



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 26 NOVEMBER 2020
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: 26 November 2020

Time: 1.00pm

Certificate of Qualified Advice

Background

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

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

Certification

I certify that:

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



Michael Stretton
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

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

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

PUBLIC ATTENDANCE AT THE COUNCIL MEETING

To help keep you safe you must register your attendance at the Council Meeting in advance by telephoning 6323 3145 and leaving a message, or emailing us at invitation@launceston.tas.gov.au by 11.00am on the morning of the Council Meeting. A Council Officer will contact you to confirm the details of your attendance.

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

PUBLIC QUESTION TIME - AGENDA ITEM 8

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

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

PUBLIC COMMENT ON AGENDA ITEMS

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

Please note the following important information:

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

Your respectful contribution is welcome and appreciated.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

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

27 August 2020

Mr Michael Stretton
Chief Executive Officer
City of Launceston
P O Box 396
LAUNCESTON TAS 7250

Dear Michael

COUNCIL MEETINGS

In accordance with regulation 4 of the *Local Government (Meeting Procedures) 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 the remainder of 2020:

3 September	17 September	1 October	15 October
29 October	12 November	26 November	10 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 MAYORAL ACKNOWLEDGEMENTS

3 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.)

4 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 12 November 2020 be confirmed as a true and correct record.

5 DEPUTATIONS

No Deputations have been identified as part of this Agenda

6 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions have been identified as part of this Agenda

7 COMMUNITY REPORTS

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

7.1 Festivale 2021 - Mr David Dunn - Chairman

Mr Dunn will outline the event *Indulge* which is to be the replacement event for *Festivale 2021*.

8 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1 Public Questions on Notice

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

(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.)

8.1.1 Public Questions on Notice - Mr Basil Fitch - 12 November 2020**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following questions, submitted to Council in writing on 12 November 2020 by Mr Basil Fitch, have been answered by Mr Michael Stretton (Chief Executive Officer).

Questions:

1. How many meetings did council officers and aldermen (now councillors) have with previous Vice-Chancellor Peter Rathjen and/or the UTas relocation project team and what was the cost, including any in-kind work, of the council (aldermen, councillors, GM/CEO, staff etc) involvement in meetings, advice and assistance to UTas on the relocation project?

Response:

The Council has not kept records of the number of meetings held between Councillors and/or the Council's Officers and the former University of Tasmania Vice-Chancellor, Peter Rathjen. This said, however, I can advise that Professor Rathjen attended a number of Workshops with Councillors and had meetings with the Council's senior staff and/or Councillors at various times during his tenure at the University.

Workshops and/or meetings held with University of Tasmania staff in relation to the Northern Transformation Project have been predominantly held during normal working hours and therefore, the costs have been included in the Council's annual budgets throughout the project.

8.1.1 Public Questions on Notice - Mr Basil Fitch - 12 November 2020 ...(Cont'd)

2. What is the situation with the pedestrian bridge across the North Esk river to Boland St and has it gone way beyond the original development approval? What are the costs so far and what future costs will there be to the council and ratepayers as a result of this bridge development?

Response:

The construction of the pedestrian bridge across the North Esk River to Boland Street is proceeding in accordance with the approved Planning Permit. The bridge is being delivered by the University of Tasmania and will be transferred into the Council's ownership upon its completion. Accordingly, the current construction costs are a matter for the University of Tasmania. The Council will not make a financial contribution towards the construction of the bridge, but will assume depreciation costs once it is transferred as an asset. These costs will be approximately \$50,000 to \$70,000 annually.

ATTACHMENTS:

1. Public Questions on Notice - Mr Basil Fitch - 12 November 2020
-

Attachment 1 - Public Questions on Notice - Mr Basil Fitch - 12 November 2020

QUESTIONS WITHOUT NOTICE FOR LAUNCESTON CITY COUNCIL MEETING 12
NOVEMBER 2020

QUESTIONS FROM BASIL FITCH:

1. How many meetings did council officers and aldermen (now councillors) have with previous Vice-Chancellor Peter Rathjen and/or the UTas relocation project team and what was the cost, including any in-kind work, of the council (aldermen, councillors, GM/CEO, staff etc) involvement in meetings, advice and assistance to UTas on the relocation project?
 2. What is the situation with the pedestrian bridge across the North Esk river to Boland St and has it gone way beyond the original development approval? What are the costs so far and what future costs will there be to the council and ratepayers as a result of this bridge development?
-

8.2 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 9 - Planning Authority.

