



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 31 OCTOBER 2019
1.00pm**

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

Date: 31 October 2019

Time: 1.00pm

Certificate of Qualified Advice

Background

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

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

Certification

I certify that:

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



Michael Stretton
General Manager

22 November 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 council meetings

- (1) *The mayor of a council may convene -*
- (a) *an ordinary meeting of the council; and*
 - (b) *a special meeting of council.*

I request that you make the necessary arrangements for the Ordinary Meetings of Council to be convened on the following Thursdays for 2019: 24 January; 7 and 21 February; 7 and 21 March; 4 and 18 April; 2, 16 and 30 May; 13 and 27 June; 11 and 25 July; 8 and 22 August; 5 and 19 September; 3, 17 and 31 October; 14 and 28 November and 12 December commencing at 1.00pm in the City of Launceston Council Chambers, Town Hall, St John Street, Launceston.

Yours sincerely



Councillor 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.)

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 17 October 2019 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 Councillors.)

6.1 Ms Jennie Chapman (Chair) - QVMAG Arts Foundation

Ms Chapman will provide an update to Council on the current activities of the QVMAG Arts Foundation along with providing a perspective on tourism and promotion of the QVMAG as a Number 1 destination for visitations.

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions on Notice

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

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

7.1.1 Public Questions on Notice - Mr Robin Smith - Council Meeting - 17 October 2019**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

The following question, asked at the Council Meeting on 17 October 2019 by Mr Robin Smith, has been answered by Mr Shane Eberhardt (Director Infrastructure Services).

Questions:

1. Following on from a question asked during the last Council Meeting, why did the City Heart project not install infrastructure, such as umbrella bases, back into the Brisbane Street Mall?

Response:

The Launceston City Heart (LCH) Master Plan identifies Place Principles and Core Design Principles for each of our mall spaces.

The Quadrant provided umbrellas to strengthen and support established food services at the time. Provision of food in the central area was a key function for the overall public space. It was important for the traders to have shelter and associated infrastructure to support their businesses. The design layout provides opportunity to attract more hospitality uses and to evolve a boutique hub overtime.

Civic Square provided removable umbrellas to meet two of the key LCH place principles - meeting and socialising rain hail or shine (shelter) and design for flexible use. It was important to provide shelter near the play area and to strengthen the public library function. In addition, the courtyard was designed for multiple uses including the coffee van, markets and other events all year round, throughout the day.

The Brisbane Street Mall was focused primarily on a premiere retail space. The design was revised, based largely on feedback from the Brisbane Street Mall traders, to provide a more open flexible realm to allow for vans and other pop up infrastructure to keep it interesting throughout the year and after 5.00pm. The Mall did not have any 'food' elements that required umbrella installations. It is worth noting that the Brisbane Street Mall design met a number of the Place Principles and can accommodate future retrofit for any future on-street dining opportunities.

7.1.1 Public Questions on Notice - Mr Robin Smith - Council Meeting - 17 October 2019 ...(Cont'd)

In addition to the re-design of our mall spaces, Council has revised its On-Street Trading Guidelines to encourage more on-street dining across the City.

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 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential

FILE NO: SF6960

AUTHOR: Luke Rogers (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To determine the rejection or initiation of Amendment 57 to the Launceston Interim Planning Scheme 2015, to rezone the land at 1A George Town Road, Newnham from Recreation to Inner Residential.

PLANNING APPLICATION INFORMATION:

Applicant: Unify SDA Housing Pty Ltd
Property: 1A George Town Road, Newnham
Current Zoning: Recreation
Receipt Date: 09/09/2019

RECOMMENDATION:

That Council:

1. pursuant to the former sections 33(3) and 34(1)(a) of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 57 to change the zoning at 1A George Town Road, Newnham from Recreation to Inner Residential.
 2. pursuant to the former section 35 (1)(a) of the *Land Use Planning and Approvals Act 1993*, certify the draft amendment as shown below:
-

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

Launceston Interim Planning Scheme 2015
AMENDMENT 57

Rezoning from Recreation Zone to Inner Residential
(1A George Town Road Lot 2 RP 137221)

Amend the interim planning scheme maps as below:

Zoning 11.0 Inner Residential

Louise Foster
Director
Corporate Services

Leanne Hurst
Director Development
Services

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

Date

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

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

REPORT:

PART A - APPLICATION FOR PLANNING SCHEME AMENDMENT

1.1 Introduction

An application has been made under sections 33 and 34 of the *Land Use Planning and Approvals Act 1993*, by Unify SDA Housing Pty Ltd, for a change of zoning to the Launceston Interim Planning Scheme 2015 from Recreation to Inner Residential.

1.2 Background

The aim of the proposed rezoning is to provide for disability housing and associated services on the site. The development of disability housing or other buildings is not included in the application and would be subject to future approval. The application is designed to meet the demand for modern and purpose-designed accommodation for people in the community living with severe disability who are currently living in inappropriate circumstances. This is intended as a form of assistance in alignment with the National Disability Insurance Scheme (NDIS).

The area in which the site is located has a range of different zones and land uses, the most notable of which are the Inner Residential zoned land to the south and south west of the site and the UTAS Campus to the west and north west of the site in a Particular Purpose Zone. The existing Recreation Zone includes the Mowbray Indoor Sport and Skate and the North Launceston Bowls Club. The North Launceston Bowls Club currently operates only one of two adjacent lawn bowls facilities, leaving a vacant site that can be utilised for residential development in the Inner Residential Zone.

1.3 Proposed Amendment

The proposed amendment seeks to change the zoning at 1A George Town Road, Newnham from Recreation to Inner Residential. The site is approximately 5,664m² in size, and the amendment proposes to rezone the entirety of the site to Inner Residential.

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

1.4 Act Requirements

The legislation allows for an amendment to the planning scheme under sections 32 and 33 of the *Land Use Planning and Approvals Act 1993* (the Act).

- (1) *A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –*
 - (a)
 - (b)
 - (c)
 - (d)
 - (e) *must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
 - (ea) *must not conflict with the requirements of section 300; and*
 - (f) *must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

(2) *The provisions of section 20(2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.*

Section 20 also includes the following:

- (a) *seek to further the objectives set out in Schedule 1 within the area covered by the scheme; and*
- (b) *prepare the scheme in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993; and*
- (c)

The amendment must be decided under section 33(3) which reads:

33. Request for amendment of planning scheme

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

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

- (a) *initiate the amendment under section 34; and*
- (b) *certify the draft amendment under section 35 – within 42 days of receiving the request or such longer time as the Commission allows.*

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

The matters, which Council must consider when making a decision whether to reject or initiate the application for an amendment, are listed in section 32 (as stated above) of the Act.

2. Site and surrounding area

The subject site is located at 1A George Town Road, Newnham. This is on the western side of George Town Road, between Newnham Drive and Foch Street. The site has an area of 5,556m² and an irregular shape that is generally rectangular. The primary access to the site is over two crossovers to George Town Road at the north eastern and south eastern corners of the site. There is an additional rear access to the south western corner of the site from Mangin Street.

The site adjoins the North Launceston Bowls Club to the north, which is also the owner of the subject site and is within the Recreation Zone. To the south of the site is the Inner Residential Zone, with Mowbray Tattoo and 22-24 Mangin Street adjoining the site in this zone. To the west of the site is a sports oval that is part of the University of Tasmania's Newnham Campus and is in Particular Purpose Zone 5. Below is a labelled zoning map of the site:

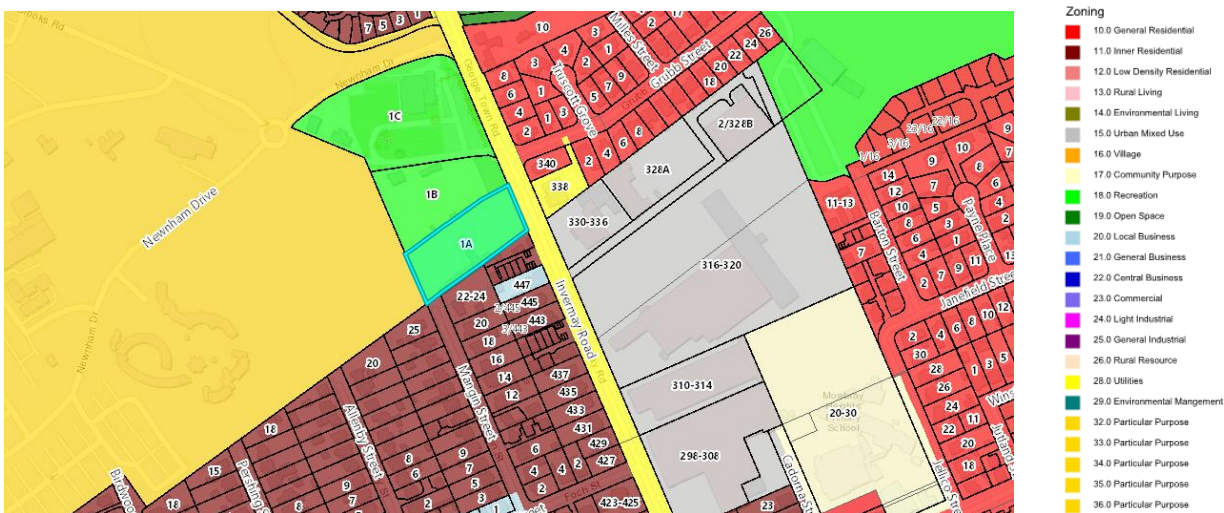


Figure 1- Zoning Map

The site is currently developed with two separate bowling greens that occupy the majority of the site. There are also associated clubroom facilities along the southern boundary for a length of approximately 60m. This building occupies an area of approximately 500m². The other development on the site includes a gazebo, a garden shed, shade awnings, landscaping and fencing. The area of the site adjoining the frontage to George Town Road is developed with car parking for approximately 23 vehicles. Below is an aerial image of the site:

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)



Figure 2 - Site Aerial Image Map

3. Existing conditions on the site**3.1 Heritage Values**

The subject land is not listed in Local Historic Heritage Code under the planning scheme or within a state listed property on the Tasmanian Heritage Register. Additionally, there are no adjoining heritage listed properties.

3.2 Scenic Values

The site is not within a scenic road corridor or a scenic management area shown on the planning scheme overlay maps in Scenic Management Code. There is a section of the University of Tasmania (UTAS) Newnham Campus adjoining the site that is within the Tamar Estuary Scenic Management Precinct. The proposed amendment is not considered to affect that precinct.

3.3 Environmental Hazards**3.3.1 Bushfire**

The subject site is not located within a bushfire prone area shown on planning scheme maps in the Bushfire Prone Areas Code and does not contain significant bushfire prone vegetation. There is a section of the UTAS Newnham Campus adjoining the site that is within a bushfire prone area, however, the site is considered to be at minimal risk from bushfire.

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

3.3.2 Riverine Inundation

The site is not located in a flood prone area or inundation area as shown on planning scheme overlay maps. There is not considered to be any flood risk on site.

3.3.3 Landslip

The subject site is not listed in a landslide hazard area as shown on the planning scheme overlay maps in the Landslide Code. There are also no hazard bands shown over the site on landslip mapping by the State government. There is not considered to be any landslip risk at the site.

3.5 Infrastructure

The subject site has the ability to connect to relevant infrastructure services. There is a DN225mm sewer line that runs through the south western corner of the site and to the rear of the site. There is also a gravity sewer main that runs through the rear of the site. A DN200mm water main runs along the sites frontage to George Town Road. A DN900 stormwater line runs through rear of the site and discharges to Newnham Creek. This surrounding infrastructure gives the opportunity to for connections, however, the site is not currently connected to these services. The infrastructure services listed can be seen in the image below:



Figure 3 - Infrastructure Services Map

The site is also connected to the electricity network, and is located within the existing transport network.

Discussions with Council's Infrastructure Department have indicated that there are no objections to the rezoning of the land. The future development of the site is the point at which specific matters such as access to the public roads, stormwater discharge volumes and connection points will need to be addressed.

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

4. Proposal

The proposal seeks to amend the Scheme for rezoning of the subject land from Recreation Zone to Inner Residential Zone at 1A George Town Road, Newnham.

4.1 Landowner Consent

The land is owned by North Launceston Bowls and Community Club Inc. and consent to the application was provided on 8 July 2019.

4.2 Considerations for an Amendment**4.2.1 Section 32**

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

Recreation Zone

The site is currently zoned Recreational and the land adjoining to the north will remain in the Recreation Zone. No permit required uses in the zone are Natural and cultural values management and passive recreation, and the permitted use is sports and recreation. The proposed rezoning would not impact on the ability of the current sports and recreation use to continue, or for future uses that are no-permit required or permitted to be undertaken. The proposal would alter the border between the Recreation and Inner Residential zones, rather than creating a new interface between these two zone types in this locality.

Inner Residential Zone

Land to the south of the site is currently zoned Inner Residential. The proposed rezoning would bring the subject site into alignment with the adjoining land, allowing compatible land uses to be carried out on a currently vacant and underutilised site. It is noted that the adjoining general retail and hire use at 451 Invermay Road is an existing non-confirming use. This use has co-existed with surrounding residential uses for an extended period without creating unreasonable conflict. The proposed rezoning would allow more residential use in close proximity to this use, however, it is not anticipated that there would be any conflict between this use and the future use of the subject site after rezoning.

Particular Purpose Zone 5 - University of Tasmania, Newnham Campus

Land to the west of the site is within a Particular Purpose Zone, specifically for the housing of the University of Tasmania's Newnham Campus. As the operation of universities can include a diverse range of specific activities, there are a wide range of uses that are able to be conducted on the adjoining lot. No permit required uses in the zone are Natural and cultural values management and passive recreation, and permitted uses are business and professional services, community meeting and entertainment, general retail and hire (if for

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

a local shop or the sale of books, stationary and education equipment), education and occasional care, research and development, sports and recreation and utilities.

It is likely that the current use of the adjoining area as a sporting ground would continue, however there is the potential for further development of the university in the future. It is noted that the UTAS's Newnham Campus currently borders the Inner Residential Zone for practically the entire length of its south eastern boundary. Particular Purpose Zone 5 and the activities of the UTAS and the Australian Maritime College (AMC) campus has not been in conflict with the numerous residential uses adjoining the site to the south.

4.2.2

(ea) must not conflict with the requirements of section 30O.

30(0) states:

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

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

(2) An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if –

(a) the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and

(b) the amendment does not revoke or amend an overriding local provision; and

(c) the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.

Response:

The amendment is being made to the Launceston Interim Planning Scheme 2015. An assessment of the Northern Regional Land Use Strategy (NRLUS) 2018 has been undertaken, where it has been deemed it is consistent.

The proposal is not amending, removing, or inserting a common provision, but is for a change in zoning, which is considered to be a local provision and is able to be amended under Division 2 or 2A.

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

4.2.3 Land Supply

Rezoning of the site would allow for residential infill development on an unutilised site within the Newnham area, and would result in a consistent pattern of development with the adjoining residential uses in Mowbray to the south. The proposed use of the site is for disability housing, which requires sites of considerable sizes in a residential context. There is a current lack of appropriately sized lots in the area that could accommodate the suggested use, and therefore the supply of more residential zoned land for the purpose is considered appropriate.

However, no planning application has been proposed as part of this application and the change of zoning must be appropriate on its merits alone. The site is approximately 5,664m² in size. This provides a theoretical lot yield of 18 lots, based on the acceptable solution 11.4.24 A1.1 of 300m² per lot. A site of this size also has the ability to support 16 multiple dwellings, based on the acceptable solution 11.4.16 A1 of 350m² site area per dwelling. The site is located in an Urban Growth Area that is designated for additional residential growth. There is limited residential zoned vacant land in the surrounding area, with the closest vacant lots, not owned by Council, being the following:

Address	Approximate Proximity to Site	Lot Size
5 Plumer Street, Mowbray	600m south west	766m ²
46 Parua Road, Newnham	700m north east	733m ²
38 Dover Street, Mowbray	755m east, south east	505m ²
3 Rheims Street, Mowbray	800m east, south east	514m ²
11 Dover Street, Mowbray	860m east, south east	516m ²
7 Dalton Court, Mowbray	860m east, south east	502m ²
6 Meadowbank Road, Newnham	865m north east	1,861m ²
8 Meadowbank Road, Newnham	870m north east	612m ²
10 Meadowbank Road, Newnham	875m north east	612m ²

In addition to these lots, there is some potential for infill development to the rear of existing dwellings in the area. There is not considered to be a high supply of land in the area. The rezoning of the subject site would result in additional residential land in a growth area with a limited existing supply of land.

4.3 State Policies

4.3.1 State Policy on the Protection of Agricultural Land 2009

The purpose of this Policy is to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

The subject site is located within an existing urban area and is not in the vicinity of agricultural land. The land has no agricultural value. As such, the State Policy on Protection of Agricultural Land does not apply.

4.3.2 State Coastal Policy 1996

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

4.3.3 State Policy on Water Quality Management 1997

This Policy applies to all surface waters, including coastal waters, and ground waters, other than:

- (i) privately owned waters that are not accessible to the public and are not connected to, or flow directly into, waters that are accessible to the public; or
- (ii) waters in any tank, pipe or cistern.

The objectives of the policy are as follow:

- Focus water quality management on the achievement of water quality objectives which will maintain or enhance water quality and further the objectives of Tasmania's Resource Management and Planning System;
- Ensure that diffuse source and point source pollution does not prejudice the achievement of water quality objectives and that pollutants discharged to waterways are reduced as far as is reasonable and practical by the use of best practice environmental management;
- Ensure that efficient and effective water quality monitoring programs are carried out and that the responsibility for monitoring is shared by those who use and benefit from the resource, including polluters, who should bear an appropriate share of the costs arising from their activities, water resource managers and the community;
- Facilitate and promote integrated catchment management through the achievement of objectives (a) to (c) above; and
- Apply the precautionary principle to Part 4 of this Policy.

The site is fully serviced by reticulated stormwater services. The site is located approximately 170m from Newnham Creek and the stormwater connections available to the site would flow into this watercourse. The future development on the site will be required to address the provisions of the Interim Planning Scheme and to meet the requirements of the *Urban Drainage Act 2013*. This will be sufficient to ensure that the water quality of Newnham Creek, and its flows into the kanamaluka/Tamar Estuary, can be maintained.

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

As such, the objectives of this policy are met.

4.3.4 National Environment Protection Measures (NEPM)

NEPMs are also taken to be State Policies in Tasmania. NEPMs are made under Commonwealth legislation, and given effect in Tasmania through the *State Policies and Projects Act 1993*.

The NEPMs are as follows:

- Air Toxins;
- Ambient Air Quality;
- Assessment of Site Contamination;
- Diesel Vehicle Emissions;
- Movement of Controlled Waste between States and Territories;
- National Pollutant Inventory; and
- Used Packaging materials.

The Codes within the Scheme deal in detail with the relevant matters (noise and air quality) and the assessment of future development applications over the site would be undertaken against the appropriate Use and Development Standards.

Due to potentially contaminating activities taking place on adjoining sites, it is appropriate that the site has been assessed for potential contamination. The subject site adjoins two properties that have been previously used for potentially contaminating activities as listed in the Potentially Contaminated Land Code. These potentially contaminating activities include an aquaculture laboratory at the UTAS's Newnham Campus and fuel tanks at both the UTAS and 451 Invermay Road, Mowbray Tattoo. Their adjoining site at 451 Invermay Road was also contained a HEC substation/transformer that served the Mowbray trolley bus, which also has the potential to cause contamination. Additionally there is a significant history of industrial and commercial activities that have taken place to the south east of the site, some of which were potentially contaminating. Below is a map showing lots where potentially contaminating activities have been known to have taken place:

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)



Figure 4 - Potentially Contaminated Sites Map

A Preliminary Site Investigation, that was completed by Environmental Service and Design, was prepared and submitted as part of the application. The summary of the report stated the following:

It was concluded that the development does not present a significant risk to potential receptors identified in the Conceptual Site Model (CSM).

As per Section E2.4.3 of the Launceston Interim Planning Scheme 2015:

- *the site history and site visit confirmed that potentially contaminating activities did not impact the development.*

As per NEPM Schedule B2, Section 2.1, it was concluded that:

- *No further investigation is required.*

This conclusion is sufficient to suggest that there is no contamination risk for the site and any future residential use.

The proposed amendment is not considered affected by the other NEPMs.

5. Gas Pipelines Act 2000

- The purpose of the Act are as follows:
- To create an effective, efficient and flexible regulatory system for the construction and operation of pipeline facilities and of pipelines for transporting natural gas and other substances to which this Act applies;
- To ensure as far as reasonably practicable security of supply for users of gas; and
- To protect the public from risks inherent in regulated activities.

There is a TasGas distribution pipe located to the south of the site along Invermay Road, as can be seen on the map below:

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)



Figure 4 - TasGas Pipeline Map

This gas pipeline terminates approximately 35m from the subject site, between 447 and 449 Invermay Road. Specific steps are required if work is to be undertaken within 25m of a TasGas Distribution PE. Therefore, any future development on the site as a result of rezoning will not be impacted by the *Gas Pipelines Act 2000*.

6. Planning Strategies

6.1 Launceston Residential Strategy (LRS) 2009-2029

The LRS provides a strategy for housing within the Launceston municipality over the next 20 years. The strategy provides 22 specific policies that make up the overall residential strategy, a number of these are relevant to the proposal. Each of these policies outlines key issues that should be addressed to achieve desired outcomes. The compatibility of the proposal with various key issues for relevant policies is discussed below:

Policy 1 - Responding to Demographic Projections

Key Issues:

The changing composition of our communities will have significant impact on future housing demand. Launceston’s population is predicted to grow at a steady rate and to age significantly over the coming decades. Family structures are also changing with a trend towards smaller households. Council will allow greater flexibility to consider alternatives to single dwellings and encourage housing that caters for the particular needs of the elderly, small families, young people and singles.

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

Council will encourage co-location of housing and community services, either by encouraging community services to locate in residential areas or by seeking to increase residential density in areas that are already well serviced.

Comment:

The proposed zoning change will create additional residential zoned land in an urban context, to respond to changing demographics. The purpose of the proposed zoning is to provide an alternate housing type that caters to a particular need, being supported housing for people with a disability. The site would provide for housing and a community service in an area that is well serviced.

Policy 2 - Environmental Sustainability

Key Issues:

Council recognises that further extension of the city outwards into rural areas is less environmentally sustainable, as it contributes to loss of vegetation, decreased water quality, loss of agricultural capacity, and compromised scenic amenity. It also leads to increased traffic in the city. Increasing fuel costs are reducing market demand for rural and remote residential properties. The benefits of energy efficient and water sensitive housing are being increasingly recognised; appropriate location, design and layout can reduce transport and other costs and have positive environmental benefits.

Comment:

The site is located in an existing urban area, facilitating additional residential development away from the fringe of the city. The rezoning of the site allows for redevelopment of an unutilised site and the establishment of smaller housing as shown in the concept plans provided in support of the application.

Policy 3 - Social and Economic Factors

Key Issues:

Council will:

- *When planning for housing Council must identify and respond to emerging social and economic trends.*
 - *The planning scheme directly impacts on the profitability of the construction industry and resultant levels of employment and investment in the Launceston municipality.*
 - *An ageing population brings with it increased demand for access to community and social services, higher density residential development, renovations and redevelopments in inner areas, and need for retirement and residential aged care facilities.*
 - *The location of housing and accessibility to transport, social, recreational and employment opportunities is directly related to levels of social exclusion. Council should ensure social inclusion is a key consideration in developing the settlement strategy.*
-

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

- *Housing affordability must be factored into future locations of housing growth.*
- *The long-term costs and efficiency of infrastructure will become an increasingly significant determinant of housing location and type.*

Comment:

The proposal responds to the needs of the community by providing disability care facilities in an urban area that has access to infrastructure services. The site is also located in an area that is identified as walkable in the LRS and is connected to the public transport network. The provision of disability housing and social services in this area responds to community needs and increases social inclusion for vulnerable members of the community.

Policy 9 - Settlement HierarchyKey Issues:

Council will adopt a six tier hierarchy of objectives to guide the location of future housing development. This hierarchy describes housing locations from the most to the least socially, economically and environmentally desirable and should be used by Council to inform strategic choices.

Fully Serviced Residential Areas

1. *Locate new residential development on 'brownfield' sites that are in accessible locations on the CBD fringes or adjacent to district centres or neighbourhood centres; then,*
2. *Increases density in existing residential areas where opportunities exist or where capacity for change has been identified, primarily through unit developments or redevelopment; then,*
3. *Is located on vacant land in urban infill locations including undeveloped portions of existing residential areas and vacant land that is currently within a residential zone; then,*
4. *Is located on the most appropriate vacant land on the edge of the urban areas; then,*

Partly Serviced

5. *Is located in planned rural residential development in the most appropriate areas; then,*

Unserviced Development

6. *Individual rural houses unconnected to a primary industrial use.*

Comment:

The site can be considered a 'brownfield' site as it is not currently being utilised but has previously been developed. While 'brownfield' most commonly refers to industrial or commercial sites, the term can apply to other sites. The redevelopment of the site would be in alignment with the settlement hierarchy policy. The site also would represent infill development between developed sites, although it is not currently vacant.

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

As determined above, the site and its desired future use are in alignment with key policies of the LRS. As such, the proposal is consistent with the strategy.

6.2 Northern Regional Land Use Strategy (NRLUS) 2018

The NRLUS is the statutory regional plan for Northern Tasmania and sets out strategies and policies to facilitate and manage change, growth and development until 2032. The site of the proposal is identified as being within an Urban Growth Area in Map D.1 - Regional Framework Plan. Specifically within a Priority Consolidation Area.

D.2.1.1 States the following in relation to the Priority Consolidation Area:

- *Comprising land in established urban areas focused on the Launceston Central Area as defined in the Regional Framework Plan Map D.1; and*
- *Support a broadened range of housing accommodation types and provide improved access, services, amenity and liability.*

D.2.1.3 states the following key principle:

- *Opportunities to increase the capacity of existing Urban Growth Areas should be given higher priority than to their expansion.*

E.2.3. states the following key settlement network strategies:

- *Support sustainable growth in identified Urban Growth Areas.*
- *Contain settlements within identified Urban Growth Areas with a focus on consolidating and developing the Greater Launceston Area...*
- *Support development of the Greater Launceston Area consistent with the Regional Framework Plan Maps D.1, D.2 and D.3 to promote efficient function, servicing and future development of the area.*
- *Consolidate existing land use patterns and identify infill opportunities within existing settlements and urban centres, and around activity centres and key public transport nodes and networks.*

The site is within an established urban area and allows a broader range of housing types to be supported, namely disability housing in this case. The proposal would increase the capacity of the area, rather than allowing its expansion. It represents sustainable growth in an identified Urban Growth Area, and can be seen as consolidating and developing the Greater Launceston Area. The proposal identifies an infill opportunity within an existing settlement within Map D.1 and further develops an area near an activity centre and transport networks.

The proposed rezoning is considered to be in alignment with these key principles and strategies contained within the policy.

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The NRLUS further outlines specific policies and related actions in E.2.4. Those policies and actions that are relevant to the proposal are outlined below.

Policy	Action	Planner Comment
<p>RSN-P1 Urban settlements are contained within identified Urban Growth Areas. No new discrete settlements are allowed and opportunities for expansion will be restricted to locations where there is a demonstrated housing need, particularly where spare infrastructure capacity exists (particularly water supply and sewerage).</p>	<p>RSN-A1 Provide an adequate supply of well-located and serviced residential land to meet projected demand. Land owners/developers are provided with the details about how development should occur through local settlement strategies, structure plans and planning schemes. Plans are to be prepared in accordance with land use principles outlined in the RLUS, land capability, infrastructure capacity and demand.</p>	<p>The proposed rezoning is consistent with this action.</p> <p>The land is well located and serviced and will assist in meeting projected demand.</p>
	<p>RSN-A2 Land supply will be provided in Urban Growth Areas identified as: Priority Consolidation Areas; Supporting Consolidation Areas; or Growth Corridor.</p>	<p>The proposed rezoning is consistent with this action.</p> <p>The site is within a Supporting Consolidation Area.</p>
	<p>RSN-A3 Apply zoning that provides for the flexibility of settlements or precincts within a settlement and the ability to restructure under-utilised land.</p>	<p>The proposed rezoning is consistent with this action.</p> <p>The site is currently underutilised; the proposed zoning would provide further flexibility for redevelopment.</p>
<p>RSN-P2 Provide for existing settlements to support local and regional economies, concentrate</p>	<p>RSN-A4 Provide for the long term future supply of urban residential land that matches existing and</p>	<p>The proposed rezoning is consistent with this action.</p> <p>The proposed rezoning is</p>

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

investment in the improvement of services and infrastructure, and enhance quality of life.	planned infrastructure capacity being delivered by TasWater, specifically in parallel with existing water and sewerage capacity and required augmentation to meet urban development growth and capacity - both residential and industrial.	in an area that is serviced by existing TasWater infrastructure. The application was referred to TasWater and no capacity concerns were raised.
	RSN-A5 Provide a diverse housing choice that is affordable, accessible and reflects changes in population, including population composition. Ageing populations and single persons should be supported to remain in existing communities as housing needs change; 'ageing in home' options should be provided.	The proposed rezoning is consistent with this action. The applicant for the proposal is Unify SDA Housing and the rezoning is to allow the development of specialised disability housing. This housing type would further diversify the housing stock and reflect the changes and requirements of the population, specifically in the area of disability.
	RSN-A6 Encourage urban residential expansion in-and-around the region's activity centre network to maximise proximity to employment, services and the use of existing infrastructure, including supporting greater public transport use and services.	The proposed rezoning is consistent with this action. The site is located approximately 500m from a major activity centre identified in Map D.1, and will allow for urban residential expansion.
	RSN-A7 Ensure all rural and environmental living occurs outside Urban Growth Areas.	N/A
	RSN-A8 Identify areas with existing mixed land use	The proposed rezoning is consistent with this

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

	<p>patterns, and/or 'brownfield' areas adjacent to activity centres, for mixed use redevelopment, and apply zones that provide for flexibility of use to support the activity centre and the role of the settlement.</p>	<p>action.</p> <p>The site of the proposal can be considered as a 'brownfield' site as it is developed but has been abandoned/unused.</p>
<p>RSN-P5 Encourage a higher proportion of development at high and medium density to maximise infrastructure capacity. This will include an increased proportion of multiple dwellings at infill and redevelopment locations across the region's Urban Growth Areas to meet residential demand.</p>	<p>RSN-A10 Apply zoning provisions which provide for a higher proportion of the region's growth to occur in suitably zoned and serviced areas. The application of Urban Mixed Use, Inner Residential and General Residential Zones should specifically support diversity in dwelling types and sizes in appropriate locations.</p>	<p>The proposed rezoning is consistent with this policy and action.</p> <p>The proposal is to apply the Inner Residential Zone to the site and is to facilitate the development of medium or high density supported housing.</p>
<p>RSN-P6 Focus higher density residential and mixed-use development in and around regional activity centres and public transport nodes and corridors.</p>	<p>RSN-A11 Clearly identify settlement boundaries at the local level for all significant activity centres.</p>	<p>The proposed rezoning is consistent with this policy and action.</p> <p>The site is located in close proximity to an activity centre and to a public transport corridor.</p>
<p>RSN-P8 New development is to utilise existing infrastructure or be provided with timely transport infrastructure, community services and employment.</p> <p>RSN-P9 Apply transit oriented development principles and practices to the planning and development</p>	<p>RSN-A14 Prioritise amendments to planning schemes to support new Urban Growth Areas and redevelopment sites with access to existing or planned transport infrastructure. This will support delivery of transit oriented development outcomes in activity centres and identified transit nodes on priority transit corridors.</p>	<p>The proposed rezoning is consistent with this action.</p> <p>The proposal is an amendment of the planning scheme to redevelop a site with a public transport corridor and bus stop immediately adjacent to it on George Town Road.</p>

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

<p>of transit nodes, having regard for local circumstances and character.</p> <p>RSN-P10 Plan new public transport routes, facilities and high-frequency services to provide safe and convenient passenger accessibility, and to support the interrelationship between land use and transport.</p>		
--	--	--

The consistency with NRLUS has been demonstrated. Therefore, the Inner Residential Zone could be applied to the subject site.

7.0 Launceston Interim Planning Scheme 2015

The primary intent of the amendment is to rezone the site to facilitate future development of the land for disability housing and associated services. The proposal is to zone the land Inner Residential.

7.1 Inner Residential Zone (Proposed zoning)

11.1 Zone Purpose

11.1.1 Zone Purpose Statements

11.1.1.1

To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.

The proposed zoning change would allow for residential development and use on a site that is close to services, facilities and a historically established area. Any future development of the site would need to respect the variation and pattern in lot sizes, set back and height.

11.1.1.2

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

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The suggested use of the site by Unify SDA Housing Pty Ltd includes disability services that can serve the local community. The primary use of the site, however, is to be residential.

11.1.1.3

To allow increased residential densities where it does not significantly affect the existing residential amenity, ensure appropriate location of parking, and maintain vehicle and pedestrian traffic safety.

The suggested use of the site will be a residential use with density greater than the surrounding area. The relative size of the site, however, provides the opportunity for a development that allows this greater density while not significantly affecting existing residential amenity.

11.1.1.4

To maintain and develop residential uses and ensure that non-residential uses do not displace or dominate residential uses.

The suggested use of the site is primarily residential, with other associated uses that will not displace or dominate the residential use.

11.1.1.5

To provide for development that provides a high standard of amenity and contributes to the streetscape.

Any future proposal for development would need to address the contribution to amenity and streetscape.

11.2 Use Table

The use table for the Inner Residential Zone lists residential uses (that are not single dwellings) as discretionary uses. This includes multiple dwellings, communal residences and respite centres, which are the most likely residential sub-uses to be required by Unify SDA Housing Pty Ltd. The proposed zone is the most appropriate for housing of the type desired by the applicant.

11.3 Use Standards

The use standards relate to other uses that are not primarily residential. As the proposed rezoning is to allow residential use on the site, and other uses are likely to be ancillary, the existing use standards will not apply.

13.4 Development Standards

The following development standards apply for the physical development of residential buildings that are not single dwellings.

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

- 11.4.7 Site coverage
- 11.4.8 Building height
- 11.4.9 Frontage setbacks
- 11.4.10 Rear and side setbacks
- 11.4.11 Walls on boundaries
- 11.4.12 Location of car parking
- 11.4.13 Overlooking
- 11.4.14 North-facing windows
- 11.4.15 Daylight to windows
- 11.4.16 Density control of multiple dwellings
- 11.4.17 Private open space for multiple dwellings
- 11.4.18 Site facilities for multiple dwellings
- 11.4.19 Common property for multiple dwellings
- 11.4.20 Streetscape integration and appearance
- 11.4.21 Outbuildings and swimming pools
- 11.4.22 Earthworks and retaining walls
- 11.4.23 Development for discretionary uses

These would be assessed at an application stage should the development of disability housing be proposed. The site layout, size and conditions are sufficient to ensure that the proposed use could be designed and delivered within the development standards of the zone.

If alternative use and development were to take place on the site there are a number of development options. The site provides the ability to provide 16 multiple dwellings under the acceptable solution 11.4.16 A1. The site also has the ability to be subdivided into 18 lots under acceptable solution 11.4.23 A1.1. If a different proposal were brought on the site, the development standards would be applied assessed at that point.

7.2 Codes**E1.0 Bushfire Prone Areas Code**

As the site is not located within 100m of 1ha of bushfire prone vegetation, and is not covered by the planning scheme overlay map, the code does not apply.

E2.0 Potentially Contaminated Land Code

The site is adjacent to two lots that have been known to have been used for potentially contaminating activities. However, a Preliminary Site Investigation by Environmental Service and Design that was provided in support of the application confirms that potentially contaminating activities have not impact the site. As such, any future use or development would be exempt from assessment against the provisions of the code.

E3.0 Landslide Code

As no landslide overlays or hazards exist over the subject site, the code does not apply.

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

E4.0 Road and Railway Assets Code

There are currently three separate access points to the site, two being to George Town Road and one being to Mangin Street. Any future development would be unlikely to require any additional accesses, however, the use of these accesses would likely increase. The scale of that increase would determine what steps would be needed to meet the requirements of the code.

E5.0 Flood Prone Areas Code

As no flooding overlays or hazards exist over the subject site, the code does not apply.

E6.0 Parking and Sustainable Transport Code

The code applies to all development, and would apply to the future residential development on the site. There is currently a car parking area along the frontage of the site and there is ample space on the site for the provision of parking and associated facilities to meet the needs of any future use.

E7.0 Scenic Management Code

As no scenic management overlay exists over the subject site, the code does not apply.

E8.0 Biodiversity Code

As no biodiversity overlay exists over the subject site, the code does not apply.

E9.0 Water Quality Code

As the subject site is not within 30m of a watercourse, the code does not apply.

E10 Open Space Code

The proposed future development of the site does not include subdivision, however, if there was a future proposal for subdivision on the site then the code would be triggered. In that instance it would be determined if open space should be provided in accordance with the code or if a cash-in-lieu payment would be allowed in accordance with the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

E11 Environmental Impacts and Attenuation Code

The site is not within any buffer area of uses that would trigger the code.

E12 Airports Impact Management Code

The site is not within the obstacle limitation surfaces and as such, the code does not apply.

E13 Local Historic Cultural Code

The site is not on the local heritage register and as such, the code does not apply.

E14 Coastal Code

The code only applies to coastal environments and as such, the code does not apply.

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

E15 Telecommunications Code

The code only applies to telecommunications facilities and as such, the code does not apply.

E16 Invermay/Inveresk Flood Inundation Area Code

The site is not within a flood area and as such, the code does not apply.

E17 Cataract Gorge Management Area Code

The site is not within the Cataract Gorge Management Area and as such, the code does not apply.

E18 Signs Code

The signs code would only be relevant to any future applications that included signage.

E19 Development Plan Code

The site is not located within the development plan code overlay and as such, the code does not apply.

8. Draft Local Provision Schedules - State-wide Planning Scheme

The City of Launceston Council has endorsed draft Local Provision Schedules in alignment with the implementation of the State-wide Planning Scheme. The draft provisions have been made in accordance with the Zone Application Guidelines provided by the Tasmanian Planning Commission. The proposed zoning for the area under the draft Local Provision Schedules are shown below:

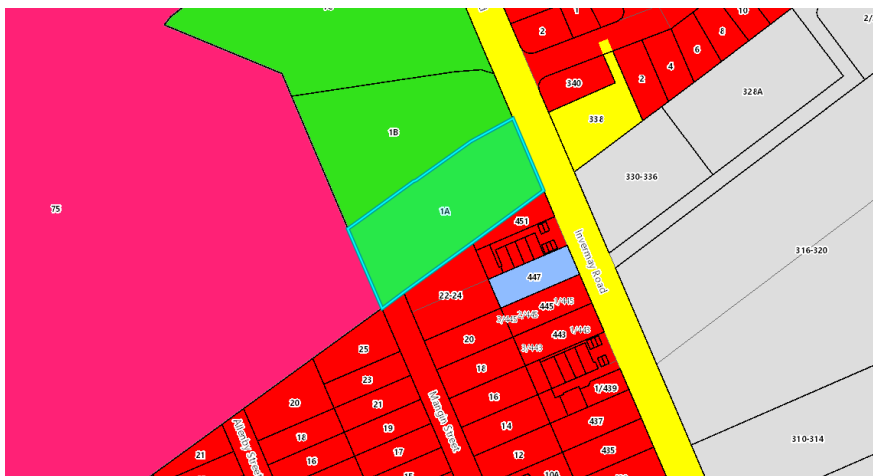


Figure 5 - Draft LPS Zoning Map

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

The site is proposed to remain in the Recreation Zone, however, the proposed zoning for the LPS did not generally recommend rezoning of individual sites. It is also noted that the area to the south of the site is proposed to be rezoned to General Residential, rather than the current Inner Residential Zone. The potential to recommend the site be rezoned to General Residential in anticipation of this likely change was considered. However, in assessing the proposed rezoning it was suitable to take into account the current provisions, policies and zoning, rather than pre-emptively apply the General Residential Zone to respond to a situation that may not eventuate.

9. Referral Agencies

Under section 56S(1) of the *Water and Sewerage Industry Act 2008*, a planning authority must refer a draft amendment to the relevant regulated entity. The application was referred to TasWater for comment on 20 September 2019. TasWater provided a Submission to Planning Authority Notice on 23 September 2019 and raised no objections or conditions to the proposed rezoning. However, under section 56S(2) the relevant regulated entity may provide comment during the public notification period if an amendment is initiated by the Council.

10. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	The proposal was referred to Infrastructure and no objections were raised.
Environmental Health	The proposal was referred to Environmental Health and no objections were raised.
Parks and Recreation	N/A
Heritage/Urban Design	N/A
Building and Plumbing	N/A
EXTERNAL	
TasWater	No Objections
DIER	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

11. Conclusion

The application for the amendment seeks to change the zoning from Recreation to Inner Residential. The amendment is supported based on the following:

- (1) Land use conflicts will be minimal; and
- (2) The proposed amendment and planning application have been assessed as being supportive of the objectives of the Act, NRLUS, relevant policies, and the Scheme.

ECONOMIC IMPACT:

No significant economic impacts have been identified.

ENVIRONMENTAL IMPACT:

No significant economic impacts have been identified.

SOCIAL IMPACT:

No significant social impacts have been identified.

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015
Land Use Planning and Approvals Act 1993
Launceston Residential Strategy 2009-2029
Northern Regional Land Use Strategy

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

8.1 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential ...(Cont'd)

ATTACHMENTS:

1. Locality Map - Amendment 57 - 1A Georgetown Road, Newnham (*electronically distributed*)
 2. Scheme Amendment Supporting Report - 1A Georgetown Road, Newnham (*electronically distributed*)
 3. Preliminary Site Investigation - 1A Georgetown Road, Newnham (*electronically distributed*)
 4. Draft Preliminary Concept - 1A Georgetown Road, Newnham (*electronically distributed*)
 5. TasWater SPAN - 1A Georgetown Road, Newnham (*electronically distributed*)
-

8.2 90-110 Cimitiere Street, 14 and 18 Willis Street Launceston - Community Meeting and Entertainment; Food Services; Hotel Industry - Construction of Alterations and Additions for a Change of Use for an Art Gallery, Makers' Workshop, Cafe, Bar and Restaurant

FILE NO: DA0306/2019

AUTHOR: Duncan Payton (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: Richard Darren Hall
 Property: 90-110 Cimitiere Street, Launceston
 14 Willis Street Launceston and 18 Willis Street, Launceston
 Zoning: Urban Mixed Use
 Receipt Date: 26/06/2019
 Validity Date: 9/09/2019
 Further Information Request: 19/07/2019
 Further Information Received: 06/09/2019
 Deemed Approval: 31/10/2019 (Extension of time granted)
 Representations: One

PREVIOUS COUNCIL CONSIDERATIONS:

DA0233/2007 - approved the development of residential apartments within the gasometer framework. This was not acted upon.

STANDARDS REQUIRING COUNCIL DISCRETION

Standard	Reason
15.3.5 Retail impact	Not a 'no permit' or 'permitted' use class.
15.4.1 Building height, setback and siting	Building height and side setback exceed A.S.
15.4.2 Location of car parking	Existing car park not behind or within the building.
15.4.3 Active ground floors	Ground floor glazing less than 80%.
E13.6.13 Signage	More than one (two) signs are proposed
E13.6.4 Site coverage	No acceptable solution.

8.2 90-110 Cimitiere Street, 14 And 18 Willis Street Launceston - Community Meeting and Entertainment; Food Services; Hotel Industry - Construction of Alterations and Additions for a Change of Use for an Art Gallery, Makers' Workshop, Cafe, Bar and Restaurant ...(Cont'd)

Standard	Reason
E13.6.5 Height and bulk of buildings	No acceptable solution.
E13.6.6 Site of buildings and structure	No acceptable solution.
E13.6.8 Roof form and materials	No acceptable solution.
E13.6.9 Wall materials	No acceptable solution.
E2.6.2 Excavation	No acceptable solution.
E4.6.2 Road accesses and junctions	More than one existing access.
E6.5.1 Car parking numbers	Reduction in number of car parking spaces to be provided.
E6.5.2 Bicycle parking numbers	Reduction in number of bicycle parking spaces to be provided.
E6.5.3 Taxi spaces	No taxi parking provided
E6.5.4 Motorcycle parking	No specific motorcycle parking provided
E6.6.3 Pedestrian access	Existing car park does not have footpath.
E6.6.5 Bicycle facilities	Shower and change room facilities not provided

RECOMMENDATION:

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0306/2019 Community Meeting and Entertainment; Food Services; Hotel Industry - Construction of Alterations and Additions for a Change of Use for an Art Gallery, Makers' Workshop, Cafe, Bar and Restaurant at 90-110 Cimitiere Street, Launceston subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Cover sheet, prepared by Rich.Arch, drawing no. A00, DaDa Gallery, revision C, dated 06/08/2019
- b. Site Plan, prepared by Rich.Arch, drawing no. A01, DaDa Gallery, revision C, dated 06/08/2019
- c. Floor Plan L1, prepared by Rich.Arch, drawing no. A02, DaDa Gallery, revision C, dated 06/08/2019
- d. Floor Plan L2, prepared by Rich.Arch, drawing no. A03, DaDa Gallery, revision C, dated 06/08/2019
- e. Floor Plan L3, prepared by Rich.Arch, drawing no. A04, DaDa Gallery, revision C, dated 06/08/2019
- f. Floor Plan L4, prepared by Rich.Arch, drawing no. A05, DaDa Gallery, revision C, dated 06/08/2019

8.2 90-110 Cimitiere Street, 14 And 18 Willis Street Launceston - Community Meeting and Entertainment; Food Services; Hotel Industry - Construction of Alterations and Additions for a Change of Use for an Art Gallery, Makers' Workshop, Cafe, Bar and Restaurant ...(Cont'd)

- g. Floor Plan L5, prepared by Rich.Arch, drawing no. A06, DaDa Gallery, revision C, dated 06/08/2019
 - h. Floor Plan L6, prepared by Rich.Arch, drawing no. A07, DaDa Gallery, revision C, dated 06/08/2019
 - i. Roofing Plan, prepared by Rich.Arch, drawing no. A08, DaDa Gallery, revision C, dated 06/08/2019
 - j. Dimensioned Floor Plan L1, prepared by Rich.Arch, drawing no. A09, DaDa Gallery, revision C, dated 06/08/2019
 - k. Dimensioned Floor Plan L2, prepared by Rich.Arch, drawing no. A10, DaDa Gallery, revision C, dated 06/08/2019
 - l. Dimensioned Floor Plan L3, prepared by Rich.Arch, drawing no. A11, DaDa Gallery, revision C, dated 06/08/2019
 - m. Dimensioned Floor Plan L4, prepared by Rich.Arch, drawing no. A12, DaDa Gallery, revision C, dated 06/08/2019
 - n. Dimensioned Floor Plan L5, prepared by Rich.Arch, drawing no. A13, DaDa Gallery, revision C, dated 06/08/2019
 - o. Dimensioned Floor Plan L6, prepared by Rich.Arch, drawing no. A14, DaDa Gallery, revision C, dated 06/08/2019
 - p. Dimensioned Roof Plan, prepared by Rich.Arch, drawing no. A15, DaDa Gallery, revision C, dated 06/08/2019
 - q. Section sheet 1, prepared by Rich.Arch, drawing no. A16, DaDa Gallery, revision C, dated 06/08/2019
 - r. Section sheet 2, prepared by Rich.Arch, drawing no. A17, DaDa Gallery, revision C, dated 06/08/2019
 - s. Elevation sheet 1, prepared by Rich.Arch, drawing no. A18, DaDa Gallery, revision C, dated 06/08/2019
 - t. Elevation sheet 2, prepared by Rich.Arch, drawing no. A19, DaDa Gallery, revision C, dated 06/08/2019
 - u. Elevation sheet 3, prepared by Rich.Arch, drawing no. A20, DaDa Gallery, revision C, dated 06/08/2019
 - v. Elevation sheet 4, prepared by Rich.Arch, drawing no. A21, DaDa Gallery, revision C, dated 06/08/2019
 - w. 3D View sheet 1, prepared by Rich.Arch, drawing no. A22, DaDa Gallery, revision C, dated 06/08/2019
 - x. 3D View sheet 2, prepared by Rich.Arch, drawing no. A23, DaDa Gallery, revision C, dated 06/08/2019
 - y. 3D View sheet 3, prepared by Rich.Arch, drawing no. A24, DaDa Gallery, revision C, dated 06/08/2019
 - z. 3D View sheet 4, prepared by Rich.Arch, drawing no. A25, DaDa Gallery, revision C, dated 06/08/2019
 - aa. Shadow Diagrams Existing, prepared by Rich.Arch, drawing no. A26, DaDa Gallery, revision C, dated 06/08/2019
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- bb. Shadow Diagrams Proposed, prepared by Rich.Arch, drawing no. A27, DaDa Gallery, revision C, dated 06/08/2019
- cc. Cimitiere Gasworks Site Redevelopment Parking Advice, prepared by TCS, dated 08/08/2019

2. AMENDED PLANS REQUIRED

Prior to the commencement of any development, amended plans must be submitted to show:

- a. The location of eleven parking spaces, including one accessible space, to be provided as part of the development;
- b. The location, wording and design of signage indicating the use of the car parking spaces for the DADA building;
- c. The location and design of bicycle parking for not less than eleven bicycles;
- d. Revised cladding and materials in accordance with condition 4 and the Notice of Heritage Decision.

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

3. HERITAGE

The development must be undertaken in accordance with the conditions included on the Tasmanian Heritage Council 'Notice of Heritage Decision' for THC Application No. 5967, dated 7 October 2019 and attached to the permit.

4. EXTERNAL FINISHES TO BE CONFIRMED

All external materials, finishes and colours must be confirmed in an amended 'Schedule of Finishes' to the satisfaction of the Manager City Development prior to the issue of any Building Permit. Once approved by the Manager City Development, these amended plans will be endorsed and will then form part of the Permit.

5. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No. 2019/00911-LCC, 09/09/2019 and attached to the permit.

6. LEGAL TITLE

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

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7. HOURS OF CONSTRUCTION

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

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 5.00pm

No works on Sunday or Public Holidays

8. DELIVERY HOURS

Deliveries to and from the site by heavy vehicles (including trade waste collection) must only occur between 6.00am and 10.00pm.

9. BUSINESS HOURS

The hours of operation must be confined to:

a. 7:00am and 10:00pm Monday to Friday

b. 8:00am and 10:00pm Saturdays, Sundays and Public Holidays

10. SIGN MAINTENANCE

The sign(s) must be constructed and maintained in good condition to the satisfaction of the Council.

11. SIGNAGE CONTENT

Content of the sign may be updated or changed without separate approval of Council, subject to:

a. The structure, location and size of the signage not changing.

b. The content of the signage relating to the site.

c. Compliance with the requirements of the planning scheme.

12. NO SIGN ILLUMINATION

The sign(s) must not be floodlit or otherwise internally illuminated.

13. DAMAGE TO COUNCIL INFRASTRUCTURE

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

14. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

15. SINGLE STORMWATER CONNECTIONS

All proposed new pipelines must be connected to the existing internal drainage network for the property. It is not permitted to have multiple connections to Council's stormwater mains.

16. SOIL AND WATER MANAGEMENT PLAN

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

17. OCCUPATION OF ROAD RESERVE (METERED PARKING BAYS)

Prior to the commencement of the occupation the applicant must make application to Council's Director Infrastructure Services for the occupation of the metered parking spaces located along the northern side of Cimitiere Street. The applicant must pay the prescribed daily fee for each occupied metered space for the duration of the occupation, except where the Council's Manager Parking permits a variation.

18. AMENITY - COMMERCIAL/INDUSTRIAL USE

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

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19. EXTERIOR AND SECURITY LIGHTING PLANNING

Exterior Lighting and Security lighting to comply with the Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting" or any subsequent versions of the document.

20. WASTE MATERIALS

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

21. CONTAMINATED LAND

The applicant must comply with the Environmental Site Assessment Report prepared by environmental service and design (es&d), Project No: 5945 dated 26/09/2017 and complete all Works and Management Measures required in the recommendations. The use and development approved must be undertaken so as to comply with all the recommendations and requirements of the Environmental Site Assessment.

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

Notes

A. Restrictive Covenants

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

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

B. Appeal Provisions

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

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

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

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C. Permit Commencement

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

D. General

This permit was issued based on the proposal documents submitted for DA0306/2019. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

E. Food Premises

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

REPORT:

1. THE PROPOSAL

It is proposed to redevelop the existing gasometer structure and construct a six storey building largely within its footprint and maintaining the existing framework structure. The building will reflect the existing cylindrical shape and have a height of 23.73m, which is some 3m taller than the existing structure.

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The building will principally house a private art gallery which will be open to the public. Makers' Workshop areas and a local art gallery area are proposed to support local artists. In addition, a cafe is proposed on the ground floor and the top floor will have a bar and restaurant.

Whilst the initial proposal did not include the provision of car parking, eleven car parking spaces, including one accessible space, will be provided on the broader site and eleven bicycle parking spaces will be required.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject site is currently a 5,525m² lot, being part of the heritage listed gasworks site. The site contains the framework of the gasometer, the subject of this application, part of the Horizontal Retort building and a small disused workshop building on the Cimitiere Street frontage. The remainder of the site is currently used as a public and private carpark administered by Care Park.

The site has a little over 100m frontage to Cimitiere Street and 50m frontage to Willis Street.

A recent proposal to develop a multi-storey carpark on the subject site, immediately north-west of the gasometer, also included a subdivision proposal that would have limited the subject site to around 1,110m². However, the car park proposal, and by extension the subdivision, was refused by the Tasmanian Heritage Council.

To the north-east of the gasometer is the Horizontal Retort building currently used as the offices of the Port Authority and the Vertical Retort, currently housing a restaurant. To the north-west is the Centerlink and Medicare building. To the west are various businesses fronting Tamar Street and the Milledge complex of office and retail space. To the south, over Cimitiere Street, is the Albert Hall and the City Park.

Notwithstanding the existence of the City Park opposite, the site projects a commercial character whilst retaining the essence of the industrial feel of the old gasworks.

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3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

15.0 Urban Mixed Use Zone

15.1.1 Zone Purpose Statements

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

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

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

15.1.1.4 To create:

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

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

Consistent

The proposal is considered to be consistent with the purpose of the zone to provide for the integration of residential, retail, community services and commercial activities in urban locations. It provides a significant community facility in the gallery and makers workshops, plus commercial activities through the creation of a new bar, cafe and restaurant.

Located adjacent to the City Park and between the CBD and the proposed University of Tasmania development at Inveresk will add a striking feature in the streetscape, providing for increased activity at pedestrian level and increased activity outside normal business hours.

Local Area Objectives - There are no local area objectives

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

15.3 Use Standards

15.3.1 Hours of operation

Objective:

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

Consistent

The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.

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A1 Commercial vehicles must only operate between 6.00am and 10.00pm.
Complies The proposed use of the building will not generate a high demand for commercial vehicles and deliveries outside the prescribed hours are unlikely. An appropriate condition is proposed to limit commercial vehicles to those hours.

15.3.2 Mechanical plant and equipment

Objective: To ensure that the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to sensitive uses.
Consistent The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.
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 There are no immediately opposite or adjacent sensitive uses. Nevertheless, there are sensitive uses in the vicinity and an appropriate condition to protect the surrounding amenity is proposed.

15.3.3 Light spill and illumination

Objective: To ensure that light spill and levels of illumination from external lighting does not cause unreasonable loss of amenity to sensitive uses.
Consistent The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.
A1 The use must: (a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the General Residential, Inner Residential, and Low Density Residential zones; and (b) contain direct light from external light sources within the boundaries of the site.
Complies The applicant asserts that there will be external lighting and that it will be contained within the boundary of the site. An appropriate condition regarding the surrounding amenity is proposed.

15.3.4 Noise level

Objective: To ensure that noise levels from uses do not unreasonably impact on the amenity of nearby sensitive uses.

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<p>Consistent The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.</p>
<p>A1 Noise generated by a use on the site must:</p> <ul style="list-style-type: none"> (a) not exceed a time average A-weighted sound pressure level (L_{aeq}) of 5 dB(a) above background during operating hours when measured at the boundary of an existing sensitive use adjoining or immediately opposite the site; or (b) be in accordance with any permit conditions required by the Environment Protection Authority or an environmental protection notice issued by the Director of the Environment Protection Authority.
<p>Complies There are no adjoining or immediately opposite sensitive uses. However, there are sensitive uses within the vicinity and whilst use as a gallery and restaurant is not expected to raise noise concerns, an appropriate condition regarding the protection of surrounding amenity is proposed.</p>

15.3.5 Retail impact

<p>Objective: To ensure that the economic, social and environmental impact of significant new retail use and development is consistent with the activity centre hierarchy.</p>
<p>Consistent The subject site is in an area shown in the 2011 Launceston Retail Audit and Activity Centres Strategy as an investigation area, immediately adjacent to the CBD North Precinct (bounded by William, Tamar, Cameron and George Streets). The intent of these support precincts is to provide for a diversity of activities and services including offices, retail and cafes, hotels, education and healthcare. The proposal to create some 1,400m² of gallery space, 500m² of cafe and restaurant, and around 35m² of retail space plus associated workshop, service and administration areas at this site is consistent with the intent of the adjoining precinct and aligns with the ongoing development to the north and east supporting the relocation of the University of Tasmania to Inveresk.</p>
<p>A1 If for no permit required or permitted use class.</p>
<p>Relies on Performance Criteria</p>
<p>P1 Uses must have acceptable impacts on the viability of the activity centre hierarchy, having regard to the extent that the proposed use:</p> <ul style="list-style-type: none"> (a) improves and broadens the commercial or retail choice within the area; (b) improves the urban design outcome for an activity centre including its amenity; (c) contributes to an attractive environment for pedestrians; (d) contributes to loss of investment, blight or disinvestment for a particular centre; (e) includes environmentally sustainable design principles; and (f) is accessible by public transport.

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Complies

As noted above, the proposed use is consistent with the expectations of the Activity Centres Strategy. Further, it will broaden the commercial and retail choice in the area through the provision of a gift shop, cafe and restaurant. It will provide an improved urban design in the streetscape; contribute to an attractive pedestrian environment, and is close to public transport.

15.4 Development Standards

15.4.1 Building height, setback and siting

Objective:

To ensure that building bulk and form, and siting:

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

Consistent

The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.

A1 Building height must be no greater than:

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

Relies on Performance Criteria

The proposed building has a height of 23.73m, which is greater than 1m more than the average of the adjoining buildings and performance criteria are relied upon.

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

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

Complies

The building height is compatible with the streetscape and character of the surrounding area, having regard to:

- (a) the topography of the site:

The site is level, however, there is a 1.5m plinth over the base of the gasometer structure, capping the contaminated land below. The new building will be built on top of this concrete cap.

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- (b) the height of buildings on the site, adjoining land and adjacent lots:
The existing gasometer framework has a height of 20m. The adjoining lot to the north-east contains the Vertical Retort, with a height of 29m. Adjacent (nearby) sites include the Albert Hall at 23m and the Verge Hotel (under construction) also at 23m. Other tall buildings have been proposed in the surrounding area. The balance of the buildings in the area range between one and three storeys.
- (c) the bulk and form of existing and proposed buildings:
A number of surrounding buildings present substantial bulk, including the Horizontal Retort on the subject site, the adjoining Vertical Retort, Centerlink and Milledge Land buildings. The Albert Hall presents a scale and bulk greater than the proposal whilst the Verge Hotel is similar in scale and bulk to the proposal.
- (d) the apparent height when viewed from roads and public places:
The gasometer is effectively on the Cimitiere Street frontage and presents as a tall structure now. Clearly, when constructed, the new gallery building will have a significant apparent height when viewed from Cimitiere Street, although this may be lessened over time with other developments in the area.
- (e) any overshadowing of adjoining lots or public places:
The proposal is for a substantial building and as such it will cast a substantial shadow. This is significantly mitigated by the blank concrete wall of the Milledge building on the south-western boundary and by the width of Cimitiere Street to the south and south-east.

The mid-winter shadow will cast across the southern frontage of the Albert Hall in the late morning and enter the City Park in the early afternoon. The representor asserts that, on 21 June, some 1,600m² of the Park will be in shadow (albeit not until around 1.00pm). Whilst this figure does not have regard to the shadow already cast by the existing public toilets and trees, over which the gallery shadow falls, 1,600m² is only a small portion (some 3%) of the Park and the impact, limited to only a few hours in the afternoon, is considered minor and not to have an unreasonable impact on the amenity of the Park.

Having regard to the above matters, and noting that they are for guidance rather than mandatory provisions, it is considered that the proposed building height is compatible with the streetscape and character of the surrounding area.

A2 Setback from a frontage:

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

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<p>Complies</p> <p>The adjoining Milledge building, to the south west, is built to the boundary. On the opposite side of the site, the Hogs Breath Cafe with a setback of some 18m, is the next adjoining building. Noting that the Horizontal Retort, whilst setback some 8m, is on the same site as the gasometer. The proposed setback of 0.25m is within the range of the adjoining buildings and complies with the acceptable solution.</p>
<p>A3 Setback from a side boundary:</p> <ul style="list-style-type: none"> (a) must be built to the side boundaries at ground level; or (b) be setback a distance that is not more or less than the maximum and minimum setbacks of the buildings on adjoining lots.
<p>Relies on Performance Criteria</p> <p>The Milledge building is built to the side boundary, whilst the Hogs Breath Cafe has a side setback ranging up to 7.5m. The proposed setback is 3.5m to the south-western side boundary and some 40m to the north-western boundary with the Centerlink site. Performance criteria are relied upon.</p>
<p>P3 Buildings must be sited such that there is no unreasonable loss of amenity to the occupiers of adjoining lots, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the size, shape, and orientation of the site; (c) the setbacks of surrounding building; (d) the height bulk and form of existing and proposed buildings; (e) the existing buildings and private open space areas on the site; (f) the privacy to private open space and windows of habitable rooms on adjoining lots; (g) sunlight to private open space and windows of habitable rooms on adjoining lots; (h) any existing screening or the ability to implement screening; and (i) the character of the surrounding area.
<p>Complies</p> <p>The relevant matters to have regard to are the size and shape of the site and the bulk and form of the existing and proposed building. The proposal is for the development of a gallery building largely within and defined by the existing gasometer framework structure. Consequently, it is not practicable to build to the north-western boundary, some 40m away. Leaving this area to its current use as a car park, notwithstanding future proposals for subdivision and possible development of a multi-storey car park, will not result in a loss of amenity to occupiers of adjoining lots.</p>

15.4.2 Location of car parking

<p>Objective:</p> <p>To ensure that car parking:</p> <ul style="list-style-type: none"> (a) does not detract from the streetscape; and (b) provides for vehicle and pedestrian safety.
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<p>Consistent The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.</p>
<p>A1 Car parking must be located: (a) within the building structure; or (b) behind the building.</p>
<p>Relies on Performance Criteria The proposal has not made initial provision for car parking. In discussion with the proponents, agreement was reached such that eleven car parking spaces, including one accessible space, will be provided in the adjoining car park. An amended site plan, showing the required car parking spaces will be required by condition. As the specific location of the car parking spaces is not currently shown and may, therefore, not be behind the building line, the relevant performance criteria are addressed.</p> <p>If the multi-storey car park development proceeds, the car parking spaces will be located in that structure. An agreement under section 71 of the Act would be required at that time to ensure the ongoing provision of the required car parking spaces.</p>
<p>P1 Car parking must be located to minimise its visibility from a road, mall, laneway or arcade, having regard to: (a) the existing streetscape; (b) the location of the car parking; (c) vehicle and pedestrian traffic safety; (d) measures to screen parking; and (e) any landscaping proposed.</p>
<p>Complies Given that the car parking to be provided will be within an existing car park, there will be no impact on the existing streetscape or amenity of the area.</p>

15.4.3 Active ground floors

<p>Objective: To ensure that building facades promote and maintain high levels of pedestrian interaction and amenity.</p>
<p>Consistent The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.</p>
<p>A1 New buildings with non-residential uses on ground floors must: (a) have clear glazing, display windows or glass doorways for a minimum of 80% of all ground floor facades to, roads, malls, laneways or arcades; (b) not have security grilles or screens that obscure the ground floor facades to roads, malls, laneways or arcades; (c) not have mechanical plant or equipment, such as air conditioning units or heat pumps located on the facade; and</p>

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<p>(d) not have blank walls, signage panels or blocked out windows, wider than 2m on ground floor facades to roads, malls, laneways or arcades.</p>
<p>Relies on Performance Criteria The curve of the building, defined by the existing gasometer frame work, makes it difficult to determine with certainty the level of glazing actually addressing the road. Consequently, the applicant has adopted a conservative approach, considering all planes that could be considered to face Cimitiere Street and giving a glazing total of only 48% and thus relying upon performance criteria.</p>
<p>P1 New buildings must be designed to maximise interaction between the use of the building and pedestrians, having regard to:</p> <ul style="list-style-type: none"> (a) an adequate level of glazing, openness and transparency on the ground floor facades to roads, malls, laneways or arcades; (b) the potential for security grills or screens to reduce the amenity of the building or reduce levels of interaction with the public; (c) screening or obscuring all mechanical plant or equipment such as air conditioning units or heat pumps so they are not recognisable or visible from ground level public view points; and (d) minimising the area of all blank walls, signage panels or blocked out windows on ground floor facades to roads, malls, laneways or arcades
<p>Complies Relevantly, the new building is required to maximise interaction between the use of the building and pedestrians, having regard to an adequate level of glazing, openness and transparency on the ground floor facades and minimising the area of blank walls. The applicant asserts that the relevant sections of the building are 100% glazing.</p> <p>Whilst this view is not supported, it is considered that, once the plans are altered in accordance with the THC requirement for greater transparency in the materials in the external stairwell and pedestrian forecourt, interaction between the use of the building and pedestrians will have been maximised.</p>
<p>A3 The building must:</p> <ul style="list-style-type: none"> (a) provide a direct access for pedestrians from the road or publicly accessible areas; and (b) be orientated to face a road, mall, laneway or arcade, except where the development is not visible from these locations.
<p>Complies The proposed building is orientated to Cimitiere Street and direct access is provided from the publicly accessible areas.</p>

E2.0 Potentially Contaminated Land Code

<p>E2.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (a) ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.
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Consistent
The proposed development is consistent with the purpose of the code to ensure that the development does not adversely impact on human health or the environment.

E2.5 Use Standards

Objective: To ensure that potentially contaminated land is suitable for the intended use.
Consistent The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.
A1 The Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.
Complies A suitably qualified site contamination specialist, Mr Rod Cooper, has certified a management plan to allow the safe construction and operation of the proposal.
P1 Land is suitable for the intended use, having regard to: (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health or the environment that includes: (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before any use commences; and (iii) a statement that the land is suitable for the intended use.
Not Applicable

E2.6 Development Standards

E2.6.1 Subdivision

Objective: To ensure that subdivision of potentially contaminated land does not adversely impact on human health or the environment and is suitable for its intended use.
Not Applicable
A1 For subdivision of land, the Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment, that will ensure the subdivision does not adversely impact on health or the environment and is suitable for its intended use.

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Not Applicable
<p>P1 Subdivision does not adversely impact on health and the environment and is suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health and the environment that includes: <ul style="list-style-type: none"> (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before any use or development commences; and (iii) a statement that the land is suitable for the intended use or development.
Not Applicable

E2.6.2 Excavation

<p>Objective: To ensure that works involving excavation of potentially contaminated land does not adversely impact on human health or the environment.</p>
<p>Consistent The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria</p>
<p>P1 Excavation does not adversely impact on health and the environment, having regard to:</p> <ul style="list-style-type: none"> (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health and the environment that includes: <ul style="list-style-type: none"> (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before excavation commences; and (iii) a statement that the excavation does not adversely impact on human health or the environment.
<p>Complies A suitably qualified site contamination specialist, Mr Rod Cooper, has certified a management plan to allow the safe construction and operation of the proposal.</p>

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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 proposal is consistent with the purpose of the code to protect the safety and efficiency of the road network.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

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

Consistent

The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.

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

No additional car parking is proposed on site, rather it is intended to utilise eleven of the existing car parking spaces. Therefore, only marginal change to the annual average daily traffic movements is anticipated. A Traffic Impact Assessment (TIA) with appended parking advice, prepared by Mr Richard Burk, demonstrates the availability of other parking in the area to meet the additional needs of the use.

E4.6 Development Standards

E4.6.2 Road accesses and junctions

Objective:

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

Consistent

The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.

A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.

Relies on Performance Criteria

The site currently has three access points and performance criteria are relied upon.

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

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

Complies

The accesses are existing and operate safely and efficiently. The nature and frequency of traffic generated by the proposal will not adversely affect the safety and efficiency of the roads or accesses.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

The TIA and appended parking advice provided with the application demonstrates that the proposal is consistent with the purpose of the code to ensure the provision of an appropriate level of parking facilities without adverse impact on the amenity of the locality.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

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

Consistent

The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.

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 two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or
- (d) be in accordance with an acceptable solution contained within a parking precinct plan.

Relies on Performance Criteria

The parking advice prepared by Mr Burk indicates a requirement under the Table for 106 car parking spaces. Whilst this is clearly unrealistic for what is predominately a gallery, the proposal relies upon performance criteria.

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.

Complies

The proposal is required to provide car parking spaces to meet the reasonable needs of the use having regard to such matters as the availability of off and on road parking within a reasonable walking distance, public transport, actual likely need and the recommendations of the TIA.

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<p>When considering the actual likely demand for parking, it is noted that the gallery uses the majority of the building and is not normally expected to have a higher demand for parking than can currently be met by the existing on-street parking, noting that Cimitiere Street opposite the site is limited to three hour parking, with spaces frequently available.</p> <p>Additional parking demand is expected in the evenings when the restaurant and bar are operational. At this time, many of the public parking spaces on the subject site will be available. This reliance on available parking in the surrounding area is consistent with Mr Burk's advice.</p>
<p>A2 The number of accessible car parking spaces for use by persons with a disability for uses that require six or more parking spaces must be in accordance with Part D3 of the National Construction Code 2014, as amended from time to time.</p>
<p>Complies As the proposal will provide only eleven dedicated car parking spaces, the provision of one accessible car parking space complies with the National Construction Code requirements.</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 An appropriate condition is recommended to satisfy the performance criteria.</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>Relies on Performance Criteria The Table requires the provision of some 38 bicycle parking spaces. Given the expected use of the building, the provision of so many bicycle parking spaces seems excessive. It is noted that the applicants have not proposed any bicycle parking. Performance criteria are relied upon.</p>
<p>P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the likely number and characteristics of users of the site and their opportunities and likely need to travel by bicycle; (b) the location of the site and the likely distance a cyclist needs to travel to reach the site; and (c) the availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.

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Complies
 It is somewhat difficult to determine an appropriate level of bicycle parking to meet the likely needs of the use principally as a gallery, with restaurant, cafe and bar. Whilst it is reasonable to presume that a small number of patrons will cycle to the gallery, it is expected that fewer will cycle to the bar or restaurant. Consequently, it is considered that the provision of eleven bicycle parking spaces will meet the reasonable needs of the site. An appropriate condition will be proposed.

E6.5.3 Taxi spaces

Objective: To ensure that access for taxis is provided to meet the needs of the use.
Consistent The proposal satisfies the applicable performance criteria.
A1 Except for dwellings in the General Residential zone, uses that require greater than 50 car spaces by Table E6.1 must provide one parking space for a taxi on site, with one additional taxi parking space provided for each additional 50 car parking spaces required.
Relies on Performance Criteria The TIA indicates that 106 car parking spaces are required by the Table (although the actual demand is expected to be significantly lower and most of these are available in the surrounding area rather than on-site). As such, two taxi parking spaces are required to meet the acceptable solution. These are not provided and performance criteria are relied upon.
P1 Taxi parking spaces must be provided to meet the reasonable needs of the use, having regard to: (a) the nature of the proposed use and development; (b) the availability and accessibility of taxi spaces on the road or in the vicinity; and (c) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping.
Complies The performance criteria requires the provision of taxi parking spaces to meet the reasonable needs of the use. Given that the land adjacent to the proposed gallery is a public car park, it is considered that traffic levels are such that taxi drop off and collection can function within the circulation spaces and a dedicated taxi rank is not required. Additionally, the time limited parking in Cimitiere Street will provide frequent opportunity for taxi drop off or collection of patrons.

E6.5.4 Motorcycle parking

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

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<p>Consistent The proposal satisfies the applicable performance criteria.</p>
<p>A1 Except for dwellings in the General Residential zone, uses that require greater than 20 car parking spaces by Table E6.1 must provide one motorcycle parking space on site with one additional motorcycle parking space on site for each additional 20 car parking spaces required.</p>
<p>Relies on Performance Criteria Based on Mr Burk's TIA, some five motorcycle parking spaces would be required. As none are provided, performance criteria are relied upon.</p>
<p>P1 Motorcycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the proposed use and development; (b) the availability and accessibility of motorcycle parking spaces on the road or in the vicinity; and (c) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping.
<p>Complies As with the discussion for car parking spaces, appropriate time limited and pay parking spaces are currently available in the area to meet the reasonable needs of the use.</p>

E6.5.5 Loading bays

<p>Objective: To ensure adequate access for goods delivery and collection, and to prevent loss of amenity and adverse impacts on traffic flows.</p>
<p>Consistent The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.</p>
<p>A1 A loading bay must be provided for uses with a gross floor area greater than 1,000m² in a single occupancy.</p>
<p>Complies A loading bay is proposed to the north of the proposed external lift.</p>

E6.6 Development Standards

E6.6.3 Pedestrian access

<p>Objective: To ensure pedestrian access is provided in a safe and convenient manner.</p>
<p>Consistent The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.</p>
<p>A1.1 Uses that require 10 or more parking spaces must:</p> <ul style="list-style-type: none"> (a) have a 1m wide footpath that is separated from the access ways or parking aisles,

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except where crossing access ways or parking aisles, by:

- (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or
 - (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and
- (b) be signed and line marked at points where pedestrians cross access ways or parking aisles; and

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

Relies on Performance Criteria

Whilst the proposal seeks to provide eleven car parking spaces within the existing carpark adjoining the gasometer, the carpark is not compliant with the acceptable solution and performance criteria are relied upon.

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

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

Complies

The existing car park is operated by Care Park and despite the lack of defined pedestrian pathways, operates safely having regard to the nature of the use and the frequency of vehicle movements. It is noted that the 11 spaces to be provided are intended to provide for staff rather than customers. Staff movements will be less frequent and staff will be aware of the nature of the car park operation.

E6.6.4 Loading bays

Objective:

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

Consistent

The proposal demonstrates compliance with the applicable acceptable solutions and performance criteria.

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

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<p>Complies The proposed loading bay will comply with the relevant Australian Standards.</p>
<p>A2 It must be demonstrated that the type of vehicles likely to use the site can enter, park and exit the site in a forward direction, without impact or conflicting with areas set aside for parking or landscaping, in accordance with AS2890.2 - 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.</p>
<p>Complies Vehicles delivering to the site are expected to be medium to heavy rigid rather than articulated. Access is currently available to such vehicles and will not be adversely limited by the proposed development.</p>

E6.6.5 Bicycle facilities

<p>Objective: To ensure that cyclists are provided with adequate facilities.</p>
<p>Consistent The proposal satisfies the relevant performance criteria.</p>
<p>A1 Uses that require five or more bicycle spaces by Table E6.1 must provide one shower and change room facility on site, with one additional shower and change room on site for each 10 additional bicycles spaces required.</p>
<p>Relies on Performance Criteria Shower and change room facilities are not provided.</p>
<p>P1 Shower and change room facilities must be provided at adequate level to cater for the reasonable needs of cyclists, having regard to:</p> <ul style="list-style-type: none"> (a) the location of the proposed use; (b) the existing network of cycle paths and bicycle lanes and other means of access to the site for cyclists; (c) the nature of the proposed use; (d) the number of employees; (e) the users of the site and the likelihood of travel by bicycle; (f) whether there are facilities on the site for other reasons that could be used by cyclists; and (g) the opportunity for sharing bicycle facilities on nearby sites.
<p>Complies It is proposed that there will be up to 11 employees on site and the requirement for bicycle parking for this many staff is less than five and such facilities would not be required. It is not necessary to provide shower and change room facilities for the general public when visiting the gallery, cafe or restaurant.</p>

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E6.6.6 Bicycle parking and storage facilities

<p>Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.</p>
<p>Consistent The proposal will be conditioned to comply with the applicable acceptable solution.</p>
<p>A1 Bicycle parking and storage facilities for uses that require five or more bicycle spaces by Table E6.1 must:</p> <ul style="list-style-type: none"> (a) be accessible from a road, cycle path, bicycle lane, shared path or access way; (b) be located within 50m from the main entrance; (c) be visible from the main entrance or otherwise signed; and (d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.
<p>Complies An appropriate condition is proposed for the provision of secure bicycle parking compliant with the acceptable solutions.</p>
<p>A2 Bicycle parking spaces must:</p> <ul style="list-style-type: none"> (a) have minimum dimensions of: <ul style="list-style-type: none"> (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.
<p>Complies An appropriate condition is proposed.</p>

E13.0 Local Historic Cultural Heritage Code

<p>E13.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (a) protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts; (b) encourage and facilitate the continued use of these places; (c) encourage the maintenance and retention of buildings and places of assessed historic cultural heritage significance; and (d) ensure that development is undertaken in a manner that is sympathetic to, and does not detract from, the historic cultural heritage significance of the places and their settings.

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Consistent
 The proposed development of a gallery utilising the existing gasometer framework is considered to be sympathetic to the historic cultural heritage significance of the place and its setting and is thus consistent with the purpose of the code.

E13.6 Development Standards

E13.6.4 Site coverage

<p>Objective: To ensure that site coverage is compatible with the historic cultural heritage significance of local heritage places.</p>
<p>Consistent The proposal demonstrates compliance with the performance criteria.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria</p>
<p>P1 The site coverage is compatible with the historic cultural heritage significance of local heritage places or their settings, having regard to: (a) the topography of the site; (b) the cultural heritage values of the local heritage place and setting; (c) the site coverage of buildings on sites in the surrounding area; and (d) the pattern of development in the surrounding area.</p>
<p>Complies The proposed development is largely confined within the existing footprint of the gasometer. Site coverage will be only marginally increased. Given the size of the existing site (5525m²), this marginal increase will have a negligible impact on the cultural heritage values of the place or the pattern of development in the area.</p>

E13.6.5 Height and bulk of buildings

<p>Objective: To ensure that the height and bulk of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p>Consistent The proposal demonstrates compliance with the performance criteria.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria</p>
<p>P1 The height and bulk of buildings are compatible with the historic cultural heritage significance of a place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the character and appearance of the existing building or place; (c) the height and bulk of other buildings in the surrounding area; (d) the historic cultural heritage significance of adjacent places; and (e) the streetscape.</p>

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Complies
 The proposed development is designed to be largely contained within the existing gasometer structure and exceeds its current 20m height by 3.73m. It is relevant to note that the THC, in granting their approval, has concluded that the proposed is compatible with the historic cultural heritage significance of the place and its setting.

Issues surrounding the height of the proposed gallery building are discussed earlier in this report and again later addressing concerns raised in the representation and it is concluded that the proposed building height is compatible with the height and bulk of other buildings in the surrounding area.

E13.6.6 Site of buildings and structure

<p>Objective: To ensure that the siting of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p>Consistent The proposal demonstrates compliance with the performance criteria.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria</p>
<p>P1 The front, side and rear setbacks must be compatible with the historic cultural heritage significance of a local heritage place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the topography of the site; (c) the size, shape, and orientation of the lot; (d) the setbacks of other buildings in the surrounding area; (e) the historic cultural heritage significance of adjacent places; and (f) the streetscape.</p>
<p>Complies The proposed development is designed to be largely contained within the existing gasometer footprint and as such is considered to be compatible with the historic cultural heritage significance of the place and its setting. Notably, the THC has also concluded that the proposal is compatible as they have granted their approval.</p>

E13.6.8 Roof form and materials

<p>Objective: To ensure that roof form and materials are compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p>Consistent The proposal demonstrates compliance with the performance criteria.</p>
<p>A1 No acceptable solution.</p>

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<p>Relies on Performance Criteria</p> <p>P1 Roof form and materials are compatible with the historic cultural heritage significance of a place and its setting, having regard to:</p> <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the design, period of construction and materials of the dominant building on the site; (c) the dominant roofing style and materials in the setting; and (d) the streetscape.
<p>Complies</p> <p>The applicants assert that the proposed flat roof (5° fall) is similar to the original gasometer structure and that the materials selected complement the existing fabric of an industrial site. It is telling that the THC, other than as previously stated, has not had issue with the roof or general material selection.</p>

E13.6.9 Wall materials

<p>Objective:</p> <p>To ensure that wall materials are compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p>Consistent</p> <p>The proposal demonstrates compliance with the performance criteria.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria</p> <p>P1 Wall material for buildings and structures must be compatible with the historic cultural heritage significance of a place and its setting, having regard to:</p> <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the design, period of construction and materials of the dominant building on the site; (c) the dominant wall materials in the setting; and (d) the streetscape.
<p>Complies</p> <p>The building is proposed to feature a mix of materials and cladding, primarily in concrete, metal cladding and glazing whilst trying to maintain the prominent steel framework of the existing structure. The choice of building materials has sought to reflect the industrial nature of the historic cultural significance of the site and the existing buildings, including those on adjoining and adjacent sites. Notwithstanding the other significant buildings on the broader site, it is the existing gasometer framework and its cylindrical nature that the design seeks to enhance. Significantly, the THC has recognised this in their condition requiring increased transparency in some of the cladding to maintain the prominence of the <i>cylindrical form and framework of the historic gasholder</i>.</p>

8.2 90-110 Cimitiere Street, 14 And 18 Willis Street Launceston - Community Meeting and Entertainment; Food Services; Hotel Industry - Construction of Alterations and Additions for a Change of Use for an Art Gallery, Makers' Workshop, Cafe, Bar and Restaurant ...(Cont'd)

E13.6.13 Signage

<p>Objective: To ensure that signage is compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p>Consistent The proposal complies with the relevant performance criteria.</p>
<p>A1 No more than one sign, not greater than 0.2m², identifying the use, heritage significance, and the name and occupation of the owners of the property.</p>
<p>Relies on Performance Criteria</p>
<p>P1 New signs must be compatible with the historic cultural heritage of the local heritage place and its setting, having regard to:</p> <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the size and location of the proposed sign; (c) the area and location of existing signage on the site; (d) the period details, windows, doors and other architectural details of the building; (e) any destruction, removal or concealment of heritage fabric through attaching signage; and (f) the streetscape.
<p>Complies It is proposed to identify the site with two signs, each simply declaring DADA, the name of the gallery and the art movement featured within its walls. One sign, facing west along Cimitiere Street, will be over two copper clad boxes, each 3.0m x 1.5m at levels six and seven of the stairwell structure. The other sign, facing east along Cimitiere Street, will climb the 12m tall structural feature of the public lift.</p> <p>The signs are not illuminated and, whilst substantial in size, they are compatible with the scale of the building and their plain form is consistent with the cultural heritage significance of the industrial site and its setting, having regard to the prescribed matters.</p>

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	Conditional consent provided with recommended conditions.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.

8.2 90-110 Cimitiere Street, 14 And 18 Willis Street Launceston - Community Meeting and Entertainment; Food Services; Hotel Industry - Construction of Alterations and Additions for a Change of Use for an Art Gallery, Makers' Workshop, Cafe, Bar and Restaurant ...(Cont'd)

REFERRAL	COMMENTS
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2019/00911-LCC.
DIER	N/A
TasFire	N/A
Tas Heritage Council	Notice of Approval - No. 5967, dated 7 October 2019
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 7 September to 23 September 2019. One representation was received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<p>Issue 1: Exercise of many of the discretions (performance criteria) will have a considerable impact visually on the streetscape and heritage places.</p>
<p><i>Response 1:</i> <i>It is the structure of the planning scheme, consistent with the proposed state-wide system, that proposals for use and development are assessed against the applicable standards of the relevant zones and codes. Reliance upon performance criteria, rather than acceptable solutions, to demonstrate compliance with the standards is a deliberate alternative, that this method invokes discretion does not mean that the standard is relaxed. The proposal has been assessed against several acceptable solutions and performance criteria and is considered to have satisfied the relevant objectives. Notwithstanding that the development of the gallery building will have a significant visual impact on the streetscape and adjoining heritage places, this is not considered to be unreasonable or adverse. Relevantly, the Tasmanian Heritage Council (THC) has not raised concerns with the impact of the streetscape or other heritage places. Rather, the THC has only required the use of more visually transparent materials on the south-western and south-eastern facades to Cimitiere Street to reduce the extent to which the cylindrical form and framework is concealed.</i></p>

- 8.2 90-110 Cimitiere Street, 14 And 18 Willis Street Launceston - Community Meeting and Entertainment; Food Services; Hotel Industry - Construction of Alterations and Additions for a Change of Use for an Art Gallery, Makers' Workshop, Cafe, Bar and Restaurant ...(Cont'd)

Issue 2:

The proposed development encloses the gasometer and significantly dominates the existing heritage listed structure and diminishes the place's significance. The choice of materials and colours does not minimise the visual impact on the heritage place.

Response 2:

This view has received some support in the Tasmanian Heritage Council and is reflected in the requirement for the use of more transparent materials on the southern and south-western sides, including projecting areas of the upper levels. The THC has required revised plans showing this increased transparency prior to the commencement of works. It is the view of the THC, supported here, that such increased transparency will sufficiently reduce the extent to which the development is perceived to dominate and enclose the gasometer.

Issue 3:

The proposal falls under performance criteria P1 for building height. The building height has not been formulated as per the equation at acceptable solution A1(b), one metre greater than the average of the adjoining building heights (ie. 12.16m + 1.0m or 13.16m). The developer's response references buildings that are not adjoining the site and therefore, irrelevant to determining building heights of the surrounding area. The building is not compatible with the character of the surrounding area when viewed from public spaces and roads.

Response 3:

As noted by the representors, the proposed building height of 23.73m does not meet the acceptable solution. Consequently, it has relied upon the performance criteria which seeks compatibility with the streetscape and character of the surrounding area, having regard to buildings on site and on adjoining or adjacent (ie. nearby) lots and to the bulk and form of existing and proposed buildings. Therefore, the applicant's reliance upon the bulk and height of buildings such as the Verge Hotel, the Albert Hall and the Vertical Retort is relevant. As is the reference to the sense of bulk presented by the concrete wall of the Milledge Land development immediately west of the site. When considering that there are three buildings (one under construction) already around or greater than the proposed height and of significant bulk and scale, it cannot be concluded that the proposed development is incompatible in the streetscape and surrounding area as a result of its height.

Issue 4:

The proposed building will overshadow some 1600m² of the City Park on 21 June. There is no evidence that this will not cause a detriment to people enjoying the Park. It is irrelevant to note that the gasometer once had a solid inner cylinder when discussing future impact.

8.2 90-110 Cimitiere Street, 14 And 18 Willis Street Launceston - Community Meeting and Entertainment; Food Services; Hotel Industry - Construction of Alterations and Additions for a Change of Use for an Art Gallery, Makers' Workshop, Cafe, Bar and Restaurant ...(Cont'd)

Response 4:

The shadow drawings provided indicate that on 21 June the shadow from the proposed development will crest the Cimitiere Street frontage of the Albert Hall in the late morning and early afternoon and by 3.00pm it will be over the public toilets and extend into the Park. As the representors establish, for most of the afternoon, in mid-winter, a shadow of up to 1600m² will pass over the public toilets, some pathways, some lawn and part of the duck pond. When considering overshadowing of private open space, it is considered acceptable to demonstrate that 50% of such space will receive a minimum of three hours sunlight between 9.00am and 3.00pm. In the current case, the shadow from the proposed gallery will have no impact on the Park for the first four hours. The Park, east of the Albert Hall and Prices Hall, has an area of some 48,000m². If no allowance is made for the shadows cast by existing trees and the public toilets, let alone the past shadow of the gasometer, the impact is that some 3.3% of the Park will be shadowed by the gallery for part of the afternoon. It is not reasonable to conclude that such a minor impact may be unreasonably detrimental to members of the public.

Issue 5:

The building bulk and form is not compatible with the historic cultural heritage significance of local heritage places and the surrounding setting of the Gasworks site, City Park and the Albert Hall. The assessment against the performance criteria at E13.6.5 is inadequate and should not be supported.

Response 5:

Planning reports provided by applicants are intended to assist in the understanding of the proposal and do not replace the assessment report prepared by the Council planner. The relevant performance criteria seeks to ensure that the height and bulk of the building is compatible with the historic cultural heritage significance of a place and its setting, having regard to:

- The cultural heritage values of the local heritage place and setting;*
- The character and appearance of the existing building or place;*
- The height and bulk of other buildings in the surrounding area;*
- The historic cultural heritage significance of adjacent places; and*
- The streetscape.*

The cultural heritage value of the site relates to the significant heritage listed buildings of the gas works that are still in place and have been put to alternative uses. The remaining gasometer frame is also one of the significant features of the site and the proposal, particularly given the THC's requirement for more transparent materials, provides a vibrant re-use whilst respecting the original structure. Buildings in the surrounding area are a mix of old and new and most display significant bulk and a range of heights. The height and bulk of the proposed development of the gasometer frame is not considered to be incompatible with the surrounding area featuring the Vertical Retort, the Albert Hall and the Verge Hotel and shorter buildings, still with substantial bulk, such as Milledge Lane, the Alfred Harrap building, the new Centerlink building and the

8.2 90-110 Cimitiere Street, 14 And 18 Willis Street Launceston - Community Meeting and Entertainment; Food Services; Hotel Industry - Construction of Alterations and Additions for a Change of Use for an Art Gallery, Makers' Workshop, Cafe, Bar and Restaurant ...(Cont'd)

Horizontal Retort. This range of buildings is reflected in the streetscape and the proposed gallery will be a positive contribution to this.

Issue 6:

The form and material selection is not complimentary to the local place and setting - the design dominates the gasometer structure and surrounding context.

Response 6:

To an extent the THC has agreed with this issue and has consequently required that a revised plan be provided utilising more transparent materials to ensure that the context of the gasometer frame is not lost. The applicants assert that the proposed flat roof (5° fall) is similar to the original gasometer structure and that the materials selected complement the existing fabric of an industrial site. It is telling that the THC, other than as previously stated, has not had issue with the roof or general material selection.

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

- 8.2 90-110 Cimitiere Street, 14 And 18 Willis Street Launceston - Community Meeting and Entertainment; Food Services; Hotel Industry - Construction of Alterations and Additions for a Change of Use for an Art Gallery, Makers' Workshop, Cafe, Bar and Restaurant ...(Cont'd)**
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BUDGET & FINANCIAL ASPECTS:

Not relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Locality Map - 90-110 Cimitiere Street, Launceston (*electronically distributed*)
 2. Plans to be Endorsed - 90-110 Cimitiere Street, Launceston (*electronically distributed*)
 3. Representations - 90-110 Cimitiere Street, Launceston (*electronically distributed*)
 4. THC Notice of Heritage Decision - - 90-110 Cimitiere Street, Launceston (*electronically distributed*)
 5. TasWater SPAN - 90-110 Cimitiere Street, Launceston (*electronically distributed*)
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8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective)**FILE NO:** DA0402/2019**AUTHOR:** Luke Rogers (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:	Thomas David Gunn
Property:	28 Olive Street, Newstead
Zoning:	General Residential
Receipt Date:	19/08/2019
Validity Date:	20/08/2019
Further Information Request:	26/08/2019
Further Information Received:	28/08/2019
Deemed Approval:	31/10/2019
Representations:	Three

STANDARDS REQUIRING COUNCIL DISCRETION

Planning Directive No. 6 Visitor Accommodation

RECOMMENDATION:

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) at 28 Olive Street, Newstead subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Site Plan, Prepared by T.D.Gunn, Proposed Visitor Accommodation at 28 Olive Street Newstead, Project No. TG001, Drawing No 001, Dated 28/08/2019
 - b. Cover Sheet, Prepared by Louton Design Pty Ltd, Project No. AR303, Drawing No. A00, Dated July 19
-

8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) ... (Cont'd)

- c. Floor Plan, Prepared by Louton Design Pty Ltd, Project No. AR303, Drawing No. A01, Dated July 19
- d. Elevations, Prepared by Louton Design Pty Ltd, Project No. AR303, Drawing No. A02, Dated July 19
- e. Section and Details, Prepared by Louton Design Pty Ltd, Project No. AR303, Drawing No. A03, Dated July 19
- f. Pipework Details, Prepared by Louton Design Pty Ltd, Project No. AR303, Drawing No. A04, Dated July 19

2. LEGAL TITLE

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

3. USE LIMITATION

This permit allows the new habitable building to be used for visitor accommodation; this building cannot be used as a multiple dwelling without further approval by Council. No single visitor can occupy the accommodation for a period longer than three months.

4. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No. 2019/01230-LCC, 28/08/2019 and attached to the permit.

5. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:
Monday to Friday - 7.00am and 6.00pm.
Saturday - 9.00am to 6.00pm.
Sundays and Public Holidays - 10.00am to 6.00pm.

6. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

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

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

8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) ... (Cont'd)

7. DAMAGE TO COUNCIL INFRASTRUCTURE

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

8. SOIL AND WATER MANAGEMENT PLAN

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

9. AMENITY - COMMERCIAL/INDUSTRIAL USE

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

Notes

A. All building and demolition work is to comply with the Building Act 2016 and the National Construction Code

Prior to acting on this permit, the risk category of any building or demolition work must be determined using the Building Control's Determination for Categories of Building and Demolition Work. It is recommended that a licensed building practitioner such as a building surveyor or a building designer or a registered architect be consulted to determine the requirements for any such work under the Building Act 2016.

B. Occupancy Permit Required

Occupancy permit required for new or altered habitable buildings:- Pursuant to section 216 of the Building Act 2016, it is recommended that a licensed building surveyor be consulted to determine if an occupancy permit is required for the building before the building or a part of the building can be, or can continue to be, occupied.

8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) ... (Cont'd)

C. All plumbing work is to comply with the Building Act 2016 and the National Construction Code

Prior to acting on this permit, the risk category of any plumbing work must be determined using the Director of Building Control's Determination for Categories of Plumbing Work. It is recommended that a licensed building practitioner such as a plumbing surveyor or a plumber be consulted to determine the requirements for any such work under the Building Act 2016.

D. General

This permit was issued based on the proposal documents submitted for DA0402/2019. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

E. Restrictive Covenants

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

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

F. Appeal Provisions

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

8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) ... (Cont'd)

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

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

G. Permit Commencement

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

H. Sale of Food and Beverages

If food and/or beverages are to be sold to visitors, including with an inclusive charge for food and accommodation, the Food Act 2003 will apply and the operator must notify the Council prior to operating the food business.

REPORT:

1. THE PROPOSAL

The proposal is for the retrospective approval of the conversion of an outbuilding to a holiday unit for use as visitor accommodation. The alteration of the existing building will consist of internal wall construction and the removal of an external roller door. In addition to the works on the existing building, the proposal also includes the construction of a carpark adjacent to the holiday unit and the construction of a new paling fence. The proposal also includes the construction of three car parking spaces in tandem in the driveway of the existing dwelling. The proposal is not for a multiple dwelling, which would require assessment for private open space, additional parking and other standards. As the proposal is for visitor accommodation, no single occupant can remain in the accommodation for a period of longer than three months, as this would be considered use as a dwelling.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located on the south west side of Olive Street, approximately 110m north of the intersection with Hart Street. The site is regular rectangle in shape with an area of approximately 602m². The surrounding area is comprised of a number of different uses, however, the most common use type is residential single dwellings. There are also multiple dwellings in the area and some visitor accommodation uses in buildings

8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) ... (Cont'd)

previously used as dwellings. The other large uses within 500m of the site are the Launceston Preparatory School and the Newstead Tennis and Squash Centre to the south on Olive Street, Scotch Oakburn College and Newstead College to the north west and north east of the site, Hoblers Bridge Sports Centre to the east of the site and Coles Newstead to the south of the site.

Access to the site is over an existing concrete crossover, directly from Olive Street, and over a right of carriageway over CT 140869/0, which provides access to the rear of the site. The site has a slope of approximately 5%, rising to the rear and south west of the site. The site is fully developed with an existing dwelling and outbuilding with associated landscaping. There is no significant vegetation on the site. The lot is connected to relevant reticulated infrastructure services.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

10.1.1 Zone Purpose Statements

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

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

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

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

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

Consistent

The proposed development is for a visitor accommodation unit that is to the rear of an existing single dwelling. This non-residential use is compatible with residential uses in the surrounding area. Holiday units, such as the one proposed, generally operate in a similar nature to residential uses in terms of impact from noise, traffic generation, movement and other impacts. The proposed use and development will provide additional accommodation for visitors, which is considered to be of service to the community. The proposal is consistent with the purpose of the zone.

8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) ... (Cont'd)

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.
Consistent The proposed use will not cause an 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 The proposal does not include the use of commercial vehicles.

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 The proposal does not include the use of mechanical plant or equipment that will cause loss of amenity to nearby sensitive uses.
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 visitor accommodation unit has air conditioning of residential grade and does not cause noise, odours, fumes or vibrations to be received by nearby sensitive uses.

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 The proposed use will not create light spill or illumination from external lighting that will cause an unreasonable loss of amenity to nearby sensitive uses.
A1 The use must: <ul style="list-style-type: none"> (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.

8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) ... (Cont'd)

Complies
 The proposed use does not include floodlighting and there will be no direct light from external light sources outside the boundaries of the site.

10.4 Development Standards

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.

Consistent
 The proposed car parking locations are convenient for residents and visitors and will not have an unreasonable visual impact on the streetscape.

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.

Complies
 The proposed parking location for the existing dwelling is for tandem parking in the driveway. The parking for the visitor accommodation unit is not within the frontage setback, nor is any turning area in the frontage setback.

Planning Directive No. 6 Visitor Accommodation

Objective: That Visitor Accommodation:
 (a) is compatible with the character and use of the area;
 (b) does not cause an unreasonable loss of residential amenity; and
 (c) does not impact the safety and efficiency of local roads or rights of way.

Consistent
 The visitor accommodation unit proposes is compatible with the character and use of the area. There will not be an unreasonable impact on residential amenity or the safety and efficiency of roads or the right of way.

A1 Visitor Accommodation must:
 (a) accommodate guests in existing and habitable buildings; and
 (b) have a gross floor area of not more than 200m² per lot.

Relies on Performance Criteria
 The proposal will accommodate guest in an existing building of less than 200m², however, the building is not habitable. As such, the proposal relies on performance criteria.

P1 Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:
 (a) the privacy of adjoining properties;
 (b) any likely increase in noise to adjoining properties;
 (c) the scale of the use and its compatibility with the surrounding character and uses

8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) ... (Cont'd)

within the area;

- (d) retaining the primary residential function of an area;
- (e) the impact on the safety and efficiency of the local road network; and
- (f) any impact on the owners and users rights of way.

Complies

The proposed visitor accommodation will be compatible with the character and use of the area and will not cause unreasonable loss of amenity. The proposed visitor accommodation unit will have obscured windows facing other properties and no decks or outdoor areas above ground level are proposed. The proposal is therefore considered to not have any unreasonable impact on the privacy of adjoining uses. There is unlikely to be any unreasonable noise impacts, as holiday units at this scale create a similar or reduced level of noise than would be created by the ongoing use of the site for solely residential purposes.

The proposed development is at a form and scale that is compatible with nearby residential development and will not unreasonably impact on amenity. The visitor accommodation unit is to be within a converted garage at the rear of the site. The development to convert this building to a visitor accommodation unit will not alter the height, bulk, form or siting of the building. Therefore, no additional impact on amenity, such as overshadowing or visual bulk, would be caused and the character of the area will be essentially maintained. The existing residential use on the site will be retained, resulting in the majority of the site being used for residential purposes. The primary function of the area will remain residential.

The proposal includes parking for both the existing dwelling and the visitor accommodation unit. The amount of parking provided exceeds what is required for the use, and there is not expected to be an unreasonable amount of traffic generated by the use. It is noted that access to the parking for the visitor accommodation unit is over a right of way on title C/T 140869/0. There is not expected to be an increase in traffic along this right of way. The building is currently a double garage, and the proposal will result in only one car parking space that will require the use of the right of way. The safety and efficiency of the local road network and the right of way will be maintained.

The character and use of the surrounding area will not be significantly impacted by the conversion of the outbuilding to an accommodation unit.

A2 Visitor Accommodation is not for a lot, as defined in the *Strata Titles Act 1998*, that is part of a strata scheme where another lot within that strata scheme is used for a residential use.

Complies

The site of the proposed visitor accommodation is not a part of a strata scheme and is not a strata lot as defined in the *Strata Titles Act 1998*.

8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) ... (Cont'd)

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

The proposal includes car parking and associated areas that are sufficient to meet the needs of the uses and the development. The accesses will allow for the safe delivery of goods and people to both uses proposed on the site. The parking provided will not adversely impact on the amenity of the locality and are designed to meet appropriate standards.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

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

Consistent

The proposal provides a sufficient amount of car parking to meet the needs of the use and development.

A1 The number of car parking spaces must:

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

Complies

The proposal includes three car parking spaces for the use of the dwelling and one for the use of the visitor accommodation unit. This is 150% of the requirements for a single dwelling and 100% of requirements for visitor accommodation in the zone, as per Table E6.1. As the site is in the General Residential Zone, the excess of parking provided for the dwelling is still compliant with the acceptable solution.

8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) ... (Cont'd)

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective: To ensure that parking areas are constructed to an appropriate standard.
Consistent The parking areas proposed will be constructed to an appropriate standard.
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 parking spaces and accesses will be formed, paved, sealed and drained and a condition has been proposed that would require this. These areas will also be generally level.

E6.6.2 Design and layout of parking areas

Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.
Consistent The parking areas will be designed and laid out to provide parking that is convenient, safe and efficient.
A1.1 Car parking, access ways, manoeuvring and circulation spaces must: (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces; (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2; (c) have parking space dimensions in accordance with the requirements in Table E6.3; (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are three or more car parking spaces; and (e) have a vertical clearance of not less than 2.1m above the parking surface level. A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building. A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more. A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities -

8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) ... (Cont'd)

Off-street parking for people with disabilities.
Complies The proposal does not provide any parking areas that include more than four car parking spaces, as such there is no requirement for the vehicles to enter and exit in a forward direction. The width of access is not being altered by the proposal and remains in accordance with Table E6.2. The parking spaces and the associated manoeuvring areas provided are in accordance with Table E6.3.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Services	Conditional consent provided with recommended conditions.
Environmental Health	Conditional consent provided with recommended conditions.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2019/01230-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

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 31 August to 16 September 2019. Three representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) ... (Cont'd)

<p>Issue 1: The driveway should be sealed as runoff is impacting the adjoining property access strip and right of way.</p>
<p><i>Response 1:</i> A condition has been included to require the sealing of the driveway/parking area for the existing dwelling. This is consistent with the requirements of Clause 6.6.1 of the Car Parking and Sustainable Transport Code in the Launceston Interim Planning Scheme 2015.</p>
<p>Issue 2: The sprinkler system that is going to be installed would cause mess to be left on the neighbouring property and the blocking of access.</p>
<p><i>Response 2:</i> While not directly a planning issue, any development work, and the materials and debris from that work, must be kept within the borders of the site. Permission must be granted to access another property and use of the right of way must not block that access for residents of the neighbouring property.</p>
<p>Issue 3: The owner of the site has not previously cleaned up and should be made to do so in this instance.</p>
<p><i>Response 3:</i> Conditions have been included that require a soil and water management plan to ensure all debris is kept within the boundaries of the site.</p>
<p>Issue 4: The use of the right of way should necessitate the owner of the site to contribute to the upkeep of the right of way.</p>
<p><i>Response 4:</i> The responsibility for maintaining the right of way is not covered under the planning scheme and is a civil matter between the parties.</p>
<p>Issue 5: The assessment should take into account the previous disregard for the requirement for council approvals and the inability to address the requirement for approvals in a timely manner, as well as the disregard for the neighbouring property owners.</p>
<p><i>Response 5:</i> The assessment of the proposal against the relevant sections of the Scheme cannot take into account these issues. The application was taken as retrospective, and corresponding fees were charged, however, this does not prejudice the application and its assessment against the Scheme.</p>
<p>Issue 6: The right of way should be removed and the representor would like to apply to remove it.</p>
<p><i>Response 6:</i> The right of way cannot be removed through the development application process.</p>

8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) ... (Cont'd)

<p>Issue 7: Parking should be provided in the driveway and the front lawn, removing the need to utilise the right of way access.</p>
<p><i>Response 7:</i> <i>The right of way can be legally utilised and parking in the frontage setback has not been included in the application.</i></p>
<p>Issue 8: A gate to the visitor accommodation parking area should be a sliding gate rather than a swing gate so that it doesn't open into the right of way/access strip.</p>
<p><i>Response 8:</i> <i>No gate for the visitor accommodation parking is included in the application.</i></p>
<p>Issue 9: The owner of the site should contribute to the maintenance of boundary fences.</p>
<p><i>Response 9:</i> <i>The responsibility for maintaining the boundary fences is not covered under the planning scheme and is a civil matter between the parties.</i></p>

6. CONCLUSION

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

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.

8.3 28 Olive Street, Newstead - Visitor Accommodation - Change of Use to a Holiday Unit and Construction of Alterations to a Building (Retrospective) ... (Cont'd)

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

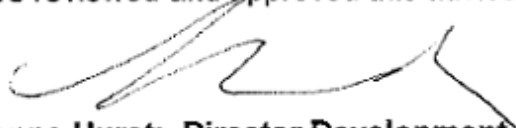
BUDGET & FINANCIAL ASPECTS:

Not relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Locality Map - 28 Olive Street, Newstead (*electronically distributed*)
 2. Plans to be Endorsed - 28 Olive Street, Newstead (*electronically distributed*)
 3. TasWater SPAN - 28 Olive Street, Newstead (*electronically distributed*)
 4. Representations - 28 Olive Street, Newstead (*electronically distributed*)
-

9 ANNOUNCEMENTS BY THE MAYOR

9.1 Mayor's Announcements

FILE NO: SF2375

Thursday 17 October 2019

- Hosted Civic function for Order of Australia recipients at Town Hall
- Attended UTAS function to acknowledge scholarship recipients

Friday 18 October 2019

- Welcomed East Tamar Primary School students to Work Discovery Day
- Attended *Positive Impressions* launch at Street Space, UTAS

Saturday 19 October 2019

- Officiated at the official project opening for New Horizons Club

Wednesday 23 October 2019

- Read a book at *Teddy Bears Picnic*, City Park
- Attended the 2019 Department of Education Student Awards
- Attended the Migrant Resource Centre North Annual General Meeting
- Attended the *EverHim/EverHer* Mental Health Event

Thursday 24 October 2019

- Officiated at the launch of *Sally's Ride 2019*

Friday 25 October 2019

- Attended the *Unite in Yellow* Cancer Council breakfast
- Officiated at the opening night of the Latin American Film Festival

Saturday 26 October 2019

- Officiated at *Kid I Am!* at the Silverdome
- Presented an award at the Tasplan Super 2019 Business Excellence Awards

Sunday 27 October 2019

- Attended the Launceston *E-bike Expo*
-

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

Tuesday 29 October 2019

- Attended the Tasmanian Turf Club Annual General Meeting

Wednesday 30 October 2019

- Officiated at the Launceston History Prize event
-

10 COUNCILLOR'S REPORTS

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

11 QUESTIONS BY COUNCILLORS**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 Councillor'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

No Committee Reports have been identified as part of this Agenda

13 COUNCIL WORKSHOPS**13.1 Council Workshop Report****FILE NO:** SF4401**AUTHOR:** Anthea Rooney (Committee Clerk)**DIRECTOR:** Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RECOMMENDATION:

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

Workshops conducted on 24 and 31 October 2019:

Tasmanian Fire Services Fuel Reduction Program

Councillors were briefed on proposed municipal fuel reduction burns.

Our Place, Our People, Our Stories - City of Launceston Cultural Strategy**Introduction and Discussion**

Councillors received an introduction to the structure and content of the proposed City of Launceston Cultural Strategy.

Strategic Planning Session

Councillors contributed to a strategic planning session for the 2020-2021 Annual Plan and Budget.

2020 Council Meeting and Workshop Schedule

A presentation of the 2020 Council and Workshop Schedule for Councillor discussion.

Access Plan 2020-2024 Review

Councillors were provided with information regarding the City of Launceston Access Plan.

REPORT:

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

13.1 Council Workshop Report ...(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 Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

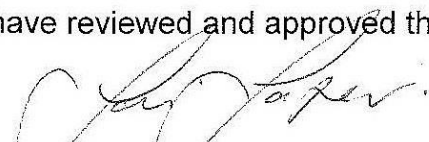
BUDGET & FINANCIAL ASPECTS:

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.



Louise Foster: Director Corporate Services

14 NOTICES OF MOTION

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

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

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

17 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 CORPORATE SERVICES DIRECTORATE ITEMS**19.1 Budget Amendments 2019/2020****FILE NO:** SF7024**AUTHOR:** Paul Gimpl (Chief Financial Officer)**DIRECTOR:** Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider changes to the Council's 2019/2020 Statutory Estimates.

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

RECOMMENDATION:

1. That, by absolute majority, pursuant to section 82 (4) of the *Local Government Act 1993* (Tas) Council approves the following changes to the 2019/2020 Statutory Estimates:
 - (a) Revenue
 - (i) the net increase in revenue from external grants and contributions of \$692,962.
 - (ii) the increase in revenue from operations external grants and contributions of \$139,300
 - (b) Expenses
 - (i) the net increase in operations expenditure of \$248,124.
 - (ii) the increase in operations expenditure from operations external grants and contributions of \$139,300.
 - (c) Capital Works Expenditure
 - (i) the net increase in expenditure from external funds of \$692,962.
 - (ii) the net decrease in Capital expenditure of \$248,124.
 2. That Council notes that amendments from item 1 result in:
 - (a) the operating surplus being amended to \$7,225,248 (including capital grants of \$9,114,362) for 2019/2020.
 - (b) the capital budget being increased to \$28,778,538 for 2019/2020.
-

19.1 Budget Amendments 2019/2020 ...(Cont'd)

REPORT:

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

	Operations \$'000	Capital \$'000
Statutory Budget as at 1/07/2019	3,826	25,379
Adjustments approved by Council on 25 July 2019	2,954	2,954
Balance Previously Advised as at 25 July 2019	6,780	28,333
 <u>Amendments</u>		
Capital to Operations	(1,398)	(1,398)
Operations to Capital	1,150	1,150
External Funds	693	693
Statutory Budget as at 30/09/2019	7,225	28,778
Deduct Capital Grants and Contributions	(9,114)	
Underlying Operating Budget Deficit	(1,889)	

The table summarises all other budget agenda items and includes reconciliations of the budgeted operating result and capital expenditure. Details of the amendments are as follows:

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

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24024	Warring Street Rehabilitation	\$300,000	\$300,000	\$0	\$0
CP23900	Invermay/Lindsay Street Traffic Signals	\$1,551,800	\$1,000,000	\$0	\$551,800
OPM22733	Launceston Traffic Signal Upgrade	\$500,000	\$0	\$1,300,000	\$1,800,000
	Totals	\$2,351,800	\$1,300,000	\$1,300,000	\$2,351,800

The project scope of works:

Launceston Traffic Signal Upgrade (OPM) budget of \$1.3m is now to be funded from City of Launceston. This is achieved by transferring the \$500k R2R funding out and transferring \$300k from Warring Street Rehabilitation (CP) and \$1m from Invermay/Lindsay Traffic Signals (CP).

Warring Street Rehabilitation (CP) will be fully funded from R2R.

Invermay/Lindsay Traffic Signals (CP) has an existing carry forward CoL amount of \$51,800 allocated and will also be funded by \$1.5m from *R2R*.

These changes require us to add an additional \$800k to Council's budget which is sourced from *R2R* funding. To achieve this we have currently budgeted \$1m in funding from *R2R* but our annual allocation is \$1.2m, this allows us to access the remaining \$200k allocation, and a request will be submitted to *R2R* to allow us to bring forward an additional \$600k from the final year of our five-year *R2R* annual allocation.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP23955	Graeme Murphy Exhibition - Capital	\$98,124	\$98,124	\$0	\$0
OP22693	Graeme Murphy Exhibition - Operational	\$40,000	\$0	\$98,124	\$138,124
	Totals	\$138,124	\$98,124	\$98,124	\$138,124

The project scope of works:

To facilitate the return of funds to funding providers and recognise the cancellation of the capital project, the budget has been transferred from capital to operations.

Funds will be returned to funding providers with regards to the terms of grant deeds, after negotiating the liability for costs incurred to date.

The balance of the Graeme Murphy operations budget will be allocated towards other museum priorities, as considered by the Manager of Audience Engagements and Management Team.

Summary Table

Capital to Operations	Operations	Capital
Warring Street Rehabilitation	\$300,000	(\$300,000)
Invermay/Lindsay Street Traffic Signals	\$1,000,000	(\$1,000,000)
Graeme Murphy Exhibition	\$98,124	(\$98,124)
TOTAL	\$1,398,124	(\$1,398,124)

19.1 Budget Amendments 2019/2020 ...(Cont'd)

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

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
OP22525	Built Environment Parking Management	\$149,669	\$50,000	\$0	\$99,669
OP22527	Built Environment Transport Management	\$280,080	\$125,000	\$0	\$155,080
OP22523	Built Environment Road Asset Management	\$408,575	\$125,000	\$0	\$283,575
CP24081	Golconda Rd - Farrellys Road to Tunnell Road Black Spot Project	\$200,000	\$0	\$300,000	\$500,000
	Totals	\$1,038,324	\$300,000	\$300,000	\$1,038,324

The project scope of works:

Due to the ongoing crash history along this section of Golconda Road an application for funding from the Black Spot Program was submitted and has been approved. This requires in kind funding from City of Launceston as detailed in the above table.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
OP22533	Road Services Bridge and Road Maintenance	\$3,413,070	\$220,000	\$0	\$3,193,070
CP24084	Prossers Forest Road Rehabilitation	\$100,000	\$0	\$220,000	\$320,000
	Totals	\$3,513,070	\$220,000	\$220,000	\$3,513,070

The project scope of works:

Prossers Forest Road between Lambert and Blyth Streets requires surface resealing, replacement of the damaged/distorted kerb and footpath replacement. It is proposed that the budget from this project be derived from the existing Kerb and Channel Program and from the Road Services maintenance budget.

19.1 Budget Amendments 2019/2020 ...(Cont'd)

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
OP22352	Built Environment Stormwater Management	\$529,870	\$130,000	\$0	\$399,870
CP24085	West Tamar Highway Stormwater Main Renewal	\$0	\$0	\$130,000	\$130,000
	Totals	\$529,870	\$130,000	\$130,000	\$529,870

The project scope of works:

The stormwater main at 105 West Tamar Highway has been identified as requiring emergency renewal. The budget required for this work will come from the Built Environment Stormwater maintenance budget.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
OPM22733	Launceston Traffic Signal Upgrade	\$1,800,000	\$500,000	\$0	\$1,300,000
CP23900	Invermay/Lindsay Street Traffic Signals	\$551,800	\$0	\$500,000	\$1,051,800
	Totals	\$529,870	\$130,000	\$130,000	\$529,870

The project scope of works:

Launceston Traffic Signal Upgrade (OPM) budget of \$1.3m is now to be funded from City of Launceston. This is achieved by transferring the \$500k R2R funding out and transferring \$300k from Warring Street Rehabilitation (CP) and \$1m from Invermay/Lindsay Traffic Signals (CP).

Warring Street Rehabilitation (CP) will be fully funded from R2R.

Invermay/Lindsay Traffic Signals (CP) has an existing carry forward City of Launceston amount of \$51,800 allocated and will also be funded by \$1.5m from R2R.

These changes require us to add an additional \$800k to Council's budget which is sourced from R2R funding. To achieve this we have currently budgeted \$1m in funding from R2R but our annual allocation is \$1.2m, this allows us to access the remaining \$200k allocation, and a request will be submitted to R2R to allow us to bring forward an additional \$600k from the final year of our five-year R2R annual allocation.

19.1 Budget Amendments 2019/2020 ...(Cont'd)

Summary Table

Operations to Capital	Operations	Capital
Built Environment Parking Management	(\$50,000)	\$50,000
Built Environment Transport Management	(\$125,000)	\$125,000
Built Environment Road Asset Management	(\$125,000)	\$125,000
Prossers Forest Road Rehabilitation	(\$220,000)	\$220,000
West Tamar Highway Stormwater Main Renewal	(\$130,000)	\$130,000
Invermay/Lindsay Street Traffic Signals	(\$500,000)	\$500,000
TOTAL	(\$1,150,000)	\$1,150,000

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

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
G10075.12160	Roads Capital Grants	(\$500,000)	\$240,000	\$0	(\$740,000)
CP24081	Golconda Road - Farrellys Road to Tunnel Road Black Spot Project	\$0	\$0	\$200,000	\$200,000
CP24080	Golconda Road - Near Kempeners Road Black Spot Funding	\$0	\$0	\$40,000	\$40,000
	Totals	(\$500,000)	\$240,000	\$240,000	(\$500,000)

The project scope of works:

Black Spot funding has been approved for road widening and enhanced delineation on Golconda Road between Farrellys Road and Tunnel Road.

The installation of a safety barrier on Golconda Road near Kempeners Road has been approved for Black Spot funding.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP23700	CCTV Network Launceston Flood Monitoring	\$30,000	\$30,000	\$0	\$0
G10048.12160	Other Community Amenities - Capital Grants	(\$10,000)	\$0	\$30,000	\$20,000
	Totals	\$20,000	\$30,000	\$30,000	\$20,000

19.1 Budget Amendments 2019/2020 ...(Cont'd)

The project scope of works:

Installation of five new flood monitoring cameras providing coverage of key monitoring locations on the North Esk and the kanamaluka/Tamar River. The project has been jointly funded by Council and a grant from the State Emergency Service (SES). Cameras have been installed at Home Point, but due to an inability to install equipment on TasNetworks or Department of State Growth Infrastructure, cameras on Henry Street, Johnson's Road and Hoblers Bridge, it has been decided that the remainder of this project be cancelled. Cancellation was decided by all funding partners, with the SES contribution to be returned.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24014	Rocherlea Recreation Ground Facilities Upgrade	\$205,500	\$57,500	\$0	\$148,000
CP24015	Youngtown Oval Facilities Upgrade	\$725,000	\$279,538	\$0	\$445,462
G10066.12160	Capital Grants Sports Facilities	(\$3,934,900)	\$0	\$337,038	(\$3,597,862)
	Totals	(\$3,004,400)	\$337,038	\$337,038	(\$3,004,400)

The project scope of works:

State Government grants that were expected to be received in the 2019/2020 FY, had been received in the 2018/2019 FY. These funds were both accounted for in 2018/2019 FY as received and 2019/2020FY not received and therefore require amendment in the current year.

Both projects received funds under the Levelling the Playing Field State Grant. External Funds Not Received needs to be adjusted from \$67,500 to \$10,000 and \$360,000 to \$80,462 respectively.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
G10067.12565	Capital Contributions Facilities	\$0	\$20,000	\$0	(\$20,000)
CP23883	City Wide Play Space Equipment Renewal	\$155,000	\$0	\$20,000	\$175,000
	Totals	\$155,000	\$20,000	\$20,000	\$155,000

The project scope of works:

Just like Jack Foundation is contributing \$20,000 towards the purchase and installation of the accessible carousel located at Royal Park.

19.1 Budget Amendments 2019/2020 ...(Cont'd)

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
G10075.12160	Roads Capital Grants	(\$1,160,000)	\$800,000	\$0	(\$1,960,000)
CP23900	Invermay/Lindsay Street Traffic Signals	\$1,051,800	\$0	\$500,000	\$1,551,800
CP24024	Warring Street Rehabilitation	\$0	\$0	\$300,000	\$300,000
	Totals	(\$108,200)	\$800,000	\$800,000	(\$108,200)

The project scope of works:

Launceston Traffic Signal Upgrade (OPM) budget of \$1.3m is now to be funded from City of Launceston. This is achieved by transferring the \$500k Roads to Recovery (*R2R*) funding out and transferring \$300k from Warring Street Rehabilitation (CP) and \$1m from Invermay/Lindsay Traffic Signals (CP).

Warring Street Rehabilitation (CP) will be fully funded from *R2R*.

Invermay/Lindsay Traffic Signals (CP) has an existing carry forward City of Launceston amount of \$51,800 allocated and will also be funded by \$1.5m from *R2R*.

These changes require us to add an additional \$800k to Council's budget which is sourced from *R2R* funding. To achieve this we have currently budgeted \$1m in funding from *R2R* but our annual allocation is \$1.2m, this allows us to access the remaining \$200k allocation, and a request will be submitted to *R2R* to allow us to bring forward an additional \$600k from the final year of our five-year *R2R* annual allocation.

Summary Table

External Funding	Operations	Capital
Golconda Road - Farrellys Road to Tunnel Road	(\$200,000)	\$200,000
Golconda Road - Near Kempeners Road	(\$40,000)	\$40,000
CCTV Network Launceston Flood Monitoring	\$30,000	(\$30,000)
Rocherlea Recreation Ground Facilities Upgrade	\$57,500	(\$57,500)
Youngtown Oval Facilities Upgrade	\$279,538	(\$279,538)
City Wide Play Space Equipment Renewal	(\$20,000)	\$20,000
Invermay/Lindsay Traffic Signals	(\$500,000)	\$500,000
Warring Street Rehabilitation	(\$300,000)	\$300,000
TOTAL	(\$692,962)	\$692,962

19.1 Budget Amendments 2019/2020 ...(Cont'd)

1(d) The following items have been affected by external funding changes and affect both the Operations Expense and Revenue budgets.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
G16080.12070	R2R Operations Grant Income	(\$500,000)	\$35,000	\$0	(\$535,000)
OPM22485	Elphin/Lyttleton Vulnerable Road User Project	\$0	\$0	\$35,000	\$35,000
	Totals	(\$500,000)	\$35,000	\$35,000	(\$500,000)

The project scope of works:

The Elphin/Lyttleton project has been approved for a funding grant from the Vulnerable Road User program. This funding is for the construction of a pedestrian refuge on Lyttleton Street and for minor upgrade to the kerb line at the crossing of Elphin Road to enable the correct positioning of the access ramps.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
G16080.12070	Grants Operations Other	(\$535,000)	\$104,300	\$0	(\$639,300)
OPM22824	Claremont Street School Crossing	\$20,000	\$0	\$30,000	\$50,000
OPM22825	Dowling Street Cyclist Protected Left Turn	\$12,000	\$0	\$19,300	\$31,300
OPM22826	Howick Street Bike Lane	\$10,000	\$0	\$25,000	\$35,000
OPM22827	Connaught Crescent Pedestrian Refuge	\$3,000	\$0	\$10,000	\$13,000
OPM22828	Tamar/Cameron Pedestrian Crossing	\$0	\$0	\$20,000	\$20,000
	Totals	(\$490,000)	\$104,300	\$104,300	(\$490,000)

The project scope of works:

The external component of this funding is from the Vulnerable Road User Program with additional funding provided by Council.

19.1 Budget Amendments 2019/2020 ...(Cont'd)

Summary Table

External Funding	Operations Revenue	Operations Expense
Elphin/Lyttleton Vulnerable Road User Project	(\$35,000)	\$35,000
Claremont Street School Crossing	(\$30,000)	\$30,000
Dowling St Cyclist Protected Left Turn	(\$19,300)	\$19,300
Howick Street Bike Lane	(\$25,000)	\$25,000
Connaught Crescent Pedestrian Refuge	(\$10,000)	\$10,000
Tamar/Cameron Pedestrian Crossing	(\$20,000)	\$20,000
TOTAL	(\$139,300)	\$139,300

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 Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

BUDGET & FINANCIAL ASPECTS:

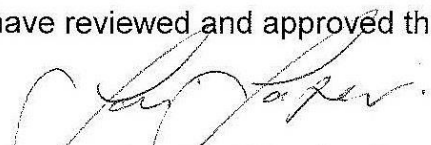
As per the report.

19.1 Budget Amendments 2019/2020 ...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster: Director Corporate Services

19.2 2019/2020 Budget - General Manager's Report on Adjustments 1 July 2019 to 30 September 2019

FILE NO: SF3611

AUTHOR: Paul Gimpl (Chief Financial Officer)

DIRECTOR: Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider adjustments made by the General Manager to the 2019/2020 Budget.

RECOMMENDATION:

That, pursuant to section 82(7) of the *Local Government Act 1993* (Tas), Council receives the General Manager's report on adjustments to the 2019/2020 budget for the period 1 July 2019 to 30 September 2019.

REPORT:

Pursuant to section 82(6) of the *Local Government Act 1993* (Tas), Council has authorised the General Manager to adjust budgets up to \$500,000 so long as the adjustments do not alter revenue, expenditure, borrowings or capital works estimates in total. The Budget Management Policy 12-PI-001 adopted by Council on 13 October 2014 refers.

Section 82(7) of the *Local Government Act 1993* (Tas) requires the General Manager to report any adjustment and an explanation of the adjustment at the first Ordinary Meeting of the Council following the adjustment.

The following capital project adjustments have occurred in the period 1 July 2019 to 30 September 2019:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
23978	Princess Theatre Wireless Communications	\$65,000	\$17,900	\$0	\$47,100
24034	Princess Theatre Orchestra Pit Net	\$27,500	\$27,500	\$0	\$0
23988	Princess Theatre Biobox Upgrade	\$38,500	\$0	\$45,400	\$83,900
	TOTAL	\$131,000	\$45,400	\$45,400	\$131,000

19.2 2019/2020 Budget - General Manager's Report on Adjustments 1 July 2019 to 30 September 2019 ...(Cont'd)

The project scope of works:

Lighting desks for both the Princess Theatre and Earl Arts Centre have been purchased as part of the Biobox Upgrade project which is in addition to the current project budget of \$38,500. These additional items have been funded by delaying the Princess Theatre Orchestra Pit Net project for future year bidding (\$27,500) and by savings in the expenditure on the Wireless Communications Project (\$17,900).

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
23731	LWC Perimeter Fencing	\$342,000	\$200,000	\$0	\$142,000
23571	LWC Organics Processing Facility	\$745,000	\$0	\$200,000	\$945,000
	TOTAL	\$1,087,000	\$200,000	\$200,000	\$1,087,000

The project scope of works:

The Launceston Waste Centre perimeter fence has been completed at less than the anticipated cost and a transfer of the under spend is required to construct a leachate collection system for irrigation at the Organics Processing Facility.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24068	CoL Pump Station Renewal Program	\$40,000	\$40,000	\$0	\$0
24001	Racecourse SWPS Renewal Phase 3	\$220,000	\$0	\$40,000	\$260,000
	TOTAL	\$260,000	\$40,000	\$40,000	\$260,000

The project scope of works:

Additional budget required to supplement the Racecourse SWPS phase 3 renewal is to be sourced from the Pump Station Renewal Program.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24017	Kerb & Channel Program	\$100,000	\$100,000	\$0	\$0
24084	Prossers Forest Road Rehabilitation	\$0	\$0	\$100,000	\$100,000
	TOTAL	\$100,000	\$100,000	\$100,000	\$100,000

19.2 2019/2020 Budget - General Manager's Report on Adjustments 1 July 2019 to 30 September 2019 ...(Cont'd)

The project scope of works:

Prossers Forest Road between Lambert and Blyth Streets requires surface resealing, replacement of the damaged/distorted kerb and footpath replacement. It is proposed that the budget from this project be derived from the existing Kerb and Channel Program budget and the Road Services maintenance budget.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24047	LA Learn to Swim Office Relocation	\$80,000	\$80,000	\$0	\$0
23860	LA Accessibility Change Room Upgrade	\$180,000	\$0	\$80,000	\$260,000
	TOTAL	\$260,000	\$80,000	\$80,000	\$260,000

The project scope of works:

Works undertaken to upgrade the Launceston Aquatic accessibility change rooms and the relocation of the Learn to Swim Office have been undertaken on the one project rather than split across two project codes. This amendment moves the budget to the Launceston Aquatic Accessibility change room upgrade project where all the costs have been allocated.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

19.2 2019/2020 Budget - General Manager's Report on Adjustments 1 July 2019 to 30 September 2019 ...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

BUDGET & FINANCIAL ASPECTS:

As per the report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster: Director Corporate Services

20 GENERAL MANAGER'S DIRECTORATE ITEMS**20.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019****FILE NO:** SF6634**AUTHOR:** Leanne Purchase (Acting Manager Corporate Strategy)**DIRECTOR:** Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider the progress against Council's 2019/2020 Annual Plan Actions for the period ending 30 September 2019 and to consider deferring one action from the 2019/2020 Annual Plan.

PREVIOUS COUNCIL CONSIDERATION:

Council - 25 July 2019 - Agenda Item 19.1 - Annual Plan 2019/2020

RECOMMENDATION:

That Council notes progress against 2019/2020 Annual Plan Actions for the period ending 30 September 2019 and approves the deferral of the action listed with a % Complete as 'Defer':

Strategic Priority 1: We ***Connect with our Community and our Region*** through meaningful engagement, cooperation and representation.

Our interactions with our community are authentic, timely, accurate and open. We want to build strong and productive relationships with our community and regional partners.

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

20.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019 ...(Cont'd)

Action	Directorate	% Complete
Focus Area: To lead the implementation of the GLP via collaborative and constructive relationships with our regional partners.		
Review the GLP to provide an agreed vision and evidence based plan to guide the sustainable development of the GLP area over the medium and longer term horizons, which is supported by all member councils.	General Manager	Not Started
Comment		
It is best to hold off on commencing this project until 2020 to allow time to access and understand the 'big data' which will become available later this year. This data will offer new insights on what is occurring within the region which would significantly benefit the revision process for the GLP. Additionally, there are refinements of the Regional Land Use Strategy currently being considered and it is prudent to await the outcome of these processes. Proposing to commence this project in April 2020.		
Action	Directorate	% Complete
Focus Area: To advocate and collaborate to enhance regionally significant services and infrastructure for the benefit of our communities.		
Develop a framework for delivery of a Regional Recreation Strategy (Regional Sports Plan) in conjunction with sporting clubs, the state government and neighbouring councils.	Infrastructure Services	Not Started
Comment		
The 2019/2020 works are proposed to be undertaken in the second half of the year and consist of scoping the project and reviewing the required data sets. A Recreation Planner position is currently vacant with recruitment to occur in October and November to support the commencement of the project in January 2020.		
Action	Directorate	% Complete
Focus Area: To develop and consistently utilise contemporary and effective community engagement processes.		
Develop the City of Launceston's capacity to deliver consistent, sustainable and more effective community engagement for our stakeholders.	General Manager	40%
Comment		
On track - The Tomorrow Together Community Engagement Program has completed the first two of six themes. Planning has begun for Theme three and four and these will be completed prior to the end of the calendar year. The final two themes will be completed in the first six months of 2020.		

20.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019 ...(Cont'd)

Action	Directorate	% Complete
Focus Area: To develop and consistently utilise contemporary and effective community engagement processes.		
Develop a Community Engagement Policy, Strategy, Framework and Toolkit, as well as to provide training to our identified 'Champions' across the City of Launceston.	General Manager	50%
Comment		
The Community Engagement Strategy is complete and specific 'Champion' training has been undertaken with around 25 identified employees. This continues on an ongoing basis. An updated Community Engagement Policy and Toolkit is yet to be completed.		

Strategic Priority 2: We *Facilitate Prosperity* by seeking out and responding to opportunities for growth and renewal of our regional economy.

We use our influence and resources to deliver the foundations for ongoing economic development. We want Launceston to be the heart of a thriving regional economy.

10-Year Goal: To have realised opportunities that grow and sustain our economy, and foster creative and innovative people and industries.

Action	Directorate	% Complete
Focus Area: To provide an environment that is supportive to business and development within the municipality.		
Cultural Strategy • Complete and commence implementation of a Cultural Strategy for the City of Launceston	Creative Arts and Cultural Services	70%
Comment		
Key next steps: • October 2019: Community engagement completed; • November 2019: Cultural Strategy final draft completed; • December 2019: Proposed Cultural Strategy submitted for adoption.		

Strategic Priority 3: We are a *Progressive Leader* that is accountable to our governance obligations and responsive to our community.

Our decision-making and actions are evidence-based, strategic, transparent and considered. We are ethical, fair and impartial in complying with, and enforcing the law.

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

20.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019 ...(Cont'd)

Action	Directorate	% Complete
Focus Area: To ensure decisions are made on the basis of accurate and relevant information.		
Level of Service Planning Stage 1 • Commence planning to document service levels, review appropriateness of services, and engage with the community around expectations.	Corporate Services	Not Started
Comment		
Intention is to commence in April 2020 once a dedicated project resource is employed.		
Action	Directorate	% Complete
Focus Area: To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains, and adopting technological and other process innovations.		
Organisational Alignment Project • Implement outcomes of the Organisational Alignment Project.	General Manager	45%
Comment		
The Organisational Alignment project is substantially commenced. The Seriously Entertained Change process is nearing completion and we will soon be entering the definite decision component.		
Action	Directorate	% Complete
Focus Area: To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains, and adopting technological and other process innovations.		
Organisational Cultural Development Roadmap • Continue to implement an organisational development program, with a focus on organisational culture, Lean and leadership development.	Corporate Services	25%
Comment		
The Cultural Roadmap contains seven focus areas for improvement including the Organisational Alignment Project (OAP), Cultural Action Planning and Embedding our Values and Behaviours. All of these things have been progressing steadily and simultaneously, with some areas more advanced along the timeline. For example, a recent particular focus has been on investing in our people. This will continue, as will an increased focus on developing our leaders and setting them up to succeed in our revised organisational structure. Through the recent OAP, a number of other opportunities for improvement were identified, and these have been incorporated into the Cultural Roadmap: for example, the need for a greater focus on professional and skill development and more accountable, inclusive and collaborative leadership. Our Cultural Roadmap already included a focus on many of these items, and the OAP feedback has reinforced their importance and helped us to identify areas of priority.		

20.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019 ...(Cont'd)

Action	Directorate	% Complete
Focus Area: To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains, and adopting technological and other process innovations.		
Review organisational Information and Communications Technology (ICT) Strategy.	Corporate Services	Not Started
Comment		
The current strategy is due for review and will commence once the Organisational Alignment Project embeds new resources to support a holistic review.		
Action	Directorate	% Complete
Focus Area: To maintain a financially sustainable organisation.		
Diversifying our Income Streams • Conduct a feasibility study on diversifying income streams for Creative Arts and Cultural Services	Creative Arts and Cultural Services	Defer
Comment		
The action will become part of governance review for Creative Arts and Cultural Services.		
Action	Directorate	% Complete
Focus Area: To provide for the health, safety and welfare of the community.		
Workplace Health and Safety • Review Safety Management System and commence implementation of review findings.	Corporate Services	35%
Comment		
Project is underway and an external consultant has been engaged to support the review.		
Action	Directorate	% Complete
Focus Area: To fairly and equitably discharge our statutory and governance obligations.		
Commence renegotiation of the City of Launceston Enterprise Agreement.	Corporate Services	5%
Comment		
Planning for negotiations will commence in October 2019.		

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

We facilitate our community's sense of place by enhancing local identity. We want people to be proud to say that Launceston is "my city".

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

20.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019 ...(Cont'd)

Action	Directorate	% complete
Focus Area: To promote and enhance Launceston's rich heritage, culture and natural environment.		
Launceston City Heart - Wayfinding and Connectivity Implementation - City Deal Agreement • Implementation of wayfinding treatments in the CBD (Launceston City Heart area).	Infrastructure Services	10%
Comment		
Installation of the CBD wayfinding has commenced and will continue through October to December. The project is on track to complete this year.		
Action	Directorate	% complete
Focus Area: To promote and enhance Launceston's rich heritage, culture and natural environment.		
Launceston Heritage List Review and Precincts • A review of the City of Launceston's local heritage list.	Development Services	40%
Comment		
On track.		
Action	Directorate	% complete
Focus Area: To promote and enhance Launceston's rich heritage, culture and natural environment.		
Collection Audit • As part of the Digital Cultural Experience migrate QVMAG collection information onto new platform.	Creative Arts and Cultural Services	50% (see comments)
Comment		
The Digital Cultural Experience (DCE) is a project run through the Office of the Coordinator-General. The audit of the QVMAG collections is a project of CoL which will generate data. The DCE plans to procure a new platform for receiving migrated data by February 2020. The QVMAG audit pilot project has generated 350 new entries since the beginning of July 2019. The estimate of collection objects held by QVMAG is 1.5 million. The pilot phase is 50% complete and will finish in June 2020. The full audit project will begin in July 2020.		

20.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019 ...(Cont'd)

Action	Directorate	% complete
Focus Area: To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.		
St John Street Redevelopment - City Deal Agreement • Commence the redevelopment of St John Street (Central North and Central South) as part of Stage 1 of the Launceston City Heart Masterplan.	Infrastructure Services	10%
Comment		
Work is nearing completion on the identification of future arrangements for re-locating the bus interchange from St John Street. Once complete, the St John street Redevelopment Plan will be reviewed and refined, with work expected to commence on the re-development next year.		
Action	Directorate	% complete
Focus Area: To support the central business district (CBD) and commercial areas as activity places during day and night.		
Launceston City Heart • Implement Stage 2 Implementation Planning.	Infrastructure Services	Not Started
Comment		
This project will not commence until the review of the St John Street redevelopment has been completed and once the Organisational Alignment Project provides additional resources in the Place Making/Project Management teams.		

Strategic Priority 5: We *Serve and Care* for our Community by providing equitable and efficient services that reflects needs and expectations of our community.

We are invested in our community's long term health, well-being, safety and resilience. We want to be trusted and respected by our community.

10-Year Goal: To offer access to services and spaces for all community members, and to work in partnership with stakeholders to address the needs of vulnerable communities.

Action	Directorate	% complete
Focus Area: To develop and manage infrastructure and resources to protect our community from natural and other hazards.		
Review and implement planning controls to align with 2018 River Flood Study.	Infrastructure Services	5%
Comment		
A draft discussion paper has been prepared which is to be workshopped with Council and key stakeholders over coming months.		

20.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019 ...(Cont'd)

Action	Directorate	% complete
Focus Area: To develop and manage infrastructure and resources to protect our community from natural and other hazards.		
Stormwater Management Plans • Analyse results of hydraulic modelling developed over the past three years to finalise stormwater management plans for key urban catchments.	Infrastructure Services	95%
Comment		
Stormwater Plans are in the final draft stage and intended to be presented to Council for adopting in November 2019.		
Action	Directorate	% complete
Focus Area: To plan for and provide services and facilities that recognise the changing demographics and needs of our community.		
<i>My Place My Future</i> (Northern Suburbs Revitalisation Strategy) • Stage 2 Implementation.	Development Services	10%
Comment		
The <i>My Place My Future</i> Plan was successfully launched in August 2019 with the next stage of this project to be implementation and delivery of the plan.		
Action	Directorate	% complete
Focus Area: To plan for and provide services and facilities that recognise the changing demographics and needs of our community.		
Review Council's Access Action Plan.	Development Services	10%
Comment		
The preliminary planning for the review process has been completed and a Council workshop is planned for 31 October 2019 to progress the review.		
Action	Directorate	% complete
Focus Area: To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community.		
Continue to roll out the <i>ABCDE</i> Learning Sites approach to Mowbray.	Development Services	40%
Comment		
On track.		

20.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019 ...(Cont'd)

Action	Directorate	% complete
Focus Area: To define and communicate our role in promoting social inclusion and equity.		
Develop a Social Inclusion Framework.	Development Services	Not Started
Comment		
Project to be split over 2019/2020 and 2020/2021.		

Strategic Priority 6: We *Protect our Environment* by caring for our unique natural assets and amenity, and sensitively managing future development opportunities.

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

10-Year Goal: To enhance the unique natural character, values, and amenity of our city by minimising the impacts of our organisation's and our community's activities in the environment.

Action	Directorate	% complete
Focus Area: To contribute to air and river quality improvements in Launceston.		
River Health Action Plan - Implementation • The project will include the implementation of the River Health Action Plan (catchment management and combined system improvements, public education and policy development) and management of the sediment raking program (data review, hydrological modelling and community).	Infrastructure Services	25%
Comment		
<ul style="list-style-type: none"> • Council have been working closely with TasWater to develop the implementation plan for the combined drainage works. • The 12 month program delivered by the Council to remove cross connections from separated sewer systems into stormwater in Trevallyn and Riverside is on track. • Significant work has been undertaken on sediment management within the Estuary with communication of the work to the community and key stakeholders to occur in October and November 2019. • Detailed communications plan to be developed for the commencement of combined systems projects that will also outline the expected benefits of the collective River Health Action Plan Actions will be developed in November and December. • Continuation of Tamar Action Grants process, with further rounds of funding for land holders to be released. 		

20.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019 ...(Cont'd)

Action	Directorate	% complete
Focus Area: To reduce our and the community's impact on the natural environment.		
Sustainability Strategy Commence development of a Sustainability Strategy that will: <ul style="list-style-type: none"> Identify actions and strategic projects to improve resource recovery and diversion away from landfill. Outline an energy and greenhouse gas reduction action plan to enable the City of Launceston to reduce its carbon footprint. Identify actions to build community and infrastructure resilience in light of the potential impacts of future climate change. 	Infrastructure Services	40%
Comment		
The Sustainability Strategy was adopted by Council on 3 October 2019. The next stages are completion of a greenhouse gas audit of Council operations and development of a community led action plan.		

Strategic Priority 7: We are a *City Planning for our Future* by ensuring our approach to strategic land-use, development and infrastructure investment is coordinated, progressive, and sustainable.

We play a leading role in balancing the enviable amenity of our municipality with the needs of future development and growth. We want to influence the delivery of the right investment for our City and Region.

10-Year Goal: To facilitate appropriate development via integrated land-use planning, infrastructure investment, and transport solutions within our municipality and region.

Action	Directorate	% complete
Focus Area: To take a strategic approach to development sites and infrastructure investment within the municipality to maximise public benefit and encourage development and investment.		
University of Tasmania (UTAS) Relocation - City Deal Agreement <ul style="list-style-type: none"> Engage with UTAS on the project to relocate to Inveresk to ensure it integrates with the precinct and City in a planned manner. 	General Manager	25%

20.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019 ...(Cont'd)

Comment		
<p>The first development applications for the Library and Student Experience building and bridge to Willis Street have been received and Council Officers are currently working with UTAS in respect to the parking arrangements for the precinct.</p> <p>Key Next Steps:</p> <ul style="list-style-type: none"> • By the end of 2019: Assessment of the development application for the Library and Student Experience building and bridge to Willis Street; • End of 2019: Assessment of the Inveresk precinct Planning Scheme Amendment; • First half of 2020: Construction commences on stage one, the Library and Student Experience building and bridge to Willis Street. 		
Action	Directorate	% complete
Focus Area: To ensure our suite of strategic planning initiatives are coordinated, and representative of our community's needs and aspirations.		
<p>City Deal Agreement</p> <ul style="list-style-type: none"> • Continue to work with the commonwealth and state governments to successfully implement all of the City of Launceston's commitments under the City Deal program to deliver a range of economic and social benefits to the City. 	General Manager	25%
Comment		
<p>Work on Launceston City Deal projects is continuing. The second annual progress report was released in July 2019 which details the progress which has been made. Notably the <i>My Place My Future</i> Plan has now been delivered and this follows the successful delivery of the River Health Action Plan, Greater Launceston Transformation Project and City Heart projects. Work is nearing completion on the Regional Economic Development Strategy (NTDC) and the inaugural Launceston City Cultural Strategy.</p>		
Action	Directorate	% complete
Focus Area: To improve and maintain accessibility, transport options, and infrastructure within the Launceston area, including its rural areas.		
<p>Launceston Transport Strategy</p> <ul style="list-style-type: none"> • Develop a Transport Strategy for the municipality that captures the challenges and opportunities that come with the growth and development across the city, the relocation of UTAS to Inveresk and the trends and technological advances in sustainable transport planning and operation. 	Infrastructure Services	75%

20.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019 ...(Cont'd)

Comment		
The State Government and Northern Councils are collaboratively working on a Transport Vision for the Greater Launceston area. This vision will include an action plan which identifies the primary investigations and/or on-the-ground works which are needed to understand and address the challenges and opportunities which exist throughout the transport network.		
Action	Directorate	% complete
Focus Area: To improve and maintain accessibility, transport options, and infrastructure within the Launceston area, including its rural areas.		
Traffic Signal Project • Upgrade of the city's aging traffic signal infrastructure (owned by State Growth), targeted improvement of intersections, implementation of data capture technology and data analytics, and provide a framework to encourage more sustainability transport options.	Infrastructure Services	25%
Comment		
The first year of the three year project is on track.		
Action	Directorate	% complete
Focus Area: To improve and maintain accessibility, transport options, and infrastructure within the Launceston area, including its rural areas.		
St Leonards Residential Growth Strategy and Masterplan.	Development Services	50%
Comment		
Significant consultation and investigation activity has been completed. Long term financial plan modelling will now be undertaken. Regional transport network impacts will further inform the draft strategy and masterplan.		
Action	Directorate	% complete
Focus Area: To improve and maintain accessibility, transport options, and infrastructure within the Launceston area, including its rural areas.		
South Prospect Residential Growth Strategy and Masterplan.	Development Services	30%
Comment		
In progress.		

20.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019 ...(Cont'd)

Action	Directorate	% complete
Focus Area: To ensure that our application of the land-use planning system at a local and regional level is effective and efficient.		
Launceston Planning Scheme • Finalise the local provisions of the Launceston Planning Scheme for translation to the new state-wide planning scheme framework.	Development Services	75%
Comment		
Local provisions have been endorsed by Council and submitted to the Tasmanian Planning Commission for consideration prior to the formal public advertising process.		

REPORT:

Progress against 2019/2020 Annual Plan Actions for the period ending 30 September 2019 is summarised by the following table:

Action Status	No. of Actions	%
Not Started:	6	19%
In progress:	25	78%
Complete:	0	0%
Recommended for deferral:	1	3%
Total number of Actions:	32	100%

Deferral of actions from the 2019/2020 Annual Plan:

The deliverables in the 2019/2020 Annual Plan have been reviewed and one action has been identified as needing to be deferred. Deferral is recommended due to shifts in organisational priorities and resource constraints. The deferred action is proposed to be delivered in future years.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

20.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019 ...(Cont'd)

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

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.



Louise Foster: Director Corporate Services

20.2 Launceston Flood Authority Annual Report 2018/2019**FILE NO:** SF4493**AUTHOR:** Shane Eberhardt (Director Infrastructure Services)**GENERAL MANAGER:** Michael Stretton (General Manager)

DECISION STATEMENT:

To adopt the Launceston Flood Authority Annual Report for the 2018/2019 financial year.

RECOMMENDATION:

That Council adopts the Launceston Flood Authority Annual Report for the year ended 30 June 2019 (ECM Reference Number 4153199).

REPORT:

The Launceston Flood Authority (LFA) Annual Report for the year ended 30 June 2019 was adopted by the LFA board on 20 August 2019.

The Annual Report provides an overview of the Launceston Flood Authority's operational and financial performance for the 2018/2019 financial year.

ECONOMIC IMPACT:

The economic impact of the work of the Launceston Flood Authority is discussed in the Annual Report.

ENVIRONMENTAL IMPACT:

The environmental impact of the work of the Launceston Flood Authority is discussed in the Annual Report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

3. To ensure decisions are made on the basis of accurate and relevant information.

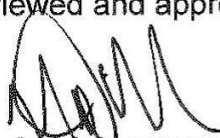
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Michael Stretton: General Manager

ATTACHMENTS:

1. Launceston Flood Authority Annual Report 2019 (*electronically distributed*)

21 URGENT BUSINESS

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

22 CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

That Council moves into Closed Session to consider the following matters:

22.1 Confirmation of the Minutes

Regulation 35(6) of the *Local Government (Meeting Procedures) Regulations 2015* states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

22.2 Launceston CBD Bus Interchange

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

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

22.3 End of Closed Session

To be determined in Closed Council.

23 MEETING CLOSURE

UNCLASSIFIED AGENDA ITEMS:
