



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 10 SEPTEMBER 2018
1.00pm**

City of Launceston

COUNCIL AGENDA

Monday 10 September 2018

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

Date: 10 September 2018

Time: 1.00pm

Section 65 Certificate of Qualified Advice

Background

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

Declaration

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

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by several vertical strokes and a final upward stroke.

Michael Stretton
General Manager

31 August 2018

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, 10 September 2018 commencing at 1.00pm in the City of Launceston Council Chambers, Town Hall, St John Street, Launceston.

Yours sincerely



Alderman A M van Zetten
MAYOR

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2 DECLARATIONS OF INTEREST

Local Government Act 1993 - section 48

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

No Declarations of Interest were identified as part of this Agenda

3 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 27 August 2018 be confirmed as a true and correct record.

4 DEPUTATIONS

No Deputations have been identified as part of this Agenda

5 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions have been identified as part of this Agenda

6 COMMUNITY REPORTS

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

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

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions on Notice

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

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

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

7.2 Public Questions without Notice

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

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

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

8 PLANNING AUTHORITY

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign

FILE NO: DA0188/2018

AUTHOR: Brian White (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	S Group
Property:	6 Normanstone Road and 456 Wellington Street, South Launceston
Zoning:	General Residential
Receipt Date:	10/04/2018
Validity Date:	24/04/2018
Further Information Request:	24/04/2018
Further Information Received:	05/07/2018
Deemed Approval:	10/09/2018
Representations:	Five (5)

PREVIOUS COUNCIL CONSIDERATION:

N/A

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)

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, DA0188/2018 - Business and Professional Services; Change of use into consulting rooms (lung clinic), demolish two outbuildings, works to access and parking areas, construction of alterations to building, construction of ground based sign at 6 Normanstone Road and 456 Wellington Street, South Launceston be refused for the reason the application has failed to satisfy -

1. Clause 10.4.13 (P2) (d) - Location of car parking - the application has failed to demonstrate that the proposed accessible parking space within the frontage setback is safe and convenient, having regard to the nature and characteristics of Normanstone Road.
2. Clause 10.4.14 (P1) (l) - Development for discretionary uses - the works to the right of way/driveway of 456 Wellington Street will result in an unreasonable loss of amenity to nearby sensitive uses due to a significant change in intensity of traffic movements over the access.
3. Clause E6.5.1 (P1.1) - Car parking numbers - the number of car parking spaces is not provided to meet the reasonable needs of the use, having regard to:
 - i. (P1.1) (a) - there are no off-road public car parking spaces within a reasonable walking distance;
 - ii. (P1.1) (b) - the application has provided insufficient information to be satisfied that there will be an ability of multiple users to share onsite parking spaces due to variations in car parking demand over time.
 - iii. (P1.1) (e) - the application has provided insufficient information to be satisfied that the on-road parking to be relied upon is safe, having regard to the nature of Normanstone Road.

REPORT:

1. THE PROPOSAL

Approval is sought to change the residential use of a dwelling to allow for a Business and Professional Services use (medical centre) at 6 Normanstone Road, and 456 Wellington Street, South Launceston. Development is also proposed, which is explained below.

Use Status

A medical centre is a sub use in the Business and Professional Services use class, and is discretionary in the General Residential Zone.

A medical centre is defined as:

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)

means use of land to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to out-patients only.

The applicant is specifically relying on Council's discretion to approve or refuse the use after taking into account those matters it must have regard to in determining such an application.

The Use

The medical centre will be used as a lung clinic which undertakes respiratory function testing on site and offers other related support services.

The use will operate Monday to Friday - 9:00am to 5:00pm. The consulting rooms would be staffed by two practitioners, and one administration staff. The applicant states that up to 60 patients would attend the facility per week, equating to approximately 12 patients per day.

The building will provide two consulting rooms, two staff rooms, kitchenette/reception rooms and a bathroom. Access to the building is via an existing ramp at the rear of the site, and a proposed ramp along the north eastern façade.

Four parking spaces are proposed on site to service the use:

- Two at the rear of the site requiring manoeuvring over the existing right of way;
- One alongside the building, adjacent to the proposed ramp; and
- One in the frontage setback. The parking space in the front setback is designed to be for people with a disability and is accessed via an existing crossover.

With the exception of the accessible parking space, the parking spaces will be accessed via an existing crossover to 6 Normanstone Road, and an existing crossover on the adjacent title at 456 Wellington Street, South Launceston.

The property at 6 Normanstone Road benefits from a right of way over the access and driveway of 456 Wellington Street, South Launceston. This driveway will be used for both access and manoeuvring.

The access is shown as Figures 1 and 2 below:

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)



Figure 1 View from the site looking towards Normanstone Road



Figure 2 View from Normanstone Road looking at the site

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)

Development

The development proposed includes:

- Construction of an access ramp to allow disability access from the frontage;
- Regrading and resealing of parking areas (including works to the footpath for the accessible space);
- Demolition of three small outbuildings and part of the boundary fencing with 456 Wellington Street, South Launceston;
- Construction of a 3.9m 'blade wall' to partially enclose the access ramp; and
- Construction of a 1.5m x 2m ground based sign at the frontage.

Internal works are also proposed but do not constitute *development* as defined in the *Land Use Planning and Approvals Act 1993* ('LUPAA').

Fencing and Right of Way

The application includes the demolition of a boundary fence between 6 Normanstone Road and 456 Wellington Street. The applicant asserts that the fence encroaches onto the subject title (CT 68189/4) and that its removal is required to facilitate manoeuvring for the two proposed parking spaces as shown in Figure 3 below:

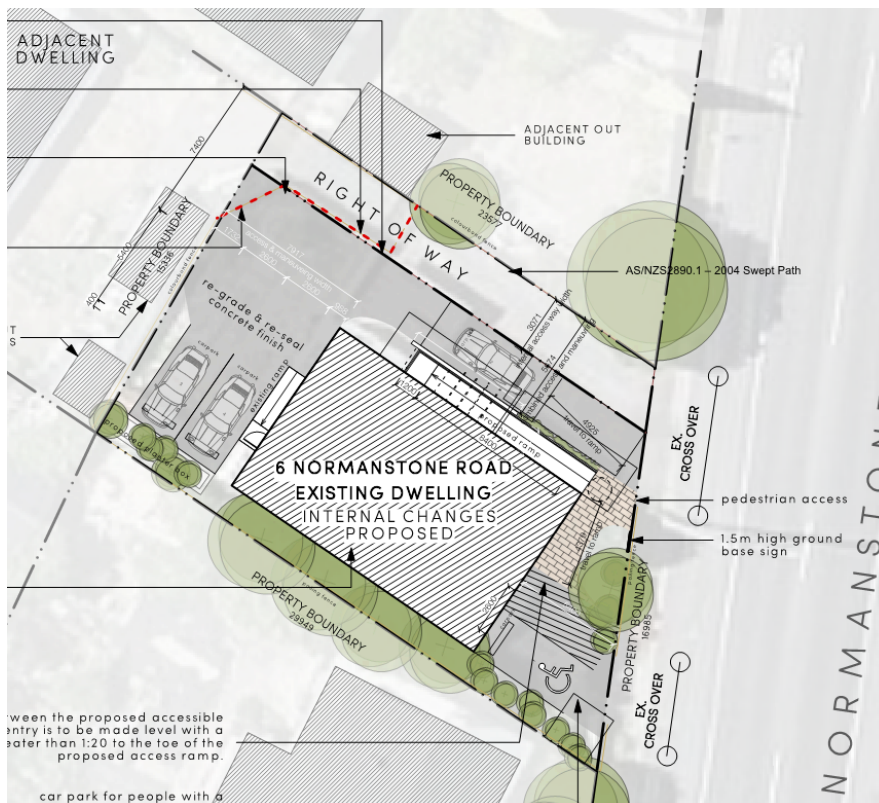


Figure 3 Part of site plan

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)

The application also includes the demolition of fencing and a gate on the adjoining title of 456 Wellington Street (CT 68189/5). The subject site benefits from a right of carriageway over this title. Although the property has frontage to Wellington Street as well as Normanstone Road, the access off Normanstone Road is the sole vehicular access for 456 Wellington Street. The legality of those works abovementioned is not clear. Particularly whether the removal of the gate and fencing is able to be undertaken, and also, if the landowner to the rear may be entitled to Adverse Possession of that piece of land which encroaches onto the subject site. It is noted that this is not a matter that can be taken into account in determining an application pursuant to section 51(2) of LUPAA, and clause 8.10 of the Launceston Interim Planning Scheme 2015.

Discretions

Along with the use class being discretionary in the zone, the applicant is relying on the performance criteria of the following development standards.

- Clause 10.4.13 - Location of car parking;
- Clause 10.4.14 - Development for discretionary uses; and
- Clause E6.5.1 - Car parking numbers.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Location of existing access to the site

The lot is internal and is accessed via two adjoining crossovers from Normanstone Road. One of those crossovers provides primary access to the site at the rear at 456 Wellington Street. The subject site benefits from a right of carriageway over this crossover and driveway.

Vegetation

The site is mostly cleared of vegetation apart from shrubs along the southern side boundary within the frontage setback.

Surrounds

The site is located towards the northern end of Normanstone Road, approximately 65m from the 'Five Ways' intersection of Hobart Road, Meredith Crescent and Wellington Street.

The surrounding land uses are predominantly residential on Normanstone Road. North of the site the character is more mixed use.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)

10.1.1 Zone Purpose Statements

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

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

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

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

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

Not Consistent

Pursuant to clause 8.10.2 of the Launceston Interim Planning Scheme 2015 ('the Scheme'), the Planning Authority must have regard to the purpose of the zone when determining an application for a permit for a discretionary use.

It has been established by the Tribunal that the zone purpose statements do not supplant the specific use and development provisions of the zone; so cannot be used as a basis for refusal.

Rather, the meaning of the direction 'to have regard to' the purpose statements is *"that they are to be considered and give due weight in assessing the application as important elements in reaching a decision, but the planning authority remains unfettered by them"* (*R Nicholas v Kingborough Council [2018] TASRMPAT 1 at 15*).

With this in mind, the zone purpose statement will be discussed.

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.

Comment : Not applicable
The use is not residential.

10.1.1.2

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

Comment : Consistent

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)

It is considered that the lung clinic will serve the local community in that it will provide respiratory function testing and treatment with the aim of improving lung health.

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.

Comment : Not Consistent

The proposal has the potential to adversely impact on the amenity of adjoining and neighbouring residential uses due to increased traffic movements on the right of way/ driveway of 456 Wellington Street, and increased competition for on street parking.

According to the RTA Guide to Traffic Generating Developments 2002 ('the RTA Guide') a single dwelling would expect up to nine traffic movements per day. The applicant and the supporting parking report state that the use will include two practitioners (1.5 full time equivalent) and one administration staff member. The parking study submitted with the application states that with two practitioners operating with two patients, and two patients waiting, typical demand for parking would be 4-5 spaces per hour.

The report states that 'actual' demand would more likely be 5-6 spaces per hour. This results in a potentially significant increase in traffic movements over the accesses, and in demand for on-street parking.

It is considered that increasing the intensity of the right of way may adversely impact the safety and efficiency of the local road network, and disadvantage adjoining lots and the owner of the access at 456 Wellington Street (the right of way).

10.1.1.4

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

Comment : Not applicable

The use is not residential.

10.1.1.5

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

Comment : Not applicable

The use is not residential.

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)

It is therefore considered the use is not in harmony with zone purpose statement 10.1.1.3.

10.3 Use Standards

10.3.1 Hours of operation

Objective: To ensure that non-residential uses do not cause unreasonable loss of amenity to nearby sensitive uses.
A1 Commercial vehicles must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.
Complies Commercial vehicles are not expected to frequent the site. If approved, it is recommended that a standard condition be imposed on the permit.

10.3.2 Mechanical plant and equipment

Objective: To ensure that the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to sensitive uses.
Consistent
A1 Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining or immediately opposite sensitive uses.
Complies The applicant states that one residential scale air conditioner is required which will be located on the roof at the rear of the building. It is considered this will minimise noise being received by adjoining residential dwellings. If approved, it is recommended a standard condition be imposed on the permit.

10.3.3 Light spill and illumination

Objective: To ensure that light spill and levels of illumination from external lighting does not cause unreasonable loss of amenity to sensitive uses.
Consistent
A1 The use must: (a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the Inner Residential, Low Density Residential, Urban Mixed Use and Village zones; and (b) contain direct light from external light sources within the boundaries of the site.
Complies The applicant states that no permanent, fixed floodlighting is proposed and that any external lighting is to be directed within the boundaries of the site. If approved, it is recommended a standard condition be imposed on the permit.

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)

10.3.4 External storage of goods

Objective: To ensure that external storage of goods, materials and waste does not detract from the amenity of the area.
Consistent
A1 Storage of goods and materials, other than for retail sale, or waste must not be visible from any road or public open space adjoining the site.
Complies The applicant states that no external storage of goods and materials is required as a part of the proposal. If approved, it is recommended a standard condition be imposed on the permit.

10.3.5 Commercial vehicle parking

Objective: To ensure that parking of commercial vehicles does not detract from the amenity of the area.
Consistent
A1 Commercial vehicles must be parked within the boundary of the site.
Complies Commercial vehicles are not expected to frequent the site. If approved, it is recommended a standard condition be imposed on the permit.

10.4 Development Standards

10.4.12 Earthworks and retaining walls

Objective: To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.
Consistent
A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must: (a) be located no less than 900mm from each lot boundary; (b) be no higher than 1m (including the height of any batters) above existing ground level; (c) not require cut or fill more than 1m below or above existing ground level; (d) not concentrate the flow of surface water onto an adjoining lot; and (e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)

Complies
 The proposal includes minor earthworks to the right of way and the existing driveway on the title to make the two level (as showing previously in Figures 1 & 2). These works are less than 600mm in height, so comply.

10.4.13 Location of car parking

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

Not Consistent
 The proposal has been assessed as failing to meet the performance criteria of the standard in regard to the accessible space in the front setback. It is considered that insufficient information has been provided by the applicant for the Planning Authority to be satisfied the proposed parking space is safe and convenient, having regard to the nature of Normanstone Road.

A2.1 Car parking must not be located in the primary front setback, unless it is a tandem car parking space in a driveway located within the setback from the frontage.
 A2.2 Turning areas for vehicles must not be located within the primary front setback.

Relies on Performance Criteria
 The proposed accessible space is within the frontage setback. The space is existing, however the use is changing and development is proposed to the parking space. Therefore, the proposal must satisfy the performance criteria to comply with the standard.

P2 The location of car parking and turning areas must be safe, convenient and minimise the visual impact on the streetscape having regard to:
 (a) the visual impact of the car parking location viewed from the road;
 (b) access for users of the site;
 (c) pedestrian and vehicular traffic safety;
 (d) the nature and characteristics of the street;
 (e) the need for the location;
 (f) any landscaping of the car parking or turning area location; and
 (g) construction methods and pavement types.

Complies
 It is noted that the applicant has not provided a response to Clause 10.4.13 in its supporting documents.

The location of car parking and turning areas must be safe, convenient and minimise the visual impact on the streetscape having regard to:

(a) the visual impact of the car parking location viewed from the road;

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It must be noted that removing the ageing carport over the existing parking space in the frontage setback will actually lessen visual impact when viewed from the street, as it will remove a protrusion into the frontage setback. It is considered that the view of the parking space will be obscured by the solid brick wall and vegetation along the frontage of the adjoining lot to the south, and the existing frontage fence and vegetation on the subject site.

The proposal is assessed as meeting (a).

(b) access for users of the site;

The parking space in the frontage setback is to be a space for people with a disability. It is considered that accessing the site is not the issue with the parking space, but rather that exiting onto Normanstone Road is the main concern.

The proposal is assessed as meeting (b).

(c) pedestrian and vehicular traffic safety;

Due to the changing nature of the use and the unfamiliarity of users of the space compared to a residential use, it is prudent to consider the safety of the parking space for people with a disability on pedestrians and motorists. When exiting the parking space, users of the parking space will have their view obscured by: the solid fence and vegetation/ hedging on the property to the south; the solid fence on the subject site on either side of the driveway; and cars parked on the street on either side of the driveway. Council Officers are of the view that this will create an unsafe situation for people reversing onto Normanstone Road.

It is considered the parking space within the frontage setback is not safe and convenient for people with disabilities.

The proposal is therefore assessed as not meeting (c).

(d) the nature and characteristics of the street;

Normanstone Road is council maintained, with a speed limit of 50km/h. At the subject site, and according to council records, there is an average traffic flow of approximately 3,200 per day (according to Council records), which is relatively high for a residential street (according to Council records).

Normanstone Road is mostly residential around the subject site, although there is a neighbourhood centre to the north, and a retirement village approximately 220m to the south of the subject site.

From the retirement village site, the road slopes down gently on the approach to the

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subject site which is a reasonably straight line before a left turning bend approximately 80m from the subject. This bend is at the end of the decline, and cars may be exceeding the 50km/h limit at this bend.

Views of the parking space are obscured when approaching from the south due to the bend, cars parked along the street, telegraph poles, and vegetation along the frontage and side boundary of the site.

It is considered this is not ideal that a person with disabilities has to reverse onto Normanstone Road.

Again, it is prudent under the auspices of sustainable development to allow for the fair use and development of land.

The proposal is assessed as not meeting (d).

(e) the need for the location;

The proposed use triggers the need for a number of car parking spaces on site. The applicant has designed the development so that this frontage setback is the best place for the parking space for people with a disability as it maximises parking spaces to the rear.

The proposal is assessed as meeting (e).

(f) any landscaping of the car parking or turning area location; and

The visual impact of the car parking area will be minimised for those reasons provided previously. No additional landscaping is required.

The proposal is assessed as meeting (f).

(g) construction methods and pavement types.

In order to satisfy the requirements for an accessible parking space, the area will be resealed and will be an improvement on the existing arrangement

The proposal is assessed as meeting (g).

The proposal is therefore assessed as not meeting P2 (c) or (d) of clause 10.4.13, so must be refused.

10.4.14 Development for discretionary uses

Objective:

To ensure that development for discretionary uses is compatible with the form and scale

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<p>of residential development and does not unreasonably impact on the amenity of nearby sensitive uses.</p>
<p>Not Consistent It is considered that the development to allow for a substantial use of the right of way, which is the sole and principle means of access for the adjoining lot to the rear, will unreasonably impact on the amenity of adjoining and nearby sensitive uses.</p>
<p>A1 No acceptable solution</p>
<p>Relies on Performance Criteria</p>
<p>P1 Development must be compatible with the form and scale of residential development and not unreasonably impact on the amenity of nearby sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) the setback of the building to a frontage; (b) the streetscape; (c) the topography of the site; (d) the height, bulk and form of the building; (e) the height, bulk and form of adjacent buildings and buildings in the surrounding area; (f) the setbacks to side and rear boundaries; (g) solar access and privacy of habitable room windows and private open spaces of adjoining dwellings; (h) the degree of overshadowing and overlooking of adjoining lots; (i) mutual passive surveillance between the road and the building; (j) any existing and proposed landscaping; (k) the visual impact of the building when viewed from adjoining or immediately opposite lots; (l) the location and impacts of traffic circulation and parking; and (m) the character of the surrounding area.
<p>Does Not Comply The development proposed includes:</p> <ul style="list-style-type: none"> • the construction of an access ramp to allow disabled access from the frontage; • the regrading and resealing of parking areas including regrading the driveway for 456 Wellington Street which serves as a right of way for 6 Normanstone Road; • works to the footpath for the parking space for people with a disability • demolition of three small outbuildings and part of the fencing of 456 Wellington Street, South Launceston; • the construction of a 3.9m 'blade wall' to partially enclose the access ramp; and • the construction of a 1.5m x 2m ground based sign at the frontage. <p>The concern in regards to amenity are the works to the right of way/ driveway which is the sole and principle means of access to the adjoining lot to the rear, and the 'blade wall'.</p> <p>The form and scale of residential development surrounding the site is characterised by</p>

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single storey dwellings with relatively uniform frontage setbacks. There is a mixture of uses along Hobart Road to the north.

The performance criteria will be assessed below:

(a) *the setback of the building to a frontage;*

The frontage setback is increasing with the removal of the carport. The proposed 'blade wall' is setback a significant distance from the frontage.

The proposal is assessed as meeting (a).

(b) *the streetscape;*

The applicant has provided an artist's impression image which provides the scale a view of the signage and the blade wall from the street.

The removal of the carport in the frontage setback reduces the visual impact when viewed from the street. The 'blade wall' will be no higher than the dwelling so will not be overly visually intrusive when viewed from the street. The proposed sign is considered to be of a modest size so will not be detrimental to the streetscape.

Signs are assessed separately against the Signs Code in this report.

The proposal is assessed as meeting (b).

(c) *the topography of the site;*

The grading of the driveway/right of way is required to allow a flat access to the rear of the building for parking.

The proposal is assessed as meeting (c).

(d) *the height, bulk and form of the building;*

The removal of the two carports will reduce the bulk of the building and may actually result in a building more in harmony with surrounding residential development.

The blade wall will have a height of approximately 3.98m at its highest point, which is well below the existing roof line of the dwelling when viewed from adjoining properties. The wall will be setback approximately 2.7m from the northern side boundary.

It is therefore considered the height, bulk and form of the development is reasonable.

The proposal is assessed as meeting (d).

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(e) the height, bulk and form of adjacent buildings and buildings in the surrounding area;

The adjoining dwellings, and those within 100m of the site, are mostly single storey. On Hobart Road and Wellington Street, there are a variety of uses and building types which range from the Cripps Bakery buildings to the shop fronts on Hobart Road. It is considered that the blade wall will be reasonable having regard to the surrounding buildings.

The proposal is assessed as meeting (e).

(f) the setbacks to side and rear boundaries;

As discussed, the proposed blade wall will be setback at least 2.7 from the northern side boundary and at least 11m from the rear boundary. This is considered reasonable for maintaining residential amenity.

The proposal is assessed as meeting (f).

(g) solar access and privacy of habitable room windows and private open spaces of adjoining dwellings;

Given the generous setbacks from side and rear boundaries, and the location to the south of the adjoining dwelling at 458 Normanstone Road, it is considered the proposal complies.

The proposal is assessed as meeting (g).

(h) the degree of overshadowing and overlooking of adjoining lots;

As above in (g). Furthermore, the blade wall will provide a suitable level of privacy for people using the ramp to enter or exit the building.

The proposal is assessed as meeting (h).

(i) mutual passive surveillance between the road and the building;

The windows facing the frontage will continue to allow passive surveillance between the road and the frontage.

The proposal is assessed as meeting (i).

(j) any existing and proposed landscaping;

The applicant states that the landscaping will be retained where possible. No additional landscaping is proposed.

The proposal is assessed as meeting (j).

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(k) the visual impact of the building when viewed from adjoining or immediately opposite lots;

As discussed, the removal of the existing car ports and the construction of the blade wall will not cause significant visual impacts when viewed from adjoining lots due to being setback at least 2.7m from the relevant side boundary, and its height being below the roofline of the dwelling.

The proposal is assessed as meeting (k).

(l) the location and impacts of traffic circulation and parking; and

The proposal includes development to the driveway to 456 Wellington Street (as well as the rear of the building at 6 Normanstone Road. The works will grade the two accesses and seal the area to the rear to allow for cars to access and manoeuvre out of the proposed parking spaces at the rear of the building.

The proposed works will demolish an existing fence and gate on the right of way, and also part of a fence that, according to the survey plan, encroaches onto the subject site.

The question is whether the proposed development to the driveway/right of way to allow for an increased intensity of use will result in an unreasonable loss of residential amenity on adjoining lots.

This is particularly the case for the lot at the rear that shares frontage and will also share access.

The applicant provides a response which states that:

The two existing car parking spaces are to be retained, with the only change being the removal of the existing carport structures, and the adaptation of the car space in the frontage into a space for people with a disability. Two additional spaces are to be provided to the rear of the property, accessed via the existing right of way over the driveway to 456 Wellington Street.

It is considered that only two of the four proposed car parking spaces will be able to enter and leave in a forward direction. The parking space next to the proposed ramp and the accessible space will have to reverse onto Normanstone Road.

The current use of the driveway/right of way is strictly limited to providing access to the property to the rear at 456 Wellington Street. This is due to the different grade between 6 Normanstone and 456 Wellington and the fact that each has its own crossover.

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The supporting parking report provided with the application states that there may be demand for up to 5-6 spaces per hour, and up to twelve patients per day. This is based on floor level and the number of practitioners. Therefore, worst case scenario, it is estimated that up to 40 vehicle movements may occur on the driveway/right of way. This is compared to a single dwelling which generates up to nine vehicle movements each day, as per the RTA Guide for Traffic Generating Developments.

The additional use of the driveway/right of way will result in a significant number of additional vehicle movements over the driveway (and right of way) of the adjoining lot at 456 Wellington Street. It may also result in a situation where the owner can no longer enjoy unimpeded access to the property due to patients potentially queuing on the driveway.

The approach to determining whether or not a significant increase in the use of a right of way is likely to lead to an unreasonable loss of amenity (or 'disadvantage') of users of a right of way was described by the Tribunal in *East Ocean Pty Ltd v Kingborough Council & Ors* [2017] TASRMPAT 7 (at 75):

The Tribunal construes the concept of disadvantage in this clause of the Scheme, as requiring more than a mere change in the circumstances presently enjoyed. It requires a finding that there will be the creation of unfavourable circumstances in the use and enjoyment of the right of way by existing users. As such it is entirely a question of degree, a matter linked to the intensity of the use proposed (emphasis added).

Therefore, it must be found that the increase in use of the right of way (or driveway in this case) will result in unfavourable circumstances or in a decrease in the enjoyment of the access by existing users.

The key concern is the extent of the change in intensity from a residential use to a commercial use and the impact of this increase on existing residential amenity.

According to the RTA Guide for Traffic Generating Developments, a single dwelling is likely to generate up to nine movements per day. The submitted traffic report states that demand for parking spaces on site for the use will be up to 5-6 per hour. Given there are only three spaces on site it is likely customers will enter the site and, if no spaces are available, would be forced to back out again to find alternative arrangements.

This may result in delays entering or exiting the site for the owner at 456 Wellington Street, and also adjoining properties that may be forced to queue.

This is considered to be an unreasonable inconvenience, and unfavourable circumstances for present use and enjoyment of the access. Ultimately, this will result in

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an unreasonable loss of residential amenity for adjoining lots.

The proposal is assessed as non-compliant with (l).

(m) the character of the surrounding area.

As discussed, the development proposed is consistent with the character of the surrounding area taking into account the variety of uses along Hobart Road.

The proposal is assessed as meeting (m).

It is therefore considered that P2 (l) cannot be satisfied, so the application must be refused.

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

(a) protect the safety and efficiency of the road and railway networks; and

(b) reduce conflicts between sensitive uses and major roads and the rail network.

Consistent

The code applies as the use of the existing accesses will be intensified. However, it is considered that the increase will be less than 40 vehicles. The proposal therefore meets the intent of the code.

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

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

Complies

The submitted parking study suggests that likely demand for parking spaces will be approximately five per hour. Given that only four spaces are provided on site, it is unlikely that vehicle movements would exceed 40 movements over an 8 hour day.

Also it must be noted it is unlikely that the access to the parking space for people with a disability will increase by more than 40 movements per day.

The proposal is assessed as meeting A3.

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E4.6 Development Standards

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.

Not Consistent

The proposal has been assessed as not meeting the performance criteria of all relevant standards. There is a significant lack of parking to service the use, and insufficient information to suggest that a reliance on on-street parking will not adversely impact on the amenity of adjoining lots or the safety of the users of the road network.

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.

Not Consistent

The proposal relies on the performance criteria, and an exercise of discretion from the Planning Authority to comply with the standard due to a shortfall in parking. The applicant has provided a parking study in support of the application. It is considered that the application fails to satisfy the performance criteria of the standard as a reliance on on-street parking is not appropriate in this instance.

Additionally, five representations have been received with concerns in relation to lack of parking. The matters raised are relevant to the exercise of discretion and are therefore relevant to the assessment. They must be taken into account in the determination of the application.

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

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

Relies on Performance Criteria

The proposal is to provide four spaces on site. According to Table E6.1 of the code, a business and professional services use (consulting rooms/ doctors surgery) with two practitioners requires eight parking spaces to comply. Three spaces are provided on site, plus one accessible parking space for people with a disability.

The proposal must rely on the performance standard/s for the granting of a permit.

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

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

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

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

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

Does Not Comply

The Parking Study

The parking study prepared for the report has undertaken a survey of available parking within walking distance (within 80m of the site). Surveys were taken over three days to

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determine the extent of utilisation. The report concluded that:

- there are approximately 3-4 parking spaces within 40m of the site that are available at 9.00am and 1.00pm on the days surveyed;
- there are approximately seven spaces within 80m of the site that are available at 9.00am and 1.00pm on the days surveyed; and
- at least 10 spaces are located within 80m of the site which are available of a morning and midday.

The report produced figures to estimate actual demand for parking which are based on ITE Parking Generation Rates (4th edn.) and the RTA NSW Guide. The ITE Guide estimates that up to 5.3 spaces would likely be required. The RMS Guide estimates that five spaces are likely to be required.

The report estimates that actual car park demand considering the nature of the use is suggested to be between 5-6 spaces. The report states that:

In practice it is likely that base demand will be for one practitioner who will have one patient about to leave, one patient waiting and possibly another patient about to arrive i.e. 3 spaces. With the half time practitioner operating an extra 2 spaces could be required suggesting a normal demand for 5 spaces in total.

The report does not mention the nature of Normanstone Road, and its impact on the safety of a heavy reliance on on-street parking.

In response to representors' concerns, the traffic consultant states that:

The access to #6 Normanstone Road has sight distance of 80m which meets the Launceston Interim Planning Scheme 2015 requirement for Safe Intersection Sight Distance in a 50km/h zone. Stopping sight distance in a 50km/h zone is 45m so it is considered reasonable for pedestrians to cross the road at #6 Normanstone Road if necessary. Pedestrian signals are also available at the Wellington Street intersection 60m north of #6 Normanstone Road.

Comment

This above response from the consultant does not appear to address the actual nature of Normanstone Road and the specific requirements of the use.

It must be noted that Council's traffic expert has identified an error in the parking study. Area A (on the parking study) is an inadequate length for two cars, if a parking space was marked here it would be only for one space. Therefore, this reduces parking supply within 40m of the site by one space.

What is a reasonable walking distance?

According to a review of the literature, 400m is considered to be a reasonable walking distance. However, given the nature of the use, it is considered a much shorter distance will be reasonable. The City of Geraldton's City Centre Car Parking Management Plan (2013) suggests that an acceptable walking distance for residents, professional services

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and *medical facilities* is less than 250m (< 3 minutes). This number will inform the assessment.

Performance Criteria Assessment

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

a) *the availability of off-road public car parking spaces within reasonable walking distance;*

The parking study incorrectly addresses this subclause to mean *onsite* parking spaces, not off-road *public* car parking spaces. If we take 250m to be a reasonable walking distance from the site, the conclusion reached is that there are no off-road public car parking spaces with reasonable walking distance.

The proposal is assessed as not meeting (a).

b) *the ability of multiple users to share spaces because of:*

i. *variations in car parking demand over time; or*

The application does not provide any evidence that appointments will be spaced out or that any mitigating measures will be put in place to stimulate variations in demand.

In response to the (b), the report states that

clinic appointments are on average one hour in duration. With two practitioners operating with two patients and two patients waiting typically demand would be 4-5 spaces per hour.

The response has failed to provide sufficient information to satisfy (b)(i).

ii. *efficiencies gained by consolidation of car parking spaces;*

Not applicable

Consolidation of parking spaces is not possible in this case.

The proposal is therefore assessed as not meeting (b)(i) or (ii).

c) *the availability and frequency of public transport within reasonable walking distance of the site;*

There is a Metro bus stop outside the property and another approximately 60m to the south. Regular services are provided.

The proposal is therefore assessed as meeting (c).

d) *any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;*

In addressing (d), the parking study states that "no site constraints are evident to hinder on and off-street parking". However, this is contradicted later in the report where it states that "No other layout appears feasible given the site constraints, lot size and shape". Nonetheless, it is agreed that there are site constraints that prevent additional parking being provided.

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The proposal is assessed as meeting (d).

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;*

The submitted parking report is of the view that there are 9-10 on-street spaces that are available within 80m of the site. In the survey -

- Out of the 11 spaces within 40m of the site, seven were occupied at 9.00am and 1.00pm - equating to 3-4 free spaces;
- Out of the nine spaces within 80m of the site, two were occupied at 9.00am and 1.00pm - equating to seven free spaces.

All of the above mentioned spaces have no time restriction so are considered to be accessible and available.

As previously discussed, Normanstone Road is council maintained, with a speed limit of 50km/h. Normanstone Road is mostly residential around the subject site but there is a large retirement village approximately 220m to the south and a variety of uses at the 'Five Ways', north of the site.

From the retirement village site, the road slopes down gently on the approach to the subject site before a left turning bend approximately 80m from the subject site. The bend may ultimately impact on sight site distances (looking south) for cars and pedestrians leaving/entering the site. The added obstruction of cars parking on the road and overhanging vegetation in between the bend and the subject site may lead to critical issues of safety for pedestrians exiting/entering the site and crossing the road. Crossing the road at this location (especially for people who may have respiratory issues) is considered inappropriate and may lead to an increased risk in injury for pedestrians.

Figures 4 and 5 show a view looking south from the access, showing the obstructed view.

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Figure 4 View looking south



Figure 5 View looking south from outside subject site

The representors have raised concerns over competition for parking spaces nearby to the site, increased traffic flows impacting upon safety, and the safety of people crossing

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<p>the road. These are relevant considerations in assessing compliance with the clause. The proposal is therefore assessed as not meeting (e).</p> <p><i>f) an assessment of the actual car parking demand determined in light of the nature of the use and development;</i> The parking study has determined that actual demand considering the nature of the use is between 5-6 spaces. The parking study claims a sufficient number of parking spaces are available on-street within 80m of the site. The proposal is assessed as meeting (f).</p> <p><i>g) the effect on streetscape; and</i> The proposed parking proposal will have little impact on the streetscape as on-street parking is common on Normanstone Road. The proposal is assessed as meeting (g).</p> <p><i>h) the recommendations of any traffic impact assessment prepared for the proposal; or</i> No traffic impact assessment has been prepared, or requested. The proposal is therefore assessed as meeting (h). The proposal is assessed as failing to meet subclauses (a), (b), and (e) - so must be refused.</p>
<p>A2 The number of accessible car parking spaces for use by persons with a disability for uses that require 6 or more parking spaces must be in accordance with Part D3 of the National Construction Code 2014, as amended from time to time.</p> <p>Complies The proposal has provided one accessible parking space, as required by part D3 of the National Construction Code.</p>

E6.5.2 Bicycle parking numbers

<p>Objective: To ensure that an appropriate level of bicycle parking spaces are provided to meet the needs of the use.</p>
<p>Consistent</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>Complies Table E6.1 requires one bicycle parking space to be provided, which has not been done so requires assessment against the performance criteria. It is considered that people riding bicycles to the clinic would be a possibility, especially if they are trying to improve their respiratory condition. Therefore, if approved, amended plans will be required showing one bicycle space on site to an appropriate standard.</p>

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E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective: To ensure that parking areas are constructed to an appropriate standard.
Consistent
A1 All parking, access ways, manoeuvring and circulation spaces must: (a) have a gradient of 10% or less; (b) be formed and paved; (c) be drained to the public stormwater system, or contain stormwater on the site; (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.
Complies The proposed parking, access ways, manoeuvring and circulation spaces comply as they: <ul style="list-style-type: none"> • have a gradient of 10% or less; • will be sealed; and • drained to a public stormwater system. The proposal is assessed as meeting A1. If recommended for approval, standard conditions would be imposed on the permit.

E6.6.2 Design and layout of parking areas

Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.
Consistent
A1.1 Car parking, access ways, manoeuvring and circulation spaces must: (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2; (c) have parking space dimensions in accordance with the requirements in Table E6.3; (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are 3 or more car parking spaces; and (e) have a vertical clearance of not less than 2.1 metres above the parking surface level.
A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.

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A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are 6 spaces or more.

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

Complies
 Each of the performance standards is satisfied:

- Only four spaces are provided on site. The spaces are not required to enter and leave in a forward direction. Cars are only required to be able to enter and leave in a forward direction if more than four spaces are provided.
- The internal access width is at least 3m;
- Each of the parking spaces have areas of at least 2.6m wide x 5.4m long;
- Each of the parking spaces have combined access and manoeuvring spaces of at least 6.4m; and
- The vertical clearance of 2.1m above level parking surface is provided.

In regard to A1.2, the report states:
Technically as shown in figure 1 the travel to ramp distance for the space beside the right of way is 4025mm while for the accessible bay the distance is 4370mm ie slightly longer. However, the accessible bay is on the road frontage and will be easily visible to approaching customers and will be clearly signed so there should be no confusion on its location. On this basis it is suggested that A1.2 is effectively satisfied.

Access point is not defined in the scheme. However, given it is agreed that the proposed accessible parking space is nearest to the ramp which will provide access to the building. The supporting parking study indicates the accessible car parking spaces for use by persons with disabilities is to be designed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.

If approved, conditions would be imposed on the permit due to the requirement to undertake work in the road reserve.

The proposal is assessed as meeting the acceptable solutions.

E6.6.5 Bicycle facilities

Objective:
 To ensure that cyclists are provided with adequate facilities.

Consistent

E6.6.6 Bicycle parking and storage facilities

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Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.
Consistent
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 If approved, amended plans will be required to provide one bicycle parking space on site that meets 2890.3 1993 Parking facilities - Bicycle parking facilities.

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

E18.0 Signs Code

E18.1 The purpose of this provision is to: (a) provide opportunities for appropriate business advertising and information essential to support and encourage business activity; (b) promote the use of well-designed signs that complement and enhance the streetscape and the City and do not contribute to visual clutter and detract from the visual amenity of the locality; and (c) ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.
Consistent The code applies as one ground based sign is proposed. The sign meets all relevant acceptable solutions, so meets the intent of the code.

E18.5 Development Standards

E18.5.1 Unacceptable signage

Objective: To prevent unacceptable signage.
Consistent
A1 Signage must not be for the following sign types: (a) an above awning sign; (b) bunting (flag and decorative elements); (c) a flashing lights sign;

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)

<p>(d) a roof sign; (e) a sky sign; or (f) a third party sign.</p>
<p>Complies The application does not include any of those signs.</p>

E18.5.2 Design and siting of signage

<p>Objective: To: (a) provide for appropriate signage and to ensure the visual scale and impact of signage is managed; and (b) ensure that the design and siting of signs achieves the purpose of this code.</p>
<p>Consistent</p>
<p>A1 A sign must: (a) be located within the applicable zone for the relevant sign type set out in Table 1 of E18.6; and (b) meet the requirements for the relevant sign type set out in Table 1 of E.18.6.</p>
<p>Complies A ground based sign is permissible in the General Residential Zone, and meets the requirements of Table 1 of E.18.6:</p> <ul style="list-style-type: none"> • Only sign is proposed; • The sign has a maximum width of 1m; • The sign has a maximum height of 1.5m; • The sign is located close to the ground; and • Does not have a supportive structure that does not project above the sign face. <p>The proposal is assessed as meeting A1.</p>
<p>A2 A sign must be a minimum distance of 2m from the boundary of any lot in the General Residential, Inner Residential, Low Density Residential, Rural Living, Environmental Living or Village zones.</p>
<p>Complies The sign is within the General Residential Zone.</p>
<p>A3 A building or tenancy must have: (a) a maximum of one of each sign type per building or tenancy, unless otherwise stated in Table 1 of E18.6; and (b) no more than 3 individual signs in total.</p>
<p>Complies Only one sign is proposed.</p>
<p>A4 A sign must not be illuminated.</p>
<p>Complies The sign is not proposed to be illuminated. If recommended for approval, conditions would be recommended to prevent illumination.</p>

- 8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)**

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Services	Conditional consent provided in regard to works in the Road Reserve. Concerns have been raised as to the adequacy and safety of the proposed parking taking into account the nature of Normanstone Road and the type of use.
Environmental Health	Conditional consent provided. Conditions recommended relating to amenity, demolition, and waste materials.
Heritage/Urban Design	N/A
Building and Plumbing	Notes provided.
EXTERNAL	
TasWater	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
REFERRAL	COMMENTS
INTERNAL	
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 July 2018 to 23 July 2018. Three representations were received during this period.

The Manager City Development agreed to extend the 14 day period by another 14 days, pursuant to s. 57(5) of the *Land Use Planning and Approvals Act 1993*, to allow receipt of two additional representations. The final date to receive representations was therefore the close of business 13 August 2018.

Therefore, five representations have been received.

It must be noted that the Planning Authority has a statutory obligation to consider

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)

representations relating to an exercise of discretion when determining a development application. It is acknowledged that a number of matters raised are relevant to the exercise of the discretion in assessing a number of use and development standards, along with the zone purpose statements.

The Applicant's Response

The applicant has prepared a response to the concerns of the representors. This response was prepared by the Traffic Consultant along with the applicant, and is attached to this report (attachment 6).

Issue	Response
The proposed use is non-residential in a residential area	This is not a relevant matter in determining the application, as the planning scheme allows non-residential uses in residential areas. The use table of the General Residential Zone sets out the allowable uses in the zone. A business and professional services use (if for a medical centre) is discretionary in the General Residential Zone. A discretionary use is a type that the Planning Authority has discretion to approve or refuse after taking into account the zone purpose statements, the relevant standards of the zone/codes, and any representations that are received. Therefore, non-residential uses are not prohibited in the zone so this is not a basis for refusal.
The proposal is inconsistent with zone purpose statement 10.1.1.3 due to the significant adverse impacts on adjoining lots amenity due to traffic generation and movement. In particular that there is limited parking in the area and on the site, and that increases use of the right of way that may lead to clientele parking on the right of way and limiting access to the property.	This is a relevant matter in determining the application. The proposal has been assessed as being inconsistent with zone purpose statement 10.1.1.3.

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)

Issue	Response
<p>The proposal fails to satisfy clause 10.4.14 (P1) (I) - the location and impacts of traffic circulation and parking - due to the limited parking in the area and an increased competition for parking due to the shortfall on the site. The submitted documents have not adequately addressed clause 10.4.14 (P1)(I).</p>	<p>This is a relevant matter in determining the application. The proposal has been assessed as not meeting clause 10.4.14 (I) due to the unreasonable inconvenience - and unfavourable circumstances - that will be caused for the adjoining lot to the rear due to the substantial intensification of the use of the driveway/access which is their sole and principle means of access. The applicant has provided insufficient evidence to be satisfied the proposal complies with P1 (I) of the clause.</p>
<p>The proposal fails to provide the parking spaces required by Table E6.1 of the parking code.</p>	<p>An application can rely on performance criteria to comply with a standard. In this case, the applicant is relying on the performance criteria of clause E6.6.1 for the granting of a permit.</p>
<p>The building will inevitably be used by two (2) practitioners, rather than 1.5 FTE due to the layout of the building.</p>	<p>This is a relevant matter in determining the application for a discretionary use. The proposed use has been assessed as not meeting the purpose of the zone due to the intensity of the use.</p>
<p>The proposal does not comply with clause 10.4.13 as the accessible space is located in the front setback. This will likely cause safety issues for users of the space who may be lacking mobility. Having to back onto Normanstone Road is not safe for clientele, pedestrians and other vehicles.</p>	<p>This is a relevant matter in determining the application. The proposal has been assessed as not meeting clause 10.4.13 (P2) and clause E6.5.1 (P1.1) due to potential safety issues with the on-street car parking on Normanstone Road.</p>
<p>The proposal does not meet clause E6.6.2 (A1.1) as not all vehicles can enter and leave the site in a forward direction.</p>	<p>This is not a relevant matter in determining the application as it does not relate to an exercise of discretion. Only four spaces are to be provided. Therefore, A1.1 (a) of clause E6.6.2 is met.</p>
<p>The proposal does not meet clause E6.6.2 (A1) as the proposed accessible space for people with a disability is not closest to the main entry point to the building.</p>	<p>This is not a relevant matter in determining the application as it is not related to an exercise of discretion. It is considered that the accessible space is located closes to the entry ramp to the main access point to the building, so complies.</p>

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)

Issue	Response
Height of the blade wall out of context with other structures in the area	This is a relevant matter in determining the application. The blade wall has a height less than the maximum height of the existing dwelling, and is setback generously from all boundaries. Furthermore, there are numerous large structures (such as Cripps Bakery etc.) in the surrounding area. The blade wall has been assessed as complying with clause 10.4.4 (P1).
The proposed brick wall is out of consonance and scale with other barriers and structures.	See above.
The proposal will impact on the amenity of the surrounding area.	This is a relevant matter in determining the application for a discretionary use. The proposal has been assessed as being inconsistent with zone purpose statement 10.1.1.3 as well as other zone provisions.
No-standing zones outside 12-18 Normanstone Road will impact upon car parking supply. This is a relevant matter in determining the performance standard of clause 10.4.14 (P1).	This is a relevant matter in determining the application. However, the parking study does not rely on parking spaces outside of these properties to meet the performance criteria.
No standing sign above 18 Normanstone Road has been removed.	As above.
Traffic backed up on Normanstone Road during peak hour traffic times at a distance of approx. 250 metres from the intersection at the Four Ways.	This is a relevant matter in determining the application. The application has been found to be inconsistent with the intent of the zone.
Accidents on thoroughfare/ solid white lines prevent people from turning on Normanstone Road.	This is a relevant matter in determining the application. The nature of Normanstone Road has been taken into account in assessing the application. In regard to the solid white line; the applicant has provided a response to this concern which establishes there are no legal issues with turning across white lines.

8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)

Issue	Response
Bus stops prevent on street parking	This is a relevant matter in determining the application. However, the parking study has taken the bus stops into account in its assessment.
Concerns with blind corner to the south of the subject site, and increased traffic impacting upon the safety of clients to the lung clinic and the amenity of residents.	This is a relevant matter in determining the application. The application has been assessed as not satisfying the relevant performance criteria of clause 10.4.13 (P2) of the zone, and clause E6.5.1 (P1.1) of the Parking Code that deal with the safety of on-street car parking (on Normanstone Road) and the location of car parking (within the front setback).

6. CONCLUSION

It is considered that the proposal fails to comply with all relevant standards of the Scheme, and must be refused.

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.

- 8.1 6 Normanstone Road and 456 Wellington Street, South Launceston - Change of Use Into Consulting Rooms (Lung Clinic), Demolish Two Outbuildings, Works to Access and Parking Areas, Construction of Alterations to Building, Construction of Ground Based Sign ...(Cont'd)**
-

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Locality Plan (distributed electronically)
 2. Plans (distributed electronically)
 3. Planning Report (distributed electronically)
 4. Parking Studies (distributed electronically)
 5. Representations (distributed electronically)
 6. Applicants response to representations (distributed electronically)
 7. Additional comments from representor (distributed electronically)
 8. Additional photos from representor (distributed electronically)
-

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

Monday 27 August 2018

- Attended the Car Show exhibition opening at School of Creative Arts

Tuesday 28 August 2018

- Attended the Newstead Christian School official opening of Admin Block

Wednesday 28 August 2018

- Attended the Scotch Oakburn College Senior School Production "Avenue Q"

Thursday 30 August 2018

- Officiated at The Launceston Club Guest Speaker Luncheon
- Attended the Tasmanian Police Shop Stealing Task Force Forum

Friday 31 August 2018

- Attended the Walk a Mile in Their Shoes - Launceston Walk for White Ribbon

Saturday 1 September 2018

- Attended The Fellas & Club Sandwich concert "In Harmony" at Salvation Army

Monday 3 September 2018

- Officiated at the Opening of the Brickworks Design Centre

Tuesday 4 September 2018

- Attended the Clifford Craig Business Breakfast at Peppers Silo Hotel
- Attended the Launceston Legacy luncheon celebrating 50 years at Legacy House
- Officiated at the Youth Council Meeting held in the Council Chambers, Town Hall

Wednesday 5 September 2018

- Officiated at the Special Olympics Announcement at Silverdome
 - Attended the Junction Arts Festival opening night party at Prince's Square
-

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

Thursday 6 September 2018

- Attended the REIT School Auction Competition Final at Scotch Oakburn College

Friday 7 September 2018

- Attended a "Community Story" about The Men & Community Shed at King Billy Park
- Officiated at the Country Women's Association State Conference

Saturday 8 September 2018

- Attended the North Launceston Eagles Soccer Club Trophy Presentation at Churchill Park, Invermay
-

10 ALDERMEN'S REPORTS

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

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

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

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

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

11.2 Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

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

12 COMMITTEE REPORTS**12.1 Heritage Advisory Committee Meeting - 23 August 2018****FILE NO:** SF2965**AUTHOR:** Fiona Ranson (Heritage Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the Heritage Advisory Committee meeting held on 23 August 2018.

RECOMMENDATION:

That Council receive the report from the Heritage Advisory Committee meeting held on 23 August 2018.

REPORT:

At its meeting on 23 August 2018, the Heritage Advisory Committee received a presentation by Paul Davies and Wendy Crane, the consultants responsible for preparing the CBD Building Height and Massing Study for Launceston.

The Committee discussed the following items:

- 2019 Heritage Awards and Heritage Snap! Awards and acknowledged the National Trust offer to assist with the Awards

The Committee noted the following:

- Significant Development Applications involving heritage issues
- Archaeology update on the site redevelopment of the former Kains Hotel

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

12.1 Heritage Advisory Committee Meeting - 23 August 2018 ...(Cont'd)

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

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

Key Direction -

1. To develop and consistently use community engagement processes.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

12.2 Cataract Gorge Advisory Committee Meeting - 16 August 2018**FILE NO:** SF0839**AUTHOR:** Tricia De Leon-Hillier (Parks Lease Management Officer)**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Cataract Gorge Advisory Committee Meeting held on 16 August 2018.

RECOMMENDATION:

That Council receives the report from the Cataract Gorge Advisory Committee Meeting held on 16 August 2018.

REPORT:

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

- A decision has been made by Parks and Wildlife to restrict access to mountain bike trails in both Kate Reed and Trevallyn Reserve until September. The tracks have been saturated from recent rainfalls and closing these areas helps stop further damage to trails.
 - Fire trail maintenance on the Council land occurring at a section of Reed Gully track requires slashing and erosion repairs. Parks and Wildlife are working with the Council's Parks Planner to complete the works prior to the fire season.
 - An update on the Gorge Playspace was presented to the committee advising works have already commenced with removal of the old playground structures. It is expected that truckloads of fill will be delivered in the next 15-20 days. All appropriate traffic management plans have been completed and signage is in place to guide visitors to the Basin. The pool will re-open as per normal schedule in November.
 - The Council's Workplace Health & Safety coach presented a risk assessment if the pool fence was to be removed and the current risk controls in place. The outcome of this exercise was that the Cataract Gorge Committee members would like to recommend looking at a new design when the current pool fence is due to be replaced.
-

12.2 Cataract Gorge Advisory Committee Meeting - 16 August 2018 ...(Cont'd)

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 2 - A city where people choose to live

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

Key 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
5. To plan for better connections between the river and Launceston
6. To promote active and healthy lifestyles

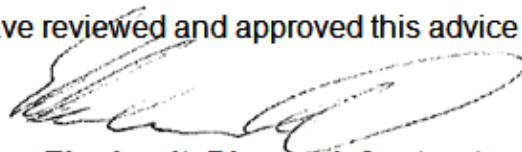
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Shane Eberhardt: Director Infrastructure Services

12.3 Street Tree Advisory Committee Meeting - 13 July 2018**FILE NO:** SF5726**AUTHOR:** Barry Pickett (Natural Environment Manager)**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Street Tree Advisory Committee Meeting held on 13 July 2018.

RECOMMENDATION:

That Council receive the report from the Street Tree Advisory Committee meeting held on 13 July 2018.

REPORT:

The Street Tree Advisory Committee noted the following items to be reported to the Council via the Committee Reporting process:

- It was noted that since the last Committee meeting the Tree Management Policy was presented and adopted by the Council on 19 March 2018.
- It was noted that \$60,000 has been allocated as part of the ISD - Operational Budget for street tree planting.
- The Committee resolved to give support for street tree planting on Cameron Street which is also part of the City Heart project implementation.
- The Committee would like a mechanism developed for public donations to be collected to contribute towards funding for planting additional street trees within the CBD.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

12.3 Street Tree Advisory Committee Meeting - 13 July 2018 ...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 2 - A city where people choose to live

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

Key Direction -

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

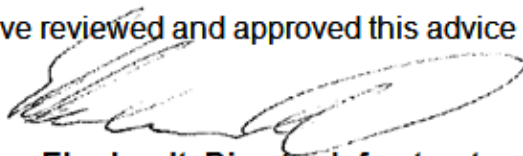
BUDGET & FINANCIAL ASPECTS:

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

13 COUNCIL WORKSHOPS

Council Workshops conducted on 3 September 2018 were:

- Launceston Show
- Richard Atkinson Bridge Memorial
- UTAS Masterplan Review and City Deal Intersections
- Invermay Traffic Masterplan (Major Initiatives)
- Macquarie House Fountain
- Launceston City Heart and Wayfinding Project update
- Long Term Financial Plan, Strategic Asset Management Plan
- Corporate Strategic Plan
- Smart Phone Credit Card Phone App for Payments

14 NOTICES OF MOTION

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

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

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**15.1 Ten Days on the Island Event Sponsorship****FILE NO:** SF6647**AUTHOR:** Cherie Holmes (Grants & Sponsorship Officer)**DIRECTOR:** Leanne Hurst - Director Development Services

DECISION STATEMENT:

To consider an application for Event Sponsorship from Ten Days on the Island (TDOTI).

RECOMMENDATION:

That Council commits funds of \$20,000 from the 2018/2019 budget for Major Events for Ten Days on the Island 2019.

REPORT:

Ten Days on the Island submitted an application for Round 2 2018/2019 Major Event Sponsorship, requesting funding of \$40,000. At the time the application was submitted details of the program of events and budget were not available. This provided a challenge for the application to be assessed in an equitable manner at the Event Sponsorship Assessment Panel meeting in July.

Further information has since been provided and in light of the additional information the application has been re-assessed.

TDOTI is a biennial state-wide event that attracts significant investment from the State Government as a premier cultural event for Tasmania, and Aldermen will recall the presentation made by members of the TDOTI team earlier this year in which they outlined significant plans for the Launceston program in 2019.

The 2019 event promises a new focus on regional Tasmania led by Artistic Director Lindy Hume in which the program will respond to the particular interests, passions and experiences of the people of Launceston and the North East (rather than assuming that the whole of the state is a single audience/market). Launceston and surrounds will be treated to a total of 13 events including theatre, music and dance performances as well as film and exhibitions. Two standout events planned are "Opera in the Vineyard" and a children's creativity precinct "Art Play" to be located at the Albert Hall and City Park, fitting with Launceston's reputation as Australia's most family friendly city.

15.1 Ten Days on the Island Event Sponsorship ...(Cont'd)

Ten Days on the Island 2019 will be held March 8-11, 15-17 and 22-24. The festival will be in Launceston and the North East from March 15-17. It is anticipated that 25,000 people will attend the festival across the state with 5,000 attending events in Launceston. Of those attending in Launceston it is projected that 350 will be from interstate and overseas. A conservative estimate of bed nights (350 x 2 nights = 700), with the average spend per night for an interstate visitor being \$229, this would result in a visitor spend of \$160,300.

However it is recognised that social rather than economic return is the primary aim of this festival which was taken into consideration when assessing the sponsorship request. Full details of the funding request including the budget and a detailed listing of the 13 events planned are set out in a separate report which has been distributed to Aldermen.

The complete application was re-assessed by Council Officers using the assessment criteria listed below. Although the 2019 TDOTI application requested \$40,000, it is considered that the application fits the Major Event Level 2 category with the maximum funding available for this category being \$20,000. Therefore the application was assessed as a request for \$20,000. The assessment resulted in a score of 82%.

Using the distribution funds formula for event sponsorship, an application with a score between 81% and 100% is recommended to receive 100% of the requested amount.

Assessment Criteria

- **Participation** - Enables social connections to take place within the community, including volunteering and participation opportunities.
- **Creativity and Innovation** - Encourages and supports creativity, innovation and local talent.
- **Community Spirit** - Fosters pride and positivity in our city, building community spirit.
- **Economic** - Demonstrates positive economic benefits through visitor spend, employment and/or investment.
- **Tourism and profile** - Demonstrates positive tourism benefits, through the promotion of Launceston and the region, building our profile and reputation.
- **Asset Usage** - Utilisation and activation of community assets including cultural, entertainment, sport and recreation venues, including Council owned and operated assets.

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

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

15.1 Ten Days on the Island Event Sponsorship ...(Cont'd)

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

Approval of the recommended funding will provide a number of valuable social impacts for our community.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
 Priority Area 1 - A creative and innovative city
 Ten-year goal - To foster creative and innovative people and industries
 Key Direction -
 6. To contribute towards artistic, cultural and heritage outcomes.

Priority Area 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 -
 1. To actively market the City and region and pursue investment
 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
 6. To facilitate direct investment in the local economy to support its growth

BUDGET & FINANCIAL ASPECTS:

The budget for Events Sponsorship Round 2 2018/2019 is currently:

	Budget \$	Available Round 1 \$	Available Round 2 \$	Recommendations for Round 2 (to go to Council 24 September 2018) \$	Balance \$
Major Events	\$170,000	\$68,000	\$102,000	\$69,750	\$32,250
Start-up Events	\$14,000	\$5,600	\$8,400	\$11,250	-\$2,850
Small Events	\$75,000	\$30,000	\$45,000	\$45,250	-\$250

15.1 Ten Days on the Island Event Sponsorship ...(Cont'd)

	Budget \$	Available Round 1 \$	Available Round 2 \$	Recommendations for Round 2 (to go to Council 24 September 2018) \$	Balance \$
					\$29,150
Recommendation for Ten Days on the Island				\$20,000	\$20,000
Balance					\$9,150

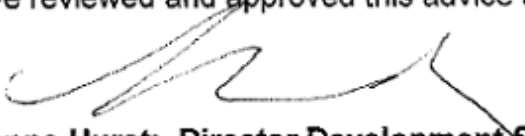
Recommendations for Round 2 2018/2019 will go to the meeting on 24 September 2018.

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. Event Application - Ten Days on the Island (Not for Public Distribution)

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

17 CREATIVE ARTS AND CULTURAL SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

19 MAJOR PROJECTS DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

20 CORPORATE SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

21 GENERAL MANAGER'S DIRECTORATE ITEMS**21.1 Appointment of Acting General Manager****FILE NO:** POS0136**GENERAL MANAGER:** Michael Stretton (General Manager)

DECISION STATEMENT:

To consider the appointment of an Acting General Manager.

RECOMMENDATION:

That, in accordance with section 61B of the *Local Government Act 1993 (Tas)*, Council appoints Director of Development Services, Leanne Hurst as the Acting General Manager during the period of 27 September to 14 October 2018 inclusive.

REPORT:

During the period from the 27 September to 14 October 2018 inclusive, the General Manager will be on annual leave. It is recommended that the Director of Development Services, Leanne Hurst, be appointed by Council as Acting General Manager during this period in accordance with section 61B of the *Local Government Act 1993 (the Act)*.

Section 61B(2) of the Act gives power to the Mayor to appoint a temporary Acting General Manager in such a situation. However, as there is time for Council to decide on this matter, and Aldermen have expressed a willingness to do so, a decision is sought from Council.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

21.1 Appointment of Acting General Manager ...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goals -

To communicate and engage consistently and effectively with our community and stakeholders

To seek and champion collaboration to address major issues for Northern Tasmania

To ensure decisions are made in a transparent and accountable way

To continue to meet our statutory obligations and deliver quality services

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

Key Directions -

3. To ensure decisions are made on the basis of accurate and relevant information
4. To continually improve our service delivery and supporting processes
7. To strengthen our workforce capabilities

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

21.2 TasWater Memorandum of Understanding**FILE NO:** SF5136**GENERAL MANAGER:** Michael Stretton (General Manager)

DECISION STATEMENT:

To consider and determine the Council's voting preferences in respect to the draft Memorandum of Understanding which was signed on 1 May 2018 by the State Government, the Owners Chief Representative and TasWater to improve water and sewerage services in Tasmania.

RECOMMENDATION:

That Council agree to vote in favour of the following three (3) resolutions, which will be considered at the Taswater Special Meeting on 23 September 2018:

Resolution 1 - Adoption of a new Constitution

Subject to:

(i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4 (of Attachment 1), as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and

(ii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2 (of Attachment 1); and

(iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3 (of Attachment 1),

to adopt the Constitution in the form as set out in Appendix 1 (of Attachment 1) of the Information Memorandum dated 16 July 2018 to replace the existing Constitution of the Corporation, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

21.2 Taswater Memorandum of Understanding ...(Cont'd)

Resolution 2 – Adoption of a new Shareholders' Letter of Expectations

Subject to:

(i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4 (of Attachment 1), as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and

(ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1 (of Attachment 1); and

(iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3 (of Attachment 1),

to adopt the Shareholders' Letter of Expectations in the form as set out in Appendix 2 (of Attachment 1) of the Information Memorandum dated 16 July 2018 to replace the existing Shareholders' Letter of Expectations, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

Resolution 3 – Approval to enter into the Share Subscription and Implementation Agreement, including approval for the issue of shares in the Corporation to the State Government

Subject to:

(i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4 (of Attachment 1), as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and

(ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1 (of Attachment 1); and

(iii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2 (of Attachment 1),

that the Corporation be authorised to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3 (of Attachment 1), of the Information Memorandum dated 16 July 2018, including the issuing of shares in the Corporation to the Crown.

21.2 Taswater Memorandum of Understanding ...(Cont'd)

REPORT:

Over the last couple of years, the ownership of TasWater and delivery of water and sewerage services within Tasmania has been the subject of great uncertainty and debate as the State Government sought to assume ownership and responsibility for Water and sewerage within the State. The process and debate which has ensued over the period has been acrimonious at times and it was a timely and welcome occurrence earlier this year when it was announced that a draft Memorandum of Understanding (MOU) had been signed by the State Government, the Owners Chief Representative and TasWater to improve water and sewerage services in Tasmania.

Like all compromises there have been some concessions made on all sides in developing the draft MOU, however, on balance it represents both a fair and balanced way forward.

The key features of the proposed MOU are as follows:

Ownership and governance

- The State Government will contribute \$200 million over 10 years in new equity. For each \$20m contributed the State Government will receive 1% of the voting capital.
- Owner Councils will retain majority ownership of TasWater, albeit individual Owner Council's equity entitlements will be marginally reduced as State Government equity injections are received.
- Governance by an independent skills-based Board will continue.
- The State Government shareholding will not receive dividends.
- The annual Corporate Plan will be jointly agreed between the Board, Owner Councils and the State Government, with defined arrangements in place in the event of a deadlock as specified in Part 8.4 of the Amended Shareholders' Letter of Expectation provided at Appendix 2 (of Attachment 1).
- The State Government's representative will sit on the Board Selection Committee and will be consulted – along with the Chief Representative – on the appointment of the CEO. The State Government will not have the right to appoint a director.
- If the State Government does not meet its commitments to make equity injections it will lose its rights in respect of:
 - the rights to jointly approve the draft Corporate Plan and to participate in the process to resolve any dispute regarding the adoption or amendment of the Corporate Plan;
 - its seat on the Board Selection Committee; and
 - its right to be consulted in relation to the appointment of the CEO.

These rights will be reinstated on receipt of the overdue equity injection(s). Any decisions made by the Board Selection Committee, Owners' Representatives or the Board during such a period will continue to be valid and to remain effective.

- The State Government's commitment to contribute equity will be formalised through a Share Subscription and Implementation Agreement between TasWater and the State Government. This Agreement will also reinforce the particular State
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21.2 Taswater Memorandum of Understanding ...(Cont'd)

Government rights referenced above, and the loss of those rights if contributions are not made.

- TasWater's obligation to maintain price increases within the cap and/or accelerate the capital program (referenced below) may be suspended in the event that unforeseen events arise (eg significant interest rate and/or inflation increases beyond that reasonably projected) or if the Government does not meet its commitment to maintain equity injections.

Water and sewerage pricing

- Prices will be frozen in 2019/20.
- Annual price increases will not exceed 3.5% from 2020/21 through to 2024/25.
- The price determination process, via the independent Tasmanian Economic Regulator (TER), will continue as it does now to review TasWater's financial performance, including the prices, operational efficiency and investment program necessary to maintain sustainability.
- If the Regulator determines a price increase lower than 3.5%, the Regulator's price increase will apply.

Infrastructure investment

- The parties will seek to accelerate the infrastructure investment program by at least one year, with TasWater using best endeavours to achieve capital expenditure over the 10 year period from 2016/17 through 2025/26 of \$1.8 billion by 30 June 2026.
- The parties will work cooperatively to progress major projects of special economic or environmental importance to Tasmania.

Organisational Finance

- Revenue is less under MOU, but actual cash difference is minimal over 20 years.
- Debt is higher but manageable.
- Interest coverage remains sound.
- Dividends are virtually guaranteed.

Other matters

- TasWater's obligation to pay income tax equivalents and loan guarantee fees to Shareholders will be removed. The \$20 million distribution to Owner Councils (indexed from 2026/27) will be paid as dividends.
 - The introduction of a community service obligation mechanism so that investment projects that are not commercial in their entirety can be considered in the context of broader benefits to the State and how these projects might be funded.
 - Where the Board determines that, due to circumstances or events beyond TasWater's reasonable control, it cannot continue to maintain distributions, an accelerated capital program and annual price increases within the 3.5% cap while maintaining the financial sustainability of the business, TasWater will notify the Chief Owners' Representative and the State Government's Owner's
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21.2 Taswater Memorandum of Understanding ...(Cont'd)

Representative. TasWater must meet with the State Government's Owner's Representative to consider the impact of maintaining the accelerated capital program and price caps on the financial sustainability of the business. The State Government may, in its absolute discretion, provide additional financial support or comfort to TasWater in the form of grant funding, a pre-payment of equity, a guarantee or a letter of comfort. If the State Government decides not to provide adequate additional financial support or comfort to TasWater (as determined by the Board), the Board may amend the capital program or increase prices (within the regulator's determination).

- The parties will work together to monitor the effectiveness of recent announcements by TasWater on trade waste and to identify and implement any potential improvements.
- The State Government will introduce a bill into Parliament to give effect to the objectives set out in the MOU and to facilitate and support the proposed changes to TasWater's ownership and governance structure. A draft Bill is attached as Appendix 4 (of Attachment 1) of this Information Memorandum. The proposed changes are not extensive, and the key matters are summarised as follows:
 - Changes to remove the current prohibition on ownership of shares in TasWater by anyone other than a Council – enabling the State Government to become a shareholder in return for its equity contributions.
 - Changes to the pricing determination process to clarify that the Tasmanian Economic Regulator can only set maximum prices for regulated services – enabling the Board to elect to pass through lower price increases to customers to meet its commitment to freeze prices in 2019/20 and to cap subsequent annual price increases until 30 June 2025.
 - Changes to remove the current obligations to pay loan guarantee fees and tax equivalents – meaning that 'distributions' paid to Owner Councils will be solely in the form of dividends.

The TasWater Board unanimously recommends that Owner Councils vote in favour of the proposed resolutions. The Board considers that the MOU will:

- Entrench Council Ownership and Dividends;
 - Entrench the role of the Economic Regulator;
 - Keep household bills lower;
 - Ensure that TasWater remains financially sound;
 - Prospects of realising federal funding significantly higher. Without this, receipt of federal funding is considered unlikely; and
 - Serve the best interests of the Tasmanian Community being secured by Councils, Government and TasWater working collaboratively.
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21.2 Taswater Memorandum of Understanding ...(Cont'd)

ECONOMIC IMPACT:

The MOU provides an agreed way forward for the provision of water and sewage services and infrastructure management for the State, which will enable economic, environmental and social benefits to be realised.

ENVIRONMENTAL IMPACT:

The MOU provides an agreed way forward for the provision of water and sewage services and infrastructure management for the State, which will enable economic, environmental and social benefits to be realised.

SOCIAL IMPACT:

The MOU provides an agreed way forward for the provision of water and sewage services and infrastructure management for the State, which will enable economic, environmental and social benefits to be realised.

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

BUDGET & FINANCIAL ASPECTS:

Under the terms of the MOU \$20 million distribution to Owner Councils (indexed from 2026/27) will be paid as dividends annually. Barring major unforeseen circumstances that cannot be mitigated, TasWater does not expect any reduction in previously forecast distributions to Owner Councils.

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. Notice of Special General Meeting and Information Memorandum - 27 September 2018 (distributed electronically)
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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)

No Closed Items have been identified as part of this Agenda

24 MEETING CLOSURE