9 PLANNING AUTHORITY

9.1 25 Duke Street, West Launceston - Residential - Construction of Front Gates (Retrospective)

FILE NO: DA0692/2020

AUTHOR: Laura Small (Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Honed Architecture and Design
Property:	25 Duke Street, West Launceston
Zoning:	General Residential
Receipt Date:	6/10/2020
Validity Date:	19/10/2020
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	30/11/2020
Representations:	22

PREVIOUS COUNCIL CONSIDERATION:

DA0586/2015 - Residential - multiple dwellings; demolition of existing dwelling and construction and use of eight dwellings

STANDARDS REQUIRING COUNCIL DISCRETION

10.4.7 Frontage fences for all dwellings

9.1 25 Duke Street, West Launceston - Residential - Construction of Front Gates (Retrospective) ...(Cont'd)

RECOMMENDATION:

That, 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 DA0692/2020 Residential - Construction of front gates (Retrospective) at 25 Duke Street, West Launceston subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Front Fence Cover Sheet, Prepared by Honed Architecture and Design, Project Name - Private Residences 25 Duke Street West Launceston, Project No. 1915, Drawing No. A-DA-01, Revision A, Dated 06/10/20.
- b. Front Fence Level 1 Plan, Prepared by Honed Architecture and Design, Project Name - Private Residences 25 Duke Street West Launceston, Project No. 1915, Drawing No. A-BA-02, Revision A, Dated 06/10/20.
- c. Front Fence Northern Elevation and Existing Site Photos, Prepared by Honed Architecture and Design, Project Name - Private Residences 25 Duke Street West Launceston, Project No. 1915, Drawing No. A-DA-03, Revision A, Dated 06/10/20.

2. LEGAL TITLE

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

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0692/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

- a. *The 14 day appeal period expires; or*
 - b. *Any appeal to the 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.*
-

9.1 25 Duke Street, West Launceston - Residential - Construction of Front Gates (Retrospective) ...(Cont'd)

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the 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>>

D. Permit Commencement

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

REPORT:**1. THE PROPOSAL**

The proposal is for the retrospective construction of front gates at a multiple dwelling residential development at 25 Duke Street, West Launceston. The multiple dwelling development application was approved by planning permit DA0586/2015 in April 2016. The front gates are setback 2.7m from the primary frontage of Duke Street and 1.95m from the existing frontage fence. The electronic gates have a maximum height of 1.8m above

9.1 25 Duke Street, West Launceston - Residential - Construction of Front Gates (Retrospective) ...(Cont'd)

natural ground level and features the word *DUCHESS* - the name given to the residential development.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Address	25 Duke Street, West Launceston
Zone	10.0 General Residential
Size	2765m ²
Access	Existing, direct vehicle access from Duke Street
Shape	Irregular
Slope	The site has a gradual slope of 11%
Existing structures	Eight multiple dwellings
Connection to services	All services are maintained on site
Surrounding land	10.0 General Residential
Overlays	Nil

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

<p>10.1.1 Zone Purpose Statements</p> <p>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.</p> <p>10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.</p> <p>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.</p> <p>10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.</p> <p>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.</p>
<p>Consistent</p> <p>The proposal is for the construction of a front fence associated with a multiple dwelling development located in an area of mixed character. The residential development approved by DA0586/2015 is consistent with the purpose of the General Residential Zone.</p>

9.1 25 Duke Street, West Launceston - Residential - Construction of Front Gates (Retrospective) ...(Cont'd)

10.4 Development Standards

10.4.7 Frontage fences for all dwellings

Objective:

To control the height and transparency of frontage fences to:

- (a) provide adequate privacy and security for residents; and
- (b) allow the potential for mutual passive surveillance between the road and the dwelling; and
- (c) provide reasonably consistent height and transparency.

Consistent

The proposal is assessed as complying with the objective. The height and transparency of the proposed fence is compatible with fences in the street and provides for the adequate privacy and security for residents.

A1 A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:

- (a) 1.2m if the fence is solid; or
- (b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).

Relies on Performance Criteria

The front fence (gates) are located 2.7m from the frontage and have a maximum height of 1.8m above natural ground level. The design does not provide a uniform transparency of not less than 30% and therefore, the proposal relies on the performance criteria.

P1 A fence (including a free-standing wall) within 4.5m of a frontage must:

- (a) provide for the security and privacy of residents, while allowing for mutual passive surveillance between the road and the dwelling; and
- (b) be compatible with the height and transparency of fences in the street, taking into account the:
 - (i) topography of the site; and
 - (ii) traffic volumes on the adjoining road.

Complies

The proposed front fence (gates) is located 2.7m from the frontage of Duke Street. Although the design provides transparency via cut outs, the level of transparency is not uniform.

A fence (including a free-standing wall) within 4.5m of a frontage must:

- (a) provide for the security and privacy of residents, while allowing for mutual passive surveillance between the road and the dwelling; and*

Passive surveillance provides the opportunity sightlines and views to the street and local neighbourhood from within the home. The height of the proposed fence (gates) in relation to the floor levels of the multiple dwellings allows for clear sight from the dwellings to the road. The fence is of steel construction and features the name of the residential development *DUCHESS* cut out. The cut out areas of the fence provide the opportunity for sightlines and views from the road to the dwellings and vice versa.

9.1 25 Duke Street, West Launceston - Residential - Construction of Front Gates (Retrospective) ...(Cont'd)

- (b) *be compatible with the height and transparency of fences in the street, taking into account the:*
- (i) *topography of the site; and*
 Duke Street slopes up from Connaught Crescent to Neika Avenue. As such, the proposed front fence (gates) sit lower than the existing frontage fence on the site. The fence has a height of 1.8m above natural ground level, compatible with the height of fences in Duke Street.
 - (ii) *traffic volumes on the adjoining road.*
 Duke Street is a residential street in West Launceston. The traffic volumes of Duke Street are not expected to be affected by the height, location or design of the front fence (gates).

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 existing multiple dwelling residential development was assessed against the standards of the Parking and Sustainable Transport Code by DA0586/2015. It was determined that an appropriate level of car parking is provided for the eight townhouses. The proposal is for the construction of a front fence only, the development will not alter the existing car parking numbers or location and will not require an increase in car parking spaces to be provided. The standards of the code are not applicable to the construction of a front fence.

4. REFERRALS

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

9.1 25 Duke Street, West Launceston - Residential - Construction of Front Gates (Retrospective) ...(Cont'd)

REFERRAL	COMMENTS
EXTERNAL	
TasWater	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 24 October to 9 November 2020. One representation was received, with a total of 22 signatures. 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 Gated Community - A gated community is not in keeping with the open and inclusive community atmosphere of the local community and Duke Street in particular. Duke Street is a welcoming and safe community. A gated community implies that the surrounding community is unsafe and not to be trusted. Duke Street residents are affronted by this implication. The implication of a "fortified compound" induces images of rampant crime and a need for protection from theft and violence.</p>
<p><i>Response 1</i> <i>This is not an issue that can be considered by the Launceston Interim Planning Scheme 2015.</i></p>
<p>Issue 2 Gated Community - The concept of a gated community is in conflict with the CoL policies and strategies aimed at developing good neighbourhoods. The CoL Corporate Strategic Plan 2014-2024 states that "We want to influence the right investment for our city and region. We do this by ensuring that future development and growth of our municipality is managed in a way that enriches and protects that which is important to our community". We believe that gated communities are not important or appropriate for our community.</p>
<p><i>Response 2</i> <i>When determining an application for a permit the planning authority cannot take into consideration the City of Launceston Corporate Strategic Plan 2014-2024.</i></p>

9.1 25 Duke Street, West Launceston - Residential - Construction of Front Gates (Retrospective) ...(Cont'd)

<p>Issue 3 Gated Community - The CoL runs the Meet the Neighbour program and proposes the Vision of Launceston as a "Social, fair and inclusive City". The four key themes of this vision are: Strong communities, Supported communities, Connected communities and Thriving communities. The introduction of gated communities into neighbourhoods that are proud of their inclusivity and connection will create satellite communities that are isolated and exclusive.</p>
<p><i>Response 3</i> <i>When determining an application for a permit the planning authority cannot take into consideration the City of Launceston Vision.</i></p>
<p>Issue 4 Gated Community - Because the structure was not included in the original DA, CoL planners and residents were not able to assess and comment on this social aspect of the development. We believe that this feature of the development was introduced by stealth as there was no intention by the developer to present this concept for scrutiny, and as such the application should be refused. Did the council believe it was assessing a strata titled development or a "gated community"?</p>
<p><i>Response 4</i> <i>A gated community is not a term used by the Launceston Interim Planning Scheme 2015. The application is seeking retrospective approval for the construction of a front fence (gates). The construction of a front fence (or free standing wall) within 4.5m of a frontage is assessed at Clause 10.4.7. The previous Development Application approved the construction and use of eight multiple dwellings. The existing front boundary fence was assessed and approved by DA0586/2015.</i></p>
<p>Issue 5 Parking - Residents objected to the original DA on the basis that on-street parking for residents would be an issue. We were told that it would not be a problem because there was adequate parking in the complex for visitor parking. From our own experience we knew this would not eventuate and most visitors would park on the street. The addition of a gate will exacerbate this problem.</p>
<p><i>Response 5</i> <i>No change to the existing number of car parking spaces provided is proposed. The number of visitor parking spaces was assessed and approved by DA0586/2015.</i></p>
<p>Issue 6 Parking - The reconstruction of the street in 2014 has narrowed the carriageway and so extra on-street parking will create a bottleneck and narrow passing distances as seen in nearby Neika Avenue where cars are parked on both sides of the street, creating a narrow single land passage through the street.</p>

9.1 25 Duke Street, West Launceston - Residential - Construction of Front Gates (Retrospective) ...(Cont'd)

Response 6

The traffic volumes and sight distances were assessed against the Road and Railway Assets Code of the Launceston Interim Planning Scheme 2015 for DA0586/2015. The construction of a front fence (gates) is not expected to increase the traffic volumes produced by the residential development. No change to the existing number of car parking spaces provided is proposed.

Issue 7

Parking - the view of the site for visitors entering is one of a narrow drive and blind corners that will discourage confidence in being able to park and turn. This will result in visitors parking on the street rather than taking the chance of parking within the complex. The gate is operated by a keypad on the gatepost, requiring visitors to leave cars to operate the gate and enter the complex. Visitors, particularly casual visitors, are more likely to not bother leaving the car to operate the keypad and will likely park on the street.

Response 7

The gate includes cut out sections to provide the opportunity to see down the driveway. The entry gates are setback 2.7m from the frontage, allowing for cars to progress into the drive and not queue on the street. It cannot be assumed that visitors will prefer to park on the street due to having to operate the keypad.

Issue 8

Rubbish Collection - With respect for on-site rubbish collection, which we believe is a condition of the original approval, will the inclusion of a gate affect the proposed operation of rubbish collection through a skip system?

Response 8

No change to the existing arrangement for on-site rubbish collection is proposed. Waste collection is via a private contractor and is not expected to be impacted by the proposed gates.

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.

9.1 25 Duke Street, West Launceston - Residential - Construction of Front Gates (Retrospective) ...(Cont'd)

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.


BUDGET & FINANCIAL ASPECTS:

Not 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 - General Manager Community and Place Network

ATTACHMENTS:

1. Locality Map - 25 Duke Street, West Launceston (*electronically distributed*)
 2. Plans for Endorsement - 25 Duke Street, West Launceston (*electronically distributed*)
 3. Representations - 25 Duke Street, West Launceston (*electronically distributed*)
-

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation**FILE NO:** DA0485/2020**AUTHOR:** Luke Rogers (Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	6ty Pty Ltd
Property:	29 Talbot Road, South Launceston
Zoning:	General Residential
Receipt Date:	17/08/2020
Validity Date:	25/08/2020
Further Information Request:	25/08/2020
Further Information Received:	25/08/2020
Deemed Approval (extension granted):	26/11/2020
Representations:	10

STANDARDS REQUIRING COUNCIL DISCRETION

10.4.16 Frontage and access

E3.6.1 Development on Land Subject to Risk of Landslip

E7.6.2 Scenic management areas

RECOMMENDATION:

That, 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 DA0485/2020 Subdivision - Subdivide one lot into two lots and removal of vegetation at 29 Talbot Road, South Launceston subject to the following conditions:

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

1. ENDORSED PLANS AND DOCUMENTS

The 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. Proposal Plan, Prepared by 6ty Degrees, Project No. 20.042, Drawing No, P01, Revision D, Dated 18/09/2020.
- b. Planning Compliance Letter, Prepared by 6ty Degrees, Development Application - 2 Lot Subdivision and Vegetation Removal - 29 Talbot Road, South Launceston, Reference No. 20.042, Dated 16/08/2020.
- c. Supplementary Report, Prepared by Tasman Geotechics, Reference: TG18231/1-02 Letter, Dated 07/08/2020.
- d. Landslide Risk Assessment, Prepared by Tasman Geotechics, Reference: TG18231/1-01 Report, Dated 15/01/2020.

2. FINAL PLAN OF SURVEY

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

3. LEGAL TITLE

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

4. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2020/01270-LCC, 28/09/2020 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. COVENANTS ON SUBDIVISIONS

Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit unless:

- a. such covenants or controls are expressly authorised by the terms of this permit; or
 - b. such covenants or similar controls are expressly authorised by the consent in writing of the Council.
 - c. such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to the Council for sealing.
-

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

7. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

9. APPLICATION TO ALTER A STORMWATER SERVICE

To have an existing service connection physically removed/relocated/alterred, or to have a new connection installed, an application must be made using the Council's eServices web portal or on the approved form and accompanied by the prescribed fee. All work must be carried out by a suitably experienced contractor and in accordance with the Council's standards. All costs associated with these contractors are to be borne by the applicant.

10. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

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

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

11. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)

No works to install, removal or modify a vehicular crossing, are to be undertaken without the issue of a Vehicular Crossing Permit for the works. Modification of a vehicular crossing includes any widening of the kerb layback or the driveway apron, in any form whatsoever.

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

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

12. SOIL AND WATER MANAGEMENT PLAN

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

13. RETICULATED SERVICES

Prior to the sealing of the final plan of survey, Lot 1 as shown on the endorsed plans must be provided with connections to the reticulated water, sewerage and stormwater networks. The stormwater connection must be located so as to drain the lowest part of the lot possible.

14. CONSTRUCTION DOCUMENTATION

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

- a. an *as constructed* plan in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from the Infrastructure and Assets Network.
-

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

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

15. EASEMENTS

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

16. AS CONSTRUCTED PLANS

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

17. AMENITY

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

18. NO BURNING OF WASTE

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

19. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

Prior to the sealing of the Final Plan of Survey, the developer must pay to the Council a sum equivalent to 5% of the unimproved value of Lot 1 shown on the final plan. The valuation shall be determined by a registered land valuer and must be not more than 12 months old at the time of the sealing of the final plan. Valuations are to be procured at the subdivider's expense.

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0485/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

- a. The 14 day appeal period expires; or*
- b. Any appeal to the 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.*

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the 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>>

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

D. Permit Commencement

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

REPORT:

1. THE PROPOSAL

The proposal is for the subdivision of an existing residential lot into a smaller single residential lot and a balance lot for future subdivision or development. The proposed subdivision will result in Lot 1 having an area of 596m² and will have a frontage to Talbot Road of approximately 13m. The lot will be an irregular shape, which is generally rectangular, albeit with a deviating southern side boundary and a wider rear boundary than frontage. The lot will be connected to reticulated water at the frontage to Talbot Road and will be provided with connections to the reticulated sewer and stormwater systems towards the rear of the lot along an easement.

The proposed Lot 1 will be provided with access to Talbot Road via a new double crossover to that road. The balance lot will have an area 2,329m² and will have frontage to Junction Street of approximately 38.7m. The balance land will be an irregular quadrilateral in shape. The proposed balance lot has the ability to be connected to reticulated services and to be provided vehicular access to allow future subdivision or other development of the land. These future connections are not proposed to be constructed in association with the subdivision and sealing of Lot 1. The proposal also includes the removal of vegetation, including two trees and a number of shrubs and bushes in five distinct areas.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Address	29 Talbot Road, South Launceston
Zone	10.0 General Residential
Size	2,925m ²
Access	Proposed direct access from Talbot Road
Shape	Irregular
Slope	Approximately 25% falling to the north east
Existing structures	Vacant
Connection to services	All services are maintained on site

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

Surrounding land	10.0 General Residential surrounding the site 12.0 Low Density Residential further to the south and south east 19.0 Open Space further to the north east and south east 28.0 Utilities to the west along Talbot Road
Overlays	E3.0 Landslide Code E7.0 Scenic Management Code - Central Hills Precinct Code

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

<p>10.1.1 Zone Purpose Statements</p> <p>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.</p> <p>10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.</p> <p>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.</p> <p>10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.</p> <p>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.</p>
<p>Consistent</p> <p>The proposed development is to subdivide an existing lot to create a residential lot fronting Talbot Road and a larger area of balance land that fronts Junction Street. The lot fronting Talbot Road will be fully prepared for a single dwelling development in keeping with the other dwellings fronting that road. The balance lot will allow for a range of future developments that are likely to be determined at a later date. The proposal therefore allows for future development of a range of dwelling types at a range of suburban densities in an area where full infrastructure services are provided. The proposal does not establish or encourage any non-residential use. The proposed lot layout will respect the existing character of dwellings along Talbot Road and allow for future development of the balance lot to Roman Court in a way that is also consistent with the character of the surrounding area. The proposed lot will allow for future development that has solar access and can integrate into the urban landscape. There is developed transport networks in the area that the future users of proposed lot will be able to utilise. The balance land will be assessed under a future application.</p> <p>The proposed development is considered to be consistent with the purpose of the code.</p>

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

10.4 Development Standards

10.4.15 Lot size and dimensions

Objective: To ensure the area and dimensions of lots are appropriate for the intended use of the lots.
Consistent The proposed area and dimensions of the proposed Lot 1 and the balance lot are appropriate for the intended use of those lots.
A1.1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have a minimum area of no less than 500m ² ; and (b) be able to contain a rectangle measuring 10m by 15m; or A1.2 Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or (b) be required for the provision of public utilities; or (c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.
Complies The proposed Lot 1 will have an area of 596m ² and is capable of containing a rectangle of 10m by 15m. The balance lot has an area of 2,329m ² and is also capable of containing a rectangle of 10m by 15m. The proposal complies.

10.4.16 Frontage and access

Objective: To ensure that lots provide: (a) appropriate frontage to a road; and (b) safe and appropriate access suitable for the intended use.
Consistent The proposed lot and balance land each have appropriate frontage to a road and are able to provide safe and appropriate access which is suitable for the intended use.
A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 3.6m.
Complies The proposed Lot 1 has frontage to Talbot Road, a Council maintained road, of approximately 13m. The balance lot has frontage to Junction Street of approximately 38.7m. The section of Junction Street to which the balance land has frontage is maintained by the Council. The proposal complies.
A2 No acceptable solution.
Relies on Performance Criteria The lack of an acceptable solution requires reliance on performance criteria.

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

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

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

Complies

The proposed Lot 1 will be provided with vehicular access to the lot via a crossover direct to Talbot Road. The balance land is capable of being provided with reasonable vehicular access to Junction Street when developed into the future.

The site is relatively steep, with an average slope of approximately 25% falling from the Talbot Road frontage to the north east and frontage with Junction Street. Lot 1 has an average slope of approximately 22%, with the front section nearest to Talbot Road being more level and the rear of the lot falling away more sharply. The proposed lot does not have a building envelope or building area proposed. The logical building area is the area closest to the frontage to Talbot Road. The lot is approximately 2.3m from the carriageway, the width of the footpath.

The road is a sub-arterial road with a relatively significant level of traffic for a residential area. Talbot Road, in the location of the site, has a single lane in each direction that are split by a retaining wall. As such, vehicles can only perform a left hand turn into and out of the site. The speed limit of Talbot Road is 60km/h. The area generally has a residential character, with most lots being provided access directly to a council maintained road. The proposed development will be consistent with that character. The application was referred to the road authority and no objections were raised.

The balance land is not provided with a crossover to Junction Street. This lot is considered balance land and is not proposed to be developed for the purposes of this application. The lot is capable of providing vehicular access to Junction Street. This would require significant earthworks, due to the vertical distance between the lot and the carriageway. The size of the lot is such that earthworks and driveways to this scale would be able to be provided. This will be assessed through a development application for any future development. The proposal is deemed to comply.

10.4.17 Discharge of stormwater

Objective:

To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

<p>Consistent The proposed lot and balance land layout will allow stormwater to be satisfactorily drained and discharged.</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.</p>
<p>Complies The proposed Lot 1 is provided with a connection to the public stormwater system in the south-eastern corner of the lot. The balance lot will be capable of being connected to the public stormwater system as part of a future development. This connection can be provided to the public stormwater infrastructure that runs along the southern boundary of the balance land and through the south-western corner. The proposal complies.</p>
<p>A2 The Council's General Manager has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.</p>
<p>Complies Advice was provided on 25 August 2020 by the General Manager Infrastructure and Assets Network, under delegation by the Chief Executive Officer, noted that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision. The proposal complies.</p>

10.4.18 Water and sewerage services

<p>Objective: To ensure each lot provides for appropriate water supply and wastewater disposal.</p>
<p>Consistent The proposed lot and balance land will provide for appropriate water supply and waste water disposal.</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.</p>
<p>Complies The proposed Lot 1 is provided with a connection to the reticulated water supply along the frontage to Talbot Road. The balance land is shown with a future connection to the reticulated water supply along the frontage to Junction Street. This connection will not be completed in association with the development of Lot 1 but will be completed at a later stage when the balance land is developed. The proposal complies.</p>
<p>A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.</p>
<p>Complies The proposed Lot 1 is provided with a connection to the reticulated sewerage system along the eastern and rear boundary of that lot. The balance land has shown with a future connection to the reticulated sewerage system along the frontage to Junction Street. This connection will not be completed in association with the development of Lot 1 but will be completed at a later stage when the balance land is developed. The proposal complies.</p>

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

E3.0 Landslide Code

E3.1 The purpose of this provision is to:

- (a) ensure that use and development subject to risk from landslide is appropriately located and managed; and
- (b) ensure that use and development does not cause, or have potential to cause an increased risk of landslide.

Consistent

The proposed development is appropriately located and designed to manage the risk of landslide and to avoid the risk of damage to human life, land, property and public infrastructure.

E3.6 Development Standards

E3.6.1 Development on Land Subject to Risk of Landslip

Objective:

To ensure that development is located and constructed to manage landslide risk through suitable measures to avoid the risk of injury to, or loss of human life, or damage to land, property and public infrastructure.

Consistent

The proposed development is appropriately located and designed to manage the risk of landslide and to avoid the risk of damage to human life, land, property and public infrastructure.

A1 No acceptable solution.

Relies on Performance Criteria

The lack of an acceptable solution requires reliance on performance criteria.

P1 Human life, land, property and public infrastructure is protected from landslide risk, having regard to:

- (a) the level of risk identified in a landslide risk management assessment;
- (b) any declaration of a landslip area under Part 9A of the *Mineral Resources Development Act 1995*;
- (c) measures proposed to mitigate the risk;
- (d) the nature, degree, practicality and obligation for any management activities to mitigate the risk;
- (e) the need for and permanency of any on-site or off-site maintenance arrangements;
- (f) the responsibility for and the permanency of any on-site or off-site maintenance arrangements;
- (g) impacts on public infrastructure; and
- (h) the impact of any mitigation works on the character of the area.

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

Complies

The proposal is subject to a landslide risk assessment and addendum letter by Tasman Geotechnics, which identified potential risks of development on the site. The entirety of the site is located within a medium risk hazard band on the Landslide Planning Map and the balance land portion of the site is covered by a Class 4 Hazard Area. In order to manage the risk to life, land, property and public infrastructure, recommendations have been provided within the Geotechnical Report to mitigate any potential risks posed by future development on the lots. The proposed subdivision is in keeping with the recommendations that were included in the Geotechnical Report, as was outlined in the addendum letter provided. Any future development on either Lot 1 or the balance lot would be assessed against the provisions of the code when that development was proposed. The proposal is deemed to comply.

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 proposed development will not impact on the safety and efficiency of the road or rail networks. The proposal will not cause conflicts with the any future residential uses on the site and the road or rail networks.

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 proposed access to Lot 1 will not reduce the safety and efficiency of Talbot Road or the surrounding road network.

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

Complies

The proposed access to Talbot Road, which has a speed limit of 60km/h, will provide both entry and exit from Lot 1. The proposal complies.

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

Objective:

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

Consistent

The proposed access to Lot 1 provides sufficient sight distance between vehicles to enable safe movement of traffic on Talbot Road and in the surrounding road network.

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

<p>A1 Sight distances at:</p> <ul style="list-style-type: none"> (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.
<p>Complies</p> <p>The proposed access to the site provides approximately 110m of sight distance along Talbot Road to the north, in keeping with Table E4.6.4 for a 60km/h road. The south bound and north bound lanes of Talbot Road are separated vertically and by a retaining wall which ensure that no right turn into or out of the site is possible. As such, the sight distance to the south is not applicable. The proposal complies.</p>

E6.0 Parking and Sustainable Transport Code

<p>E6.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (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.
<p>Consistent</p> <p>The proposed subdivision does not include any use or development that requires parking facilities. As such, none have been provided. The proposed lot is connected to the cycling, walking and public transport networks and future development on the site will be able to make use of these networks. The access provided will allow for the future safe delivery of people and foods. The proposed access will meet appropriate standards. The parking required for future use and development on the lots will be assessed against the code at such a time when a proposal is made. The proposed subdivision is consistent with the purpose of the code.</p>

E7.0 Scenic Management Code

<p>E7.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (a) ensure that siting and design of development protects and complements the visual amenity of scenic road corridors; and (b) ensure that siting and design of development in scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape; and (c) ensure that vegetation is managed for its contribution to the scenic landscape.
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9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

Consistent

The proposed development will have minimal impact on, and therefore protect, the visual amenity of scenic road corridors. The proposed subdivision will be unobtrusive in the locality. The physical development proposed is limited to connections to reticulated services, an access to Talbot Road and the removal of minor vegetation. The visual amenity of the locality and landscape will be maintained to allow contribution to the scenic landscape.

E7.6 Development Standards

E7.6.2 Scenic management areas

Objective:

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

Consistent

The siting and design of the development will have a minimal impact on character and is not considered to be obtrusive to the landscape.

A3 Subdivision is in accordance with a specific area plan.

Relies on Performance Criteria

The proposed subdivision is not in accordance with a specific area plan. As such, the proposal relies on performance criteria.

P3 Subdivision must have regard to:

- (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3;
- (b) the size, shape and orientation of the lot;
- (c) the density of potential development on lots created;
- (d) the need for the clearance or retention of vegetation;
- (e) the need to retain existing vegetation;
- (f) the requirements for any hazard management;
- (g) the need for infrastructure services;
- (h) the specific requirements of the subdivision;
- (i) the extent of works required for roads or to gain access to sites, including any cut and fill;
- (j) the physical characteristics of the site and locality;
- (k) the existing landscape character;
- (l) the scenic qualities of the site; and
- (m) any agreement under section 71 of the Act affecting the land.

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

Complies

The site of the proposed subdivision is within the Central Hills Precinct. The character statement and objectives of the area relate to residential development blending into the landscape and that vegetation be maintained and managed. Further densification is encouraged in the precinct where the densification still allows for development patterns to be maintained and vegetation to be retained. The proposed subdivision will not affect this character as the subdivision will create a lot that will be in keeping with the character of smaller lots fronting Talbot Road and will allow for future development and planting of vegetation on the lot. The balance lot is retained for future development and allows for a range of different densities if desired. The proposal will not break up significant bands of vegetation or result in a significant reduction to the vegetated and treed nature of the hillface.

The proposed Lot 1 is of a size, shape and orientation that is appropriate for a scenic management area. The proposed lot will be larger than nearby lots, such as at 31, 33, 35 and 22 Talbot Road. The lot is not sufficiently sized for a multiple dwelling development. Therefore, it will likely contain a single dwelling within the range of densities existing and that can meet the scenic management requirements of the area. The balance land will be subject to future assessment and could result in a number of outcomes, including further subdivision, a single dwelling or multiple dwellings. There is no indication at this stage as to the form that future development on the balance lot will take. The proposal includes the removal of some vegetation on the site, this includes two small trees and some bushes/shrubs. None of this vegetation is considered to be sufficiently sized, or sufficiently dense, to be significant to the scenic landscape. This vegetation is removed to facilitate future development of lot 1, which will require revegetation at that stage. In addition, there is ample space within the balance lot for further planting of vegetation and an improved scenic quality when future development is to take place.

The site of the proposed development is identified as being within a potential landslip area. As such, the proposal was supported by a geotechnical report that addresses this potential hazard. The potential for risk of landslip can be appropriately managed without causing scenic impacts. The proposed Lot 1 will be connected to infrastructure services, and will not require any significant works or development in order for those connections to be made. Lot 1 will have an access to Talbot Road, which will require only minimal additional work for the creation of a crossover for that lot. The site is located on the eastern side of the scenic management area, with the site falling from the ridgeline at Talbot Road. The scenