .*

*(c) . . . . .*

*(d) . . . . .*

*(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*

*(ea) must not conflict with the requirements of section 300; and*

*(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

*Response:*

The proposed amendment allows for a minor expansion of the existing use at part of 18 Connector Park Drive. The change will allow the operators to train existing staff, staff of other businesses and other parties who use the equipment the business offers. Training



**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

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will involve goods and equipment already present on site. It is therefore not expected that there will be any significant impact upon the adjoining properties.

## **2.2 Consideration of Section 30O**

In regard to (ea), Section 30O is considered in detail below.

### *30O. Amendments under Divisions 2 and 2A of interim planning schemes*

(1) *An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.*

*Response:*

- (2) *An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if –*
- (a) the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and*
  - (b) the amendment does not revoke or amend an overriding local provision; and*
  - (c) the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.*

The proposal seeks to amend a local provision of the Scheme only to the extent that part of the site at 18 Connector Park Drive is concerned. It will not alter the extent of use or development allowed on any other site in the regional area.

The application proposes to amend a portion of land on a large title and is not proposing to insert, remove or alter a local provision, complying with 30O, 2A and is considered appropriate.

## **2.3 Consideration against section 43C and the Objectives of the *Land Use Planning and Approvals Act 1993***

### *43C. Applications referred to in section 43A*

- (1) *In determining an application referred to in section 43A, a planning authority, in its opinion –*
- (a) must seek to further the objectives set out in Schedule 1; and*
-

**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

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*(b) must take into consideration such of the prescribed matters as are relevant to the use or development subject of the application.*

Section 43C(1) (a) requires the objectives set out in Schedule 1 to be considered.

**2.3.1 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;*
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water;*

The amendment will allow for a more intensive use of an existing business, within an existing building, without any material impact on the existing resources.

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

The amendment process allows for members of the public to be involved in the decision as to whether the use should be able to be conducted from this site.

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

The proposal will allow a business to expand with minimal costs to the environment or the operator within a building on a site that will have little impact on the surroundings.

- (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.*

The amendment is made by various spheres of government and, if initiated, the amendment will also be advertised and assessed by the Tasmanian Planning Commission consistent with this objective. The amendment seeks to provide for other industries operating in the area. TasWater have issued a SPAN for the proposal.

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

The objectives of Part 2 must also be considered -

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**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

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- (a) *to require sound strategic planning and co-ordinated action by State and local government*

The amendment is consistent with the objectives of the Launceston Interim Planning Scheme and the Northern Regional Land Use Strategy. The amendment will have no significant strategic impact.

- (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*

An application made pursuant to section 43A of the Act must be considered against the objectives of the Act and the planning system of Tasmania more broadly for compliance. The Council must then decide to initiate or reject the amendment on the basis of these considerations.

- (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*

The proposed amendment will not alter the existing development on the site. It will allow for a slightly more intensive use to be made of the existing resources to the benefit of the business and other similar operations.

- (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*

The proposed amendment is minor and is considered to comply.

- (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*

The application is made under former section 43A of the Act and includes only a minor change to the text of the Light Industrial zone for only part of one property. This process allows for the concurrent assessment of an application which would otherwise require two separate processes.

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

**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

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The application will not impact on any place of historical value or public infrastructure.

The proposal is considered to meet the requirements of the Objectives of the Resource Management and Planning system.

### **3. Planning Strategies**

#### **6.1 Strategic Plan 2014-2024**

The Strategic Plan 2014-2024 seeks to provide direction to the range of operations Council undertakes in their role as the major provider of services and facilities for the City of Launceston. The Strategic Plan essentially indicates the actions and strategies that the Council will implement to deliver on the Greater Launceston Plan goals. The relevant goals are addressed below.

*Goal 1 - To foster creative and innovative people and industries;*

*To optimize the use and usability of our assets for different types of activities*

An existing portion of an existing building is proposed to be utilized to enhance the offerings of the innovations of an existing business.

*To promote the wide variety of learning opportunities within Launceston*

The training opportunities which will be allowed by the proposed amendment meet the aims of the strategic plan.

*Goal 5 - A city that values its environment*

The proposed amendment will allow an additional use within an existing building with little impact on the environment. The operators of the business are seeking to utilize their existing resources with minimal impact to surrounding properties.

*Goal 6 - A city building its future*

The proposed amendment seeks to allow for a positive land use planning outcome by allowing for a minor intensification of the existing use in zone that is not required to be overly bound by any impacts that may result.

*Goal 7 - A city that stimulates economic activity and vibrancy*

The proposed amendment will allow for intensification of an existing business to benefit the business and members of the wider community.

This directly aligns with the key directions of this goal being to provide an environment that is conducive to business and development.

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## **8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

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### 6.2 Northern Regional Land Use Strategy

*Section 300(1) of the Act requires the amendment to be, as far as practicable, consistent with the Strategy. The Northern Regional Land Use Strategy (the NRLUS) was declared by the Minister for Planning on 16 October 2013 pursuant to section 30C(3) of the Act. The NRLUS is a policy framework that guides land use, development and infrastructure decisions across the northern region by State and Local Government and other relevant infrastructure providers. The NRLUS has provided significant guidance for the preparation of the Launceston Interim Planning Scheme 2012 and 2015.*

*Part D of the NRLUS details the desired regional outcomes that have been determined as priorities for the northern region which include:*

- Regional strategic planning directions and principles necessary to achieve those outcomes;*
- Specific strategic policies to be applied to guide state and local government planning process and decision-making; and*
- Specific regional planning projects and programs to be implemented over the life of the plan.*

As nominated in the Planning report of the submission, the proposed change is very minor. It will have a minimal impact on the greater region other than for offering an addition function of an existing business. The amendment is considered appropriate.

The proposed amendment is not expected to impact the region from an environmental, economic or social perspective on the following basis:

- the environmental impacts of the proposed amendment are considered to be limited given that the use will be undertaken in part of an existing building;*
- the proposed amendment will not have a significant impact on the Launceston Central Business District or Activity Centre Hierarchy;*
- the proposed amendment is not likely to create any adverse impacts on adjoining residential areas;*
- while within the Light Industrial Zone the proposal is limited in any impact and is not considered to impact on the demand for any industrial land nor to conflict with the Northern Tasmanian Industrial Land Study 2014 or the Launceston Industrial Strategy 2009.*

It is considered that the proposed amendment will have a minimal impact on the region as a whole.

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**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

**4. State Legislation and Policies**

- 6.1 State Policy on the Protection of Agricultural Land 2009
- 6.2 State Policy on Water Quality Management 1997
- 6.3 State Coastal Policy 1996
- 6.4 *Gas Pipelines Act 2000*

Any future use and development will be subject to complying with development standards that are consistent with the Act.

**5. Referral Agencies**

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 No. 2017/01584-LCC) stating that it does not object to the application for amendment and development application and conditions are imposed.

**PART B. DEVELOPMENT APPLICATION**

**6. PLANNING SCHEME REQUIREMENTS**

**6.1 Zone Purpose**

24.0 Light Industrial Zone

<p>24.1.1 Zone Purpose Statements</p> <p>24.1.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimize conflict or impact on the amenity of any other uses.</p> <p>24.1.1.2 To provide for uses that are complementary to and compatible with the above purpose.</p>
<p><b>Consistent</b></p> <p>The proposed change of use is complementary to the primary use of the subject portion of the building as it allows for purchasers of products and equipment to be appropriately trained to most efficiently use such items.</p>

**24.3 Use Standards**

24.3.1 External storage of goods

<p>Objective:</p> <p>To ensure that external storage of goods, materials and waste does not detract from the amenity of the area.</p>
<p><b>Consistent</b></p> <p>The objective will be appropriately met.</p>
<p>A1 Storage of goods and materials, other than for retail sale, or waste must not be visible from any road or public open space adjoining the site.</p>

**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

<p><b>Complies</b> The use does not involve the storage of goods or materials external to the building.</p>
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24.3.2 Emissions impacting sensitive uses

<p>Objective: To ensure that emissions to air, land and water are not detrimental to the amenity of sensitive uses.</p>
<p><b>Consistent</b> The use of part of the premises for workplace training should not cause any emissions. A1 Uses must be set back from the site of a sensitive use a distance of no less than 100m.</p>
<p><b>Complies</b> The nearest land containing a sensitive use is approximately 172m to the north west in Southgate Drive.</p>

**24.4 Development Standards**

24.4.1 Building height, setback and siting

<p>Objective: To ensure that building bulk and form, and siting: (a) is compatible with the streetscape and character of the surrounding area; and (b) protects the amenity of adjoining residential zones.</p>
<p><b>Consistent</b> The building is existing.</p>

24.4.2 Streetscape

<p>Objective: To ensure that development has an acceptable impact on the streetscape.</p>
<p><b>Consistent</b> The building is appropriately located. A2 Car parking must not be located within 3m of the frontage.</p>
<p><b>Complies</b> The existing car parking is setback beyond the 3m frontage.</p>

E6.0 Parking and Sustainable Transport Code

<p>E6.1 The purpose of this provision is to: (a) ensure that an appropriate level of parking facilities are provided to service use and development; (b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas; (c) ensure access for cars and cyclists and delivery of people and goods is safe and</p>
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**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

adequate; (d) that parking does not adversely impact on the amenity of a locality; (e) ensure that parking spaces and accesses meet appropriate standards; and (f) provide for the implementation of parking precinct plans.
<b>Consistent</b> An appropriate level of car parking is available on site.

**E6.5 Use Standards**

**E6.5.1 Car parking numbers**

Objective: To ensure that an appropriate level of car parking is provided to meet the needs of the use.		
<b>Consistent</b> The applicant maintains that an appropriate level of parking can be provided.		
A1 The number of car parking spaces must: (a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or (b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or (c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or (d) be in accordance with an acceptable solution contained within a parking precinct plan.		
<b>Relies on Performance Criteria</b> The submission lodged with the application provides the following assessment of parking on site.		
Use and floor area	Parking requirement	Compliance
Equipment and machinery sales and hire	one space per 50m <sup>2</sup> floor area	100m <sup>2</sup> floor area = two spaces
Educational and occasional care	one space per employee and one space per tertiary student	four employees (but two on site at any one time) and while the students are not 'tertiary' as such, 10 students would be the standard.
Storage use (the other tenancies within the premises)	one space per 200m <sup>2</sup> of site area or one space per employee whichever is greater	Site area 4472m <sup>2</sup> = 22



**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

<p>Therefore 36 spaces are required. As only 19 spaces exist on site assessment against the performance requirements is necessary.</p>
<p>P1.1 The number of car parking spaces for other than residential uses, must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the availability of off-road public car parking spaces within reasonable walking distance;</li> <li>(b) the ability of multiple users to share spaces because of:             <ul style="list-style-type: none"> <li>(i) variations in car parking demand over time; or</li> <li>(ii) efficiencies gained by consolidation of car parking spaces;</li> </ul> </li> <li>(c) the availability and frequency of public transport within reasonable walking distance of the site;</li> <li>(d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</li> <li>(e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</li> <li>(f) an assessment of the actual car parking demand determined in light of the nature of the use and development;</li> <li>(g) the effect on streetscape; and</li> <li>(h) the recommendations of any traffic impact assessment prepared for the proposal;</li> </ul> <p>or</p> <p>P1.2 The number of car parking spaces for residential uses must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the intensity of the use and car parking required;</li> <li>(b) the size of the dwelling and the number of bedrooms; and</li> <li>(c) the pattern of parking in the locality; or</li> </ul> <p>P1.3 The number of car parking spaces complies with any relevant parking precinct plan.</p>
<p><b>Complies</b></p>
<p>Information received from the applicant states that the maximum class numbers are 10 but as most of the clients will be businesses and it would be standard for them to organise a car pool (ie. TasWater and Hydro) and usually only bring three cars to minimise costs to those businesses, especially as courses are to be run from 8.00am-4.30pm.</p> <p>The SRTA business has a maximum of two staff on site at any one time (one running the course and one doing the sales and servicing side of the business).</p>

**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

<p>The SRTA business therefore needs a maximum of 12 on site car parking spaces. As the other uses on site require minimal parking, one use the site owners construction business and the other a storage area with only one employee maximum (the site area calculation in this case being unrealistic), this is considered to be as sustainable level of use and the performance requirements are met.</p> <p>A condition requiring 12 on site car spaces, including one accessible space, for the use is recommended.</p>
<p>A2 The number of accessible car parking spaces for use by persons with a disability for uses that require six or more parking spaces must be in accordance with Part D3 of the National Construction Code 2014, as amended from time to time.</p>
<p><b>Complies</b> The National Construction Code requires one disabled space and one space is existing.</p>

**E6.5.2 Bicycle parking numbers**

<p><b>Objective:</b> To ensure that an appropriate level of bicycle parking spaces are provided to meet the needs of the use.</p>
<p><b>Consistent</b> Bicycle parking can be provided on site appropriate to the use if necessary.</p>
<p>A1 The number of bicycle parking spaces must be provided on either the site or within 50m of the site in accordance with the requirements of Table E6.1.</p>
<p><b>Relies on Performance Criteria</b> Educational and occasional care requires <i>one space per five employees and tertiary education students</i>. The use operates with four employees or two at any one time and anticipates 10 trainees at any one time. The proposal does not include bicycle parking and is to be assessed against the performance requirements.</p>
<p>P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the likely number and characteristics of users of the site and their opportunities and likely need to travel by bicycle;</li> <li>(b) the location of the site and the likely distance a cyclist needs to travel to reach the site; and</li> <li>(c) the availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</li> </ul>
<p><b>Complies</b> As the site is on the outskirts of the city and is likely to be utilised by people as part of their work it is unlikely that bicycles will need to be stored on site. The building is of a size that does not preclude bicycle parking being possible. It is therefore not considered necessary to provide specifically for bicycle parking on site.</p>

**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

**7. REFERRALS**

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	No conditions are requested as no development is proposed.
Environmental Health	N/A
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes apply.
<b>EXTERNAL</b>	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2017/01584-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

**8. CONCLUSION**

**8.1 Planning Application**

Subject to the recommended conditions, it is considered that the proposed Planning application complies with the Scheme and is appropriate to be recommended for approval.

**8.2 Scheme Amendment**

The application for amendment seeks to insert the Educational and occasional care use into the Discretionary use column of Table 24.2 of the Light Industrial zone and to insert a site - specific qualification to allow the use to occur on land located at 18 Connector Park Drive, Kings Meadows if for if for trade, employment or transport related training and licensing.

1. The amendment is supported based on the following:

Land use conflicts will be minimal as the proposed use is only to occur in one portion of the existing building at 18 Connector Park Drive.

**8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**

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2. It will provide the opportunity for the existing business to operate more intensively on its site in a sustainable way where little impact will occur on the environment or impact on adjoining properties.
3. The proposed amendment and planning application have been assessed as being supportive of the objectives of the Act, NRLUS and the Scheme.

**ECONOMIC IMPACT:**

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

**ENVIRONMENTAL IMPACT:**

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

**SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015.

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

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- 8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)**
- 

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Leanne Hurst: Director Development Services**

**ATTACHMENTS:**

1. Locality Map (distributed electronically)
  2. Amendment Request (distributed electronically)
-

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

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**Monday 30 October 2017**

- Attended Able Australia 50<sup>th</sup> Birthday Celebrations at Peppers Seaport

**Wednesday 1 November 2017**

- Attended the LGAT General Meeting at Wrest Point Casino
- Attended The Examiner's Junior Sports Awards at the Country Club Casino

**Thursday 2 November 2017**

- Attended Event for the new City of Launceston's General Manager at the Tasmanian College of the Arts, UTAS Inveresk
- Attended the Northern Expansion Strategic Partners and Transformation Campus Development Committee Dinner at Blue Café

**Friday 3 November 2017**

- Officiated at the launch of Asbestos Awareness Month in Tasmania in the Brisbane Street Mall
- Attended Gallery Pejean's 5<sup>th</sup> Anniversary Exhibition in George Street

**Monday 6 November 2017**

- Officiated at the Spirit of Tasmania Cycling Tour 2017 in Brisbane Street

**Wednesday 8 November 2017**

- Attended and fired race gun at the Spirit of Tasmania Cycling Tour 2017 at the Launceston Silverdome
- Attended Launceston College Graduation and Awards Ceremony at the Albert Hall

**Thursday 9 November 2017**

- Attended the launch of Community Transport Services Tasmania new Launceston Office & Expanding Services at 268 Invermay Road
  - Attended home of Joan Green OAM for an Order of Australia Function
-

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

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**Saturday 11 November 2017**

- Officiated at the Remembrance Day Commemorative Service at the Launceston Cenotaph
- Officiated at the Open State Titles for the Launceston BMX Club at the BMX Club at St Leonards
- Officiated at the Welcome to Finalists of the National Final of the Legacy Public Speaking Awards 2017 at the Town Hall
- Attended the St. Cecilia Grand End of Year Concert at the Albert Hall

**Sunday 12 November 2017**

- Attended the Annual Defence Sunday Service
- Attended the Launceston Cycling Festival around the City Park

**Wednesday 15 November 2017**

- Attended the Ambulance Tasmania Awards and Recognition Ceremony at the Tramshed Function Centre
- Attend the NAPLAN Awards 2017 at Brooks High School

**Thursday 16 November 2017**

- Attended the Multicap Grand Opening at 2 Pamela Court Summerhill
- Attended Theatre North's 2018 Subscription Season Launch at the Princess Theatre

**Friday 17 November 2017**

- Attended Scotch Oakburn's 100 years at Penquite Campus Celebration
- Officiated at Vinnie's Launch for the 2017 Christmas Appeal
- Officiated at Cityprom Christmas in the City in the Brisbane Street Mall

**Saturday 18 November 2017**

- Officiated at the Northern Motorcycle Riders Association Tasmania Inc Awareness Ride 2017

**Sunday 19 November 2017**

- Participated in Sally's Ride Challenge 2017 from the Royal Park
-

## 10 ALDERMEN'S REPORTS

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

## 11 QUESTIONS BY ALDERMEN

### 11.1 Questions on Notice

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 30*

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

**No Aldermen's Questions on Notice have been identified as part of this Agenda**

### 11.2 Questions without Notice

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 29*

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

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## 12 COMMITTEE REPORTS

### 12.1 Cataract Gorge Advisory Committee Meeting - 28 September 2017

**FILE NO:** SF0839

**AUTHOR:** Tricia De Leon-Hillier

**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

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#### **DECISION STATEMENT:**

To receive and consider a report from the Cataract Gorge Advisory Committee Meeting held on 28 September 2017.

#### **RECOMMENDATION:**

That Council receives the report from the Cataract Gorge Advisory Committee Meeting held on 28 September 2017.

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#### **REPORT:**

The Cataract Gorge Advisory Committee (CGAC) noted the following items to be reported to the Council via the Committee Reporting process:

- Chris Griffin presented an update announcing that Launceston was chosen to host the 2018 Australian Tourism Awards gala dinner in February 2019 in the Cataract Gorge. This event will bring about 800 delegates to the City and allows the opportunity to showcase Launceston.
  - Chris Griffin invited Alderman Finlay to be the CGAC representative as part of the project group set up by Tourism Tasmania. The Committee approved this motion.
  - The Green Army continue to work in the Cataract Gorge to control and manage weeds. They have also re-planted along banks where the 2016 Floods washed away some of the vegetation.
  - Improvements for path lighting in the Fairy Dell are continuing.
  - Tasmanian Parks and Wildlife reported on recent bike track upgrade works for \$200,000 in the Cataract Gorge and \$100,000 in Kate Reed Reserve.
  - A recommendation was made to amend the Terms of Reference to ensure that the Committee has a representative from the Aboriginal Community.
  - The Committee agreed there is a requirement for a policy that guides commercial operators and event facilitators, with the policy to include no exclusive access at the Cataract Gorge. The Committee supports this draft policy.
-

**12.1 Cataract Gorge Advisory Committee Meeting - 28 September 2017 ...(Cont'd)**

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**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024

Priority Area 2 - A city where people choose to live

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

Key Directions -

1. To continue to offer and attractive network of parks, open spaces and facilities throughout Launceston
3. To contribute to enhanced public health and amenity to promote a safe and secure environment
4. To promote Launceston's rich heritage and natural environment
6. To promote active and healthy lifestyles

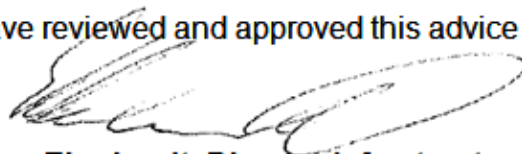
**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Shane Eberhardt: Director Infrastructure Services**

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## 12.2 Pedestrian and Bike Committee Meeting - 17 October 2017

**FILE NO:** SF0618

**AUTHOR:** Cathy Williams (Built Environment Officer)

**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

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### **DECISION STATEMENT:**

To receive and consider a report from the Pedestrian and Bike Committee Meeting held on 17 October 2017.

### **RECOMMENDATION:**

That Council receives the report from the Pedestrian and Bike Committee Meeting held on 17 October 2017.

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### **REPORT:**

The Pedestrian and Bike Committee, at its Meeting on 17 October:

- Discussed and reviewed with Andrew McCarthy, Manager Leisure and Aquatic Centre, bike parking at the Launceston Aquatic Centre. Andrew McCarthy is to cost and further review the proposed solution.
- Decided to devote its next meeting to reviewing strategies and determining its infrastructure priorities.

### **ECONOMIC IMPACT:**

Not considered relevant to this report.

### **ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

### **SOCIAL IMPACT:**

Not considered relevant to this report.

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## 12.2 Pedestrian And Bike Committee Meeting - 17 October 2017 ...(Cont'd)

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### STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 2 - A city where people choose to live

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

Key Direction -

6. To promote active and healthy lifestyles

Priority Area 3 - A city in touch with its region

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

Key Direction -

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

### BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

### DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



**Shane Eberhardt: Director Infrastructure Services**

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**12.3 Audit Panel Meeting - 9 November 2017****FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Acting Director Corporate Services)

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**DECISION STATEMENT:**

To receive a report from the Audit Panel following the Meeting on 9 November 2017.

**RECOMMENDATION:**

That Council receives the report from the Audit Panel Meeting held on 9 November 2017.

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**REPORT:**

The following is a precis of the substantive Agenda Items dealt with at the Meeting:

**6.1 Internal Audit**

**Details** The Internal Auditors attended and discussed the Strategic Internal Audit Plan for 2017/2018. The following areas were identified for review:

- York Park Event and Project Management
- Launceston Aquatic Risk Management and Legislative Compliance
- Disaster Planning, IT preparedness and key people/accommodation risk
- Post implementation - QVMAG
- Post Implementation - Contract Management
- Post Implementation - Scrap Steel

**Action** The Panel approved the Strategic Internal Audit Plan for 2017/2018.

**7.1 External Audit**

**Details** The External Auditors report on the Use of Credit Cards review and the Report of the Auditor-General to be tabled to Parliament in November 2017 were discussed.

**Action** The Panel noted the reports.

**8.1 Outstanding Internal and External Audit Tasks**

**Details** A number of issues were closed by the Audit Panel as being resolved.

**Action** The remaining issues will be resolved and brought to a future Audit Panel meeting for approval.

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**12.3 Audit Panel Meeting - 9 November 2017 ...(Cont'd)**

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**9.1 Budget Amendments and Funding Overview**

Details The Panel received the report and noted the change to the 2017/2018 budget.

Action The budget amendments to be recommended to the Council.

**9.2 Budget Reallocations**

Details The Panel received the report on transfers within the budget that do not require a change to the total budget.

Action The Panel noted the reallocations.

**9.4 Financial Statements (Analysis and Commentary)**

Details The financial results to 30 September 2017 were discussed.

Action The Panel noted the reports.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

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

Key Direction -

6. To maintain a financially sustainable organisation

**BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

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**12.3 Audit Panel Meeting - 9 November 2017 ...(Cont'd)**

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**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Paul Gimpl: Acting Director Corporate Services**

## 13 COUNCIL WORKSHOPS

Council Workshops conducted on 13 November 2017 were:

- Rowing Tasmania
- Food Vans on Private Land
- Northern Tasmania Development Corporation Presentation
- Launceston Transport Strategy
- Annual Planning Presentation - Needs and Priorities

## 14 NOTICES OF MOTION

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

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

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## 15 DEVELOPMENT SERVICES DIRECTORATE ITEMS

### 15.1 Application for Support - 2018 Rally Championships

**FILE NO:** SF5892

**AUTHOR:** Tracey Mallett (Manager Community, Tourism and Events)

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

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#### **DECISION STATEMENT:**

To consider an application for financial support of the 2018 Rally Championships from the Confederation of Australian Motor Sport Ltd.

#### **RECOMMENDATION:**

That Council agrees to provide a championships incentive of \$50,000 from the 2017-2018 Budget for the 2018 Rally Tasmania, to be held in Launceston from 2-5 August 2018.

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#### **REPORT:**

The Confederation of Australian Motor Sport Ltd (CAMS) proposes holding the 2018 Rally Tasmania within the City of Launceston municipality from 2 August to 5 August 2018. CAMS is seeking \$50,000 in financial support from the City of Launceston, as part of a total \$325,000 sponsorship package. CAMS is dedicated to bringing their rally championship to regional Australia and it is anticipated there are many similarities between the successful 2017 Rally Ballarat and the proposed event for Launceston in 2018. Participation numbers in Ballarat in 2017 exceeded those forecast so the anticipated participation of 6,000 people in Launceston is highly likely. Given this event is to be held in the cool season, this is a significant boost to the local economy at that time of the year.

The 2018 Rally Tasmania will be run as a National Championship Special Stage Rally under a CAMS permit and will include a component which is a round of the Tasmanian Rally Championship and a further round of the Australian Rally Championship. The event will consist of testing and reconnaissance, followed by a Super Special Stage on Friday night, proposed to be held at the University of Tasmania Stadium. The weekend will see 16 Special Stages held in the forest areas surrounding Launceston. The event will conclude with a ceremonial finish and a podium presentation in the CBD and will include a media event and press conference.

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## **15.1 Application for Support - 2018 Rally Championships ...(Cont'd)**

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CAMS is a not-for-profit member based organisation focused on the regulation, administration, development and promotion of motor sport across Australia. It has 34,000 active members, 58 paid employees and 8,970 volunteers. Of these, there are 1,100 CAMS competitors, 500 CAMS officials and 23 CAMS affiliated car clubs in Tasmania.

CAMS has identified five aims of bringing the 2018 Rally to Launceston. These are:

1. Bring a round of the Australian Rally Championship back to Tasmania (\* It was last in Tasmania in 2010, in Burnie);
2. Attract participants from all over Australia to compete in a round of the ARC;
3. Engage the local Launceston community and utilise the community volunteer base;
4. Hold a family friendly motor sport event; and
5. Encourage locals and visitors to the city to explore the surrounding regions outside Launceston city.

CAMS is seeking \$50,000 from City of Launceston for this event. In total, they are seeking \$325,000 from major and minor sponsors. The biggest contribution has been requested from Events Tasmania with \$200,000 and another major sponsorship of \$20,000 from Buckby Motors. Requests have also been made of some local minor sponsors including Performance Driving Australia, Les Walkden Enterprises and Total Lock & Alarm, who will formalise their sponsorship once the major sponsors have been confirmed.

CAMS have submitted a Special Event Sponsorship Form and the 2018 Rally Tasmania does meet the definition of a special event - 'an irregular or one-off event that has the ability to attract significant attendees from local, state and interstate areas'. The 2017-2018 Budget for Special Event Sponsorship is \$50,000, and this has already been exceeded. The 2018-2019 Budget for Special Event Sponsorship already has commitments of \$33,411.50 - potentially leaving \$16,589 available subject to budget determination. Requests for funding under the City of Launceston Events Sponsorship programs are referred to the Event Sponsorship Assessment Panel for consideration and recommendation to Council. This application has been assessed by the Grants & Sponsorship Officer and does meet the application criteria. However, applications for a Special Event as defined under the Events Sponsorship Policy are capped at \$30,000, so requests for more than this are referred directly to Council.

The 2018 Rally Tasmania also meets the definition of a championship, under the Conferences, Conventions and Championships Incentives Policy. To be eligible, the championship must be held 'within the Launceston municipality during the tourism off-season.....with a minimum of 50 intrastate/interstate and/or international registered delegates....which have not been in Launceston within the last three years'.

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**15.1 Application for Support - 2018 Rally Championships ...(Cont'd)**

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The 2017-2018 Budget for Conferences, Conventions and Championships Incentives is \$60,000 and to date, has expended \$9,628.64, leaving sufficient funds to meet the \$50,000 request from CAMS. Applications for the Conferences, Conventions and Championships Incentives Policy are assessed by the Grants and Sponsorship Officer and approved by Director Development Services. These are capped at \$15,000, so requests for more than this are referred to Council.

This application meets the criteria for either a Special Event or a Championship, but as the application is requesting \$50,000, the decision to fund this application is referred to Council. It is recommended that the application be considered as a Championship given the availability of sufficient funds in the Conferences, Conventions and Championships budget.

**ECONOMIC IMPACT:**

An event such as Rally 2018 involving an estimated 6,000 participants will have significant economic benefits for Launceston, especially in the cool season. Some of the specific economic impacts identified include:

Bed Nights: Based on figures from the 2017 Rally in Ballarat, Victoria, the event generated around 2,380 bed nights for the 53 teams that competed in the Eureka Rally. CAMS expect to achieve the same level of accommodation in Launceston.

Food and Beverage expenditure: It is estimated each team would spend approximately \$3,000 of food and beverage totalling \$160,000 in revenue in Launceston.

Regional area tourism and expenditure: As the rally visits regional areas outside the City of Launceston, selected lunch break areas will be designated to drive expenditure in the local area. This allows local produce to be celebrated and traded to spectators and visitors to the area. A similarly successful approach has been seen at the recent Targa rallies.

**ENVIRONMENTAL IMPACT:**

Complete information regarding the special stage locations around Launceston is not yet available. CAMS are still finalising exact stage layouts, but the information received to date is as follows:

- Preferred forest locations around:
    - Retreat
    - Lisle
    - Mt Barrow/Camden
    - Ragged Jack (Blessington)
-

**15.1 Application for Support - 2018 Rally Championships ...(Cont'd)**

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- The majority of these locations are within City of Launceston municipal area. Remote servicing of these stages will be positioned near amenities/food in local communities such as Lilydale.
- Should forestry activity in these areas preclude the use of these tracks, CAMS has identified three alternative sites north-west of Launceston (outside the City of Launceston municipal area), namely:
  - Narawntapu
  - Virginstowe
  - Long Hill

As these routes will take in forest tracks, local roads and other public access areas, CAMS will ensure registered course assessors check the proposed routes to ensure all safety aspects are covered as well as the environmental impact of the event.

The 2017 Rally in Ballarat also used a number of forest and shire roads outside the Ballarat CBD. No issues were reported, no evidence of environmental impact resulted other than one noise complaint from a local resident and the feedback from the entrants was overwhelmingly positive.

**SOCIAL IMPACT:**

A number of aspects of staging the rally will bring the community together for this unique event. A community welcome event will be held to celebrate the event and all those involved. No tickets are required for spectating at the rally, enabling the whole community to attend at no cost. CAMS is partnering with the car clubs in Tasmania to assist with the running of the event. There will also be volunteering opportunities for community members from the Tasmanian CAMS officials' database, local service providers (such as TFS and SES), Scout and Rover groups, etc.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024

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

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

Key Directions -

3. To promote tourism and a quality Launceston tourism offering
  4. To promote and attract national and international events and support the sector to ensure a diverse annual events calendar.
-

**15.1 Application for Support - 2018 Rally Championships ...(Cont'd)**

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The 2018 Rally aligns to a number of goals within the City of Launceston Event Strategy 2016-2019, namely:

Goal 1 - Economic, Tourism and Profile

Goal 2 - Community, social and lifestyle

Goal 3 - Asset Usage Key Measures of Success

**BUDGET & FINANCIAL ASPECTS:**


Should Council resolve to support this Championship, the recommended approach for funding it is to use available funds of \$50,371.36 from the Conferences, Conventions and Championships Incentives Budget in the 2017-2018 financial year.

The budget adjustment consideration of this item has been approved by the Director Corporate Services.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Leanne Hurst: Director Development Services**

**ATTACHMENTS:**

1. Confidential - Special Event Application (distributed electronically to Aldermen)
-

**16 FACILITIES MANAGEMENT DIRECTORATE ITEMS**

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

**17 QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS**

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

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## 18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS

### 18.1 37 Birch Avenue, Newstead - Part Acquisition for Flood Mitigation Works

**FILE NO:** 13866

**AUTHOR:** Robert Holmes (Senior Property Advisor)

**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

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#### **DECISION STATEMENT:**

To consider acquiring land for flood mitigation works.

#### **RECOMMENDATION:**

That Council:

1. Under the *Land Acquisition Act 1993*, acquires for the authorised purpose of the undertaking of work, or the provision of access for the undertaking of work for the prevention, control or mitigation of a flood, an area of approximately 1900m<sup>2</sup> being part of CT 227251 Folio 1 and CT 198035 Folio 1 as indicated on the plan marked Attachment 1.
  2. Determines that compensation payable for the acquisition be in accordance with the latest valuation advice or as otherwise determined by the General Manager.
- 

#### **REPORT:**

As part of the development of Newstead flood levee the Launceston Flood Authority has requested that land be obtained to enable construction of an earth flood levee, a stormwater detention area, as well as providing access to an associated penstock. Preliminary investigation indicates that based on the location of the existing fence line of the property, an area of approximately 1900m<sup>2</sup> will be required.

The works proposed by the Launceston Flood Authority are generally as indicated on Attachment 2.

The mechanism to obtain the area required for the flood mitigation works is by the powers contained under the *Land Acquisition Act 1993* where section 8 of that Act states that land can be acquired either by agreement or by compulsory process. Under the legislation, as a local authority, the City of Launceston has the power to acquire land - the legislation does not grant the same power to the Launceston Flood Authority which is a single authority established under the *Local Government Act 1993*.

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**18.1 37 Birch Avenue, Newstead - Part Acquisition for Flood Mitigation Works  
...(Cont'd)**

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To ensure that the flood mitigation works can progress in a timely manner it is recommended that the compulsory process be initiated firstly by service of a formal Notice to Treat, and if in the event agreement is not reached within 30 days from the date of service the notice, the land be taken compulsorily in accordance with Division 3 of the *Land Acquisition Act 1993*.

**ECONOMIC IMPACT:**

The provision of flood mitigation works will benefit properties in those low lying areas of Birch Avenue, Newstead and Hart Street, Newstead affected by the 2016 floods.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

The provision of flood mitigation works will benefit owners of properties in those low lying areas of Birch Avenue, Newstead and Hart Street, Newstead affected by the 2016 floods.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024

Priority Area 6 - A city building its future

Ten-year goal - To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions

Key Directions -

1. To advocate and collaborate to address regionally significant infrastructure and transport solutions
2. To develop and take a strategic approach to development sites to maximise public benefits of development
3. To ensure that the planning system at a local and regional level is effective and efficient

**BUDGET & FINANCIAL ASPECTS:**

A capital project for the construction of the Newstead Flood Mitigation Works has been approved in the 2017-2018 budget (CP23656). The Launceston Flood Authority is to provide a further report to the Council to arrange for the transfer of funds to enable the project to be completed.

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**18.1 37 Birch Avenue, Newstead - Part Acquisition for Flood Mitigation Works  
...(Cont'd)**

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**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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

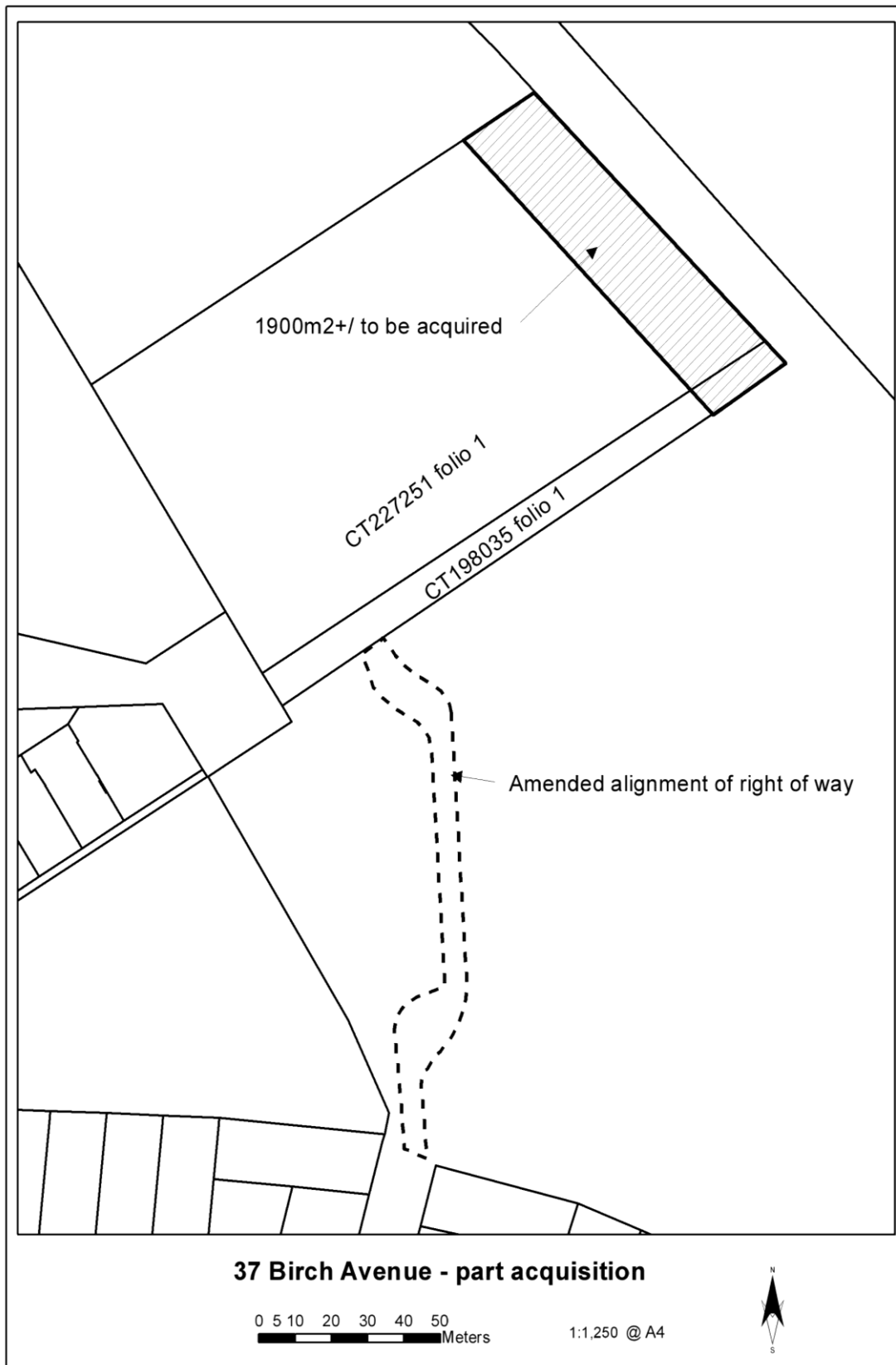


**Shane Eberhardt: Director Infrastructure Services**

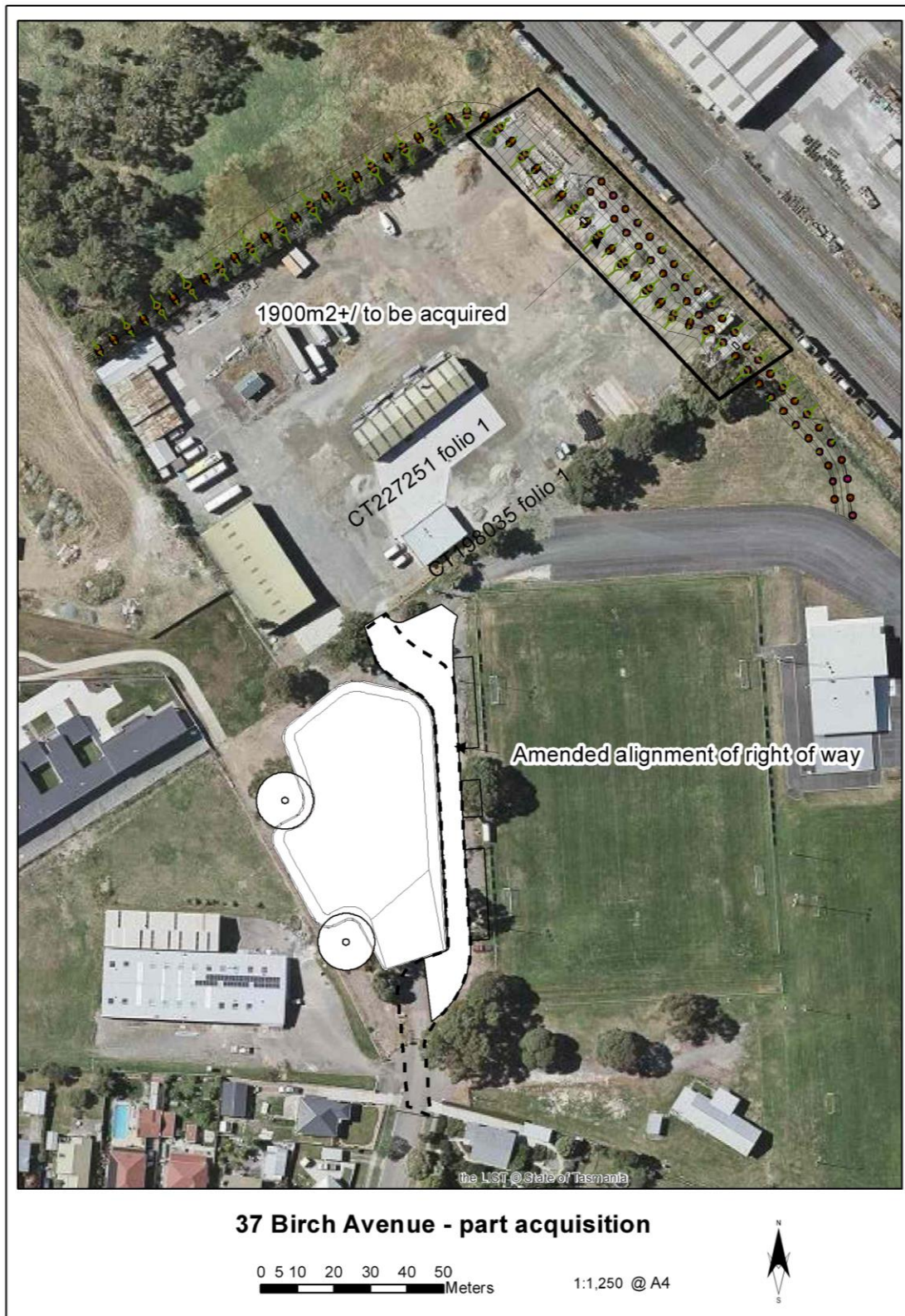
**ATTACHMENTS:**

1. Area to be acquired
  2. Detail of levee works
-

*Attachment 1 - Area to be acquired*



Attachment 2 - Detail of levee works



37 Birch Avenue - part acquisition

0 5 10 20 30 40 50 Meters

1:1,250 @ A4



## 18.2 Netball Courts - Acquisition of Leasehold Interest

**FILE NO:** 49160

**AUTHOR:** Robert Holmes (Senior Property Advisor)

**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

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### **DECISION STATEMENT:**

To consider acquiring land for flood mitigation works.

### **RECOMMENDATION:**

That Council:

1. Under the *Land Acquisition Act 1993*, acquires for the authorised purpose of the undertaking of work, or the provision of access for the undertaking of work for the prevention, control or mitigation of a flood, an area of approximately 350m<sup>2</sup> being part of the area leased to Northern Tasmanian Netball Association Incorporated as indicated on the plan marked Attachment 1.
  2. Acquires the land by agreement in accordance with section 9 of the *Land Acquisition Act 1993*.
- 

### **REPORT:**

As part of the development of the Newstead flood levee, the Launceston Flood Authority has requested that land be obtained to enable construction of an earth flood levee. Part of the levee is to be constructed on land owned by the Crown containing the netball courts but leased to the Council. The Council in turn has leased the land to the Northern Tasmanian Netball Association Incorporated until 2024. The lease is a formal interest in land and therefore entitles the Netball Association with exclusive possession of the land. The area under lease to the Netball Association needs to be modified using the powers contained in the *Land Acquisition Act 1993*.

Representatives of the Northern Tasmanian Netball Association have indicated verbally that the acquisition will cause minimal inconvenience and on the basis of the subsidies already provided by the Council to the Association that compensation will not be required.

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**18.2 Netball Courts - Acquisition of Leasehold Interest ...(Cont'd)**

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**ECONOMIC IMPACT:**

The provision of flood mitigation works will benefit properties in those low lying areas of Birch Avenue, Newstead and Hart Street, Newstead affected by the 2016 floods.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

The provision of flood mitigation works will benefit owners of properties in those low lying areas of Birch Avenue, Newstead and Hart Street, Newstead affected by the 2016 floods.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024

Priority Area 6 - A city building its future

Ten-year goal - To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions

Key Directions -

1. To advocate and collaborate to address regionally significant infrastructure and transport solutions
2. To develop and take a strategic approach to development sites to maximise public benefits of development
3. To ensure that the planning system at a local and regional level is effective and efficient

**BUDGET & FINANCIAL ASPECTS:**

A capital project for the construction of the Newstead Flood Mitigation Works has been approved in the 2017-2018 budget (CP23656). The Launceston Flood Authority is to provide a further report to Council to arrange for the transfer of funds to enable the project to be completed.

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## 18.2 Netball Courts - Acquisition of Leasehold Interest ...(Cont'd)

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### DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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

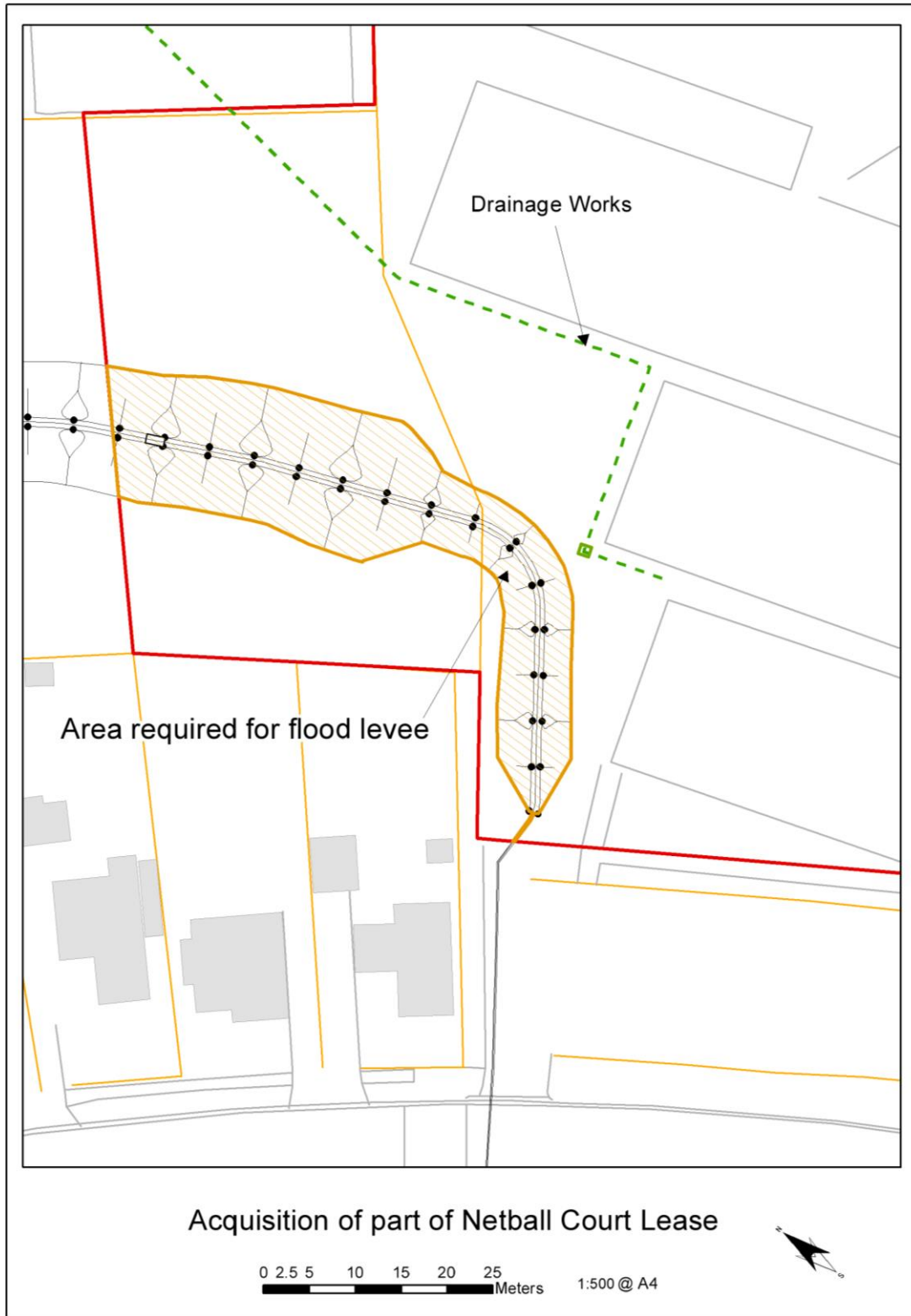


**Shane Eberhardt: Director Infrastructure Services**

### ATTACHMENTS:

1. Area to be acquired
-

*Attachment 1 - Area to be acquired*



**19 MAJOR PROJECTS DIRECTORATE ITEMS**

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

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## 20 CORPORATE SERVICES DIRECTORATE ITEMS

### 20.1 Budget Amendments 2017/2018

**FILE NO:** SF3611/SF7024

**AUTHOR:** Paul Gimpl (Acting Director Corporate Services)

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#### **DECISION STATEMENT:**

To consider changes to the Council's 2017/2018 Statutory Estimates.

*This decision requires an absolute majority of Council in accordance with section 82(4) of the Local Government Act 1993.*

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

Audit Panel - 9 November 2017 - Budget Amendments (for Council) and Funding Overview

#### **RECOMMENDATION:**

That Council:

1. Pursuant to section 82(4) of the *Local Government Act 1993*, approves the following amendments to the Statutory Estimates:
    - (a) Revenue
      - (i) the net decrease in revenue from external grants and contributions of \$112,063.
    - (b) Operating Expenditure
      - (i) a decrease in expenditure relating to the net transfers from operations to capital of \$34,310.
    - (c) Capital Works Expenditure
      - (i) the increase in expenditure from net transfers from operations to capital of \$34,310.
      - (ii) the net decrease in expenditure from external funds of \$112,063.
  2. Notes that amendments from point 1 result in:
    - (a) the operating surplus being amended to \$28.706m (including capital grants of \$27.345m) for 2017/2018.
    - (b) the capital budget being decreased to \$43.697m for 2017/2018.
- 
-

## 20.1 Budget Amendments 2017/2018 ...(Cont'd)

### REPORT:

The budget amendments are changes to the Statutory Budget Estimates that require a Council decision. The changes relate to external grant revenue and transfers from Operations to Capital.

	<b>Operations \$'000</b>	<b>Capital \$'000</b>
Statutory Budget	11,482	26,548
Amendments previously approved by Council	17,302	17,227
<b>Previously Approved by Council</b>	<b>28,784</b>	<b>43,775</b>
Operations to Capital	34	34
External Funds	(112)	(112)
<b>Statutory Budget as at 30 September 2017</b>	<b>28,706</b>	<b>43,697</b>
Deduct Capital Grants and Contributions	(27,345)	
<b>Underlying Operating Budget Surplus</b>	<b>1,361</b>	

1(a) The following item needs to be reallocated from Operations to Capital.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
PR20314.05 0	RWMF Strategy Projects - Other	\$299,100	\$32,810	-	\$266,290
CP23798	LWC Hooklift Bins	-	-	\$32,810	\$32,810
	<b>Totals</b>	<b>\$299,100</b>	<b>\$32,810</b>	<b>\$32,810</b>	<b>\$299,100</b>

### The project scope of works:

Fabrication of 2 x 30 cubic metre hook lift bins to develop construction and demolition recovery at Launceston Waste Centre. These bins have been paid for from the Regional waste Management Funds and to enable capitalisation, the invoiced amounts need to be transferred into the capital project.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
P49780	Royal Park Building Maintenance	\$76,101	\$1,500	-	\$74,601
CP23794	QVMAG Scissor Lift	-	-	\$1,500	\$1,500
	<b>Totals</b>	<b>\$76,101</b>	<b>\$1,500</b>	<b>\$1,500</b>	<b>\$76,101</b>

**20.1 Budget Amendments 2017/2018 ...(Cont'd)**

**The project scope of works:**

This project involved the purchase of a scissor lift that would lift objects from underneath, resulting in less stress on the object and ensuring its safety when moving.

**Summary Table**

<b>Operations to Capital</b>	<b>Operations</b>	<b>Capital</b>
LWC Hooklift Bins	(\$32,810)	\$32,810
QVMAG Scissor Lift	(\$1,500)	\$1,500
<b>TOTAL</b>	<b>(\$34,310)</b>	<b>\$34,310</b>

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

<b>Project Number</b>	<b>Project Description</b>	<b>Current Approved Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>	<b>New Budget</b>
CP23657	Lilydale Memorial Hall Toilet Upgrade	\$238,550	\$119,000	-	\$119,550
G10067.12160	Sporting Grounds State Govt Grant Funds	(\$119,000)	-	\$119,000	-
	<b>Totals</b>	<b>\$119,550</b>	<b>\$119,000</b>	<b>\$119,000</b>	<b>\$119,550</b>

**The project scope of works:**

The State Government grant for the Lilydale Memorial Hall Toilet Upgrade was received and accounted for in the 2016/2017 financial year. The expected grant funding was still included in the 2017/2018 budget and now requires removal to reflect this early receipt of funding.

<b>Project Number</b>	<b>Project Description</b>	<b>Current Approved Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>	<b>New Budget</b>
CP23578	St Leonards Athletics Running Track	\$720,000	\$909	-	\$719,091
G10066.12565	Sporting Grounds State Govt Grant Funds	(\$2,500)	-	\$909	(\$1,591)
	<b>Totals</b>	<b>\$717,500</b>	<b>\$909</b>	<b>\$909</b>	<b>\$717,500</b>

**The project scope of works:**

It was necessary to issue a credit note to the Northern Athletics Centre. There was a misinterpretation that their contribution to the project was to be \$10,000 exclusive of GST, they believed the amount to be inclusive of GST. This budget amendment is necessary to reflect the fact that their contribution has been updated to \$9,091 exclusive of GST.

## 20.1 Budget Amendments 2017/2018 ...(Cont'd)

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP23780	YPIPA UTAS/Inveresk Master Plan	\$100,000	-	\$7,846	\$107,846
G10150.12565	York Park Contributions	-	\$7,846	-	(\$7,846)
	<b>Totals</b>	<b>\$100,000</b>	<b>\$7,846</b>	<b>\$7,846</b>	<b>\$100,000</b>

### The project scope of works:

University of Tasmania contribution towards the combined YPIPA and UTAS Master Plan.

### Summary Table

External Funding	Operations	Capital
Lilydale Memorial Hall Toilet Upgrade	\$119,000	(\$119,000)
St Leonards Athletics Running Track	\$909	(\$909)
YPIPA UTAS/Inveresk Master Plan	(\$7,846)	\$7,846
<b>TOTAL</b>	<b>\$112,063</b>	<b>(\$112,063)</b>

### ECONOMIC IMPACT:

Not considered relevant to this report.

### ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

### SOCIAL IMPACT:

Not considered relevant to this report.

### STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024  
 Priority Area 8 - A secure, accountable and responsive Organisation  
 Ten Year Goal - To continue to ensure the long-term sustainability of our Organisation  
 Key Direction -  
 6. To maintain a financially sustainable organisation

**20.1 Budget Amendments 2017/2018 ...(Cont'd)**

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**BUDGET & FINANCIAL ASPECTS:**

As per the report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Paul Gimpl: Acting Director Corporate Services**

**20.2 Financial Report to Council - 30 September 2017****FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Acting Director Corporate Services)

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**DECISION STATEMENT:**

To consider the Council's financial performance for the three months ended 30 September 2017.

**PREVIOUS COUNCIL CONSIDERATION:**

Audit Panel - 9 November 2017 - Financial Statements - Analysis and Commentary

**RECOMMENDATION:**

That Council adopts the financial report for the three months ended 30 September 2017 which shows an overall surplus of \$2.625m. After allowing for Financial Assistance Grant revenue received in June 2017 (\$2.104m), the underlying surplus was \$1.219m.

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**REPORT:****Operations Summary**

The Statement of Comprehensive Income for the reporting period is included below the Operations Summary commentary.

The significant variances in the year to date figures are in the Trade Waste revenue of the Launceston Waste Centre which are unfavourable due to lower volume of waste than forecast in the budget, labour costs are favourable due to vacancies across the organisation and Materials and Services project costs are favourable over the first three months.

The projected result for the full 2017/2018 financial year is an underlying operating surplus of \$1.286m which remains the same as the full year budget for 2017/2018. A major factor that will impact this result will be the write-off of written down values for City Heart assets renewed. This will occur when these projects are actually completed. Some will be in the 2018/2019 financial year but if Civic Square is completed in 2017/2018 an amount of around \$180,000 will be recorded as a loss on disposal. These are not usually budgeted for and they are not cash amounts but nevertheless affect our underlying result.

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## 20.2 Financial Report to Council - 30 September 2017 ...(Cont'd)

## CITY OF LAUNCESTON

Statement of Comprehensive Income  
For Year to Date 30 September 2017

	2017/18 YTD \$ Actual	2017/18 YTD \$ Budget	Variance YTD \$ Fav/(Unfav)
<b>REVENUES FROM ORDINARY ACTIVITIES</b>			
Rates	16,275,652	16,254,969	20,682
Fees and Charges	6,372,998	5,754,052	618,946
Revenue Grants			
Financial Assistance	524,922	2,592,750	(2,067,828)
Other Grants	669,370	226,183	443,187
Interest	480,130	474,302	5,828
Interest Committed	29,060	10,268	18,792
Investment Revenue	709,587	762,667	(53,081)
Bequests	24,008	44,628	(20,621)
Other Income	763,110	624,378	138,732
	<u>25,848,837</u>	<u>26,744,199</u>	<u>(895,362)</u>
<b>EXPENSES FROM ORDINARY ACTIVITIES</b>			
Maintenance of Facilities and Provision of Services			
Employee Benefits	9,560,432	9,742,384	181,951
Materials and Services	9,028,895	9,158,980	130,086
Impairment of Debts	11,000	7,627	(3,373)
Finance Costs			
Interest on Loans	114,138	41,699	(72,439)
Provision for Rehabilitation	76,125	76,125	-
Change in Rehabilitation Provision	-	-	-
Depreciation	5,048,669	5,109,014	60,345
State Government Fire Service Levy	1,883,704	1,883,704	-
Rate Remissions and Abatements	1,010,885	977,268	(33,617)
Write Down of Assets Held For Sale	-	-	-
	<u>26,733,849</u>	<u>26,996,802</u>	<u>262,953</u>
<b>OPERATING SURPLUS / (DEFICIT)</b>	<b>(885,011)</b>	<b>(252,603)</b>	<b>(632,409)</b>
Capital Grants	3,517,654	3,436,759	80,895
Infrastructure Take Up	-	-	-
Other Comprehensive Income	-	-	-
	<u>3,517,654</u>	<u>3,436,759</u>	<u>80,895</u>
<b>Non-Operating Expenses</b>			
Loss on Disposal of Fixed Assets	6,822	-	(6,822)
<b>Comprehensive Result</b>	<b><u>2,625,820</u></b>	<b><u>3,184,156</u></b>	<b><u>(558,335)</u></b>

Unaudited - Internal Use Only

## 20.2 Financial Report to Council - 30 September 2017 ...(Cont'd)

**CITY OF LAUNCESTON  
STATEMENT OF FINANCIAL POSITION  
As at 30 September 2017**

	2017/18 YTD \$	2016/17 YTD \$	2015/16 YTD \$
<b>EQUITY</b>			
Capital Reserves	185,016,410	171,941,773	161,324,758
Revenue Reserves	1,012,752,386	910,522,664	888,793,651
Asset Revaluation Reserves	622,605,640	606,133,192	613,422,203
Investment Reserves	(18,188,202)	(19,625,561)	(6,377,828)
Trusts and Bequests	1,953,156	2,202,342	2,352,662
Operating Surplus	2,625,820	1,304,173	3,816,560
<b>TOTAL EQUITY</b>	<b>1,806,765,210</b>	<b>1,672,478,583</b>	<b>1,663,332,007</b>
Represented by:-			
<b>CURRENT ASSETS</b>			
Cash at Bank and on Hand	2,738,779	383,556	3,265,227
Rate and Sundry Receivables	44,473,002	43,222,103	45,262,983
Less Rates not yet Recognised	(48,710,358)	(47,444,950)	(46,392,167)
Short Term Investments	78,248,304	76,056,473	64,399,748
Inventories	601,958	638,878	717,252
Assets Held for Sale	840,329	-	415,000
	<u>78,192,014</u>	<u>72,856,061</u>	<u>67,668,043</u>
<b>NON-CURRENT ASSETS</b>			
Deferred Receivables	257,556	257,556	257,556
Investments	234,923,274	233,483,915	229,156,688
Superannuation Surplus	-	-	-
Intangibles	4,513,273	4,618,896	4,535,398
Infrastructure and Other Assets	1,285,465,302	1,152,693,190	1,152,464,183
Museum Collection	237,490,778	237,111,940	236,034,766
	<u>1,762,650,183</u>	<u>1,628,165,496</u>	<u>1,622,448,591</u>
<b>TOTAL ASSETS</b>	<b>1,840,842,197</b>	<b>1,701,021,557</b>	<b>1,690,116,634</b>
<b>CURRENT LIABILITIES</b>			
Deposits and Prepayments	714,192	1,220,511	1,157,948
Employee Provisions	6,566,148	5,959,335	6,134,939
Rehabilitation Provision	-	-	-
Interest-bearing Liabilities	2,356,885	2,241,370	2,131,602
Lease Liabilities	-	-	-
Sundry Payables and Accruals	7,316,279	8,477,265	5,561,014
	<u>16,953,503</u>	<u>17,898,481</u>	<u>14,985,503</u>
<b>NON-CURRENT LIABILITIES</b>			
Employee Provisions Non Current	988,864	1,777,114	1,416,691
Superannuation Obligation	461,080	247,080	457,080
Interest-bearing Liabilities Non Current	9,769,414	3,126,299	5,367,669
Lease Liabilities	-	-	-
Rehabilitation Provision	5,904,125	5,494,000	4,557,684
	<u>17,123,483</u>	<u>10,644,493</u>	<u>11,799,124</u>
<b>TOTAL LIABILITIES</b>	<b>34,076,986</b>	<b>28,542,974</b>	<b>26,784,627</b>
<b>NET ASSETS</b>	<b>1,806,765,210</b>	<b>1,672,478,583</b>	<b>1,663,332,007</b>

Unaudited - Internal Use Only



**20.2 Financial Report to Council - 30 September 2017 ...(Cont'd)**

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**Loan Balances**

The loan balance as at 30 September 2017 is \$12.12m.

The State Government offered an interest free loan facility as part of an economic stimulus package to Northern Tasmania. The Council made submissions under this program for \$19.5m in loan funding (\$9.0m to be borrowed in 2016/2017 for the CH Smith car park project and the balance of \$10.5m to be borrowed in 2017/2018 for Launceston City Heart and the Gorge Reimagining projects). A number of the loans are for a short period and enable planned works to be brought forward, with a major loan of \$9.0m for a car park as part of the redevelopment of the CH Smith site borrowed in the March 2017 quarter. The business case for the CH Smith car park project predicts that \$4.5m will be refinanced by the Council when the \$9.0m government loan is repaid in five years (28 Feb 2022).

Existing loans have fixed interest rates (ranging from 4.64% to 6.08%) and there is limited ability to payout existing loans early.

**ECONOMIC IMPACT:**

Not considered relevant to this report.

**ENVIRONMENTAL IMPACT:**

Not considered relevant to this report.

**SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

City of Launceston Strategic Plan 2014-2024  
Priority Area 8 - A secure, accountable and responsive Organisation  
Ten-year goals -  
To continue to ensure the long-term sustainability of our Organisation  
Key Direction -  
6. To maintain a financially sustainable organisation

---

**20.2 Financial Report to Council - 30 September 2017 ...(Cont'd)**

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**BUDGET & FINANCIAL ASPECTS:**

As per the report.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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



**Paul Gimpl: Acting Director Corporate Services**

## 21 GENERAL MANAGER'S DIRECTORATE ITEMS

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

## 22 URGENT BUSINESS

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

## 23 CLOSED COUNCIL

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

### 23.1 Confirmation of the Minutes

### 23.2 37 Birch Avenue, Newstead - Part Acquisition for Flood Mitigation

#### **RECOMMENDATION:**

That, pursuant to the *Local Government (Meeting Procedures) Regulations 2015*, Council move into Closed Session to consider the following matters:

#### **23.1 Confirmation of the Minutes**

*Regulation 34(6)*

#### **23.2 37 Birch Avenue, Newstead - Part Acquisition for Flood Mitigation**

*Regulation 15(2)(f)*

- (f) proposals for the council to acquire land or an interest in land or for the disposal of land.

## 24 MEETING CLOSURE

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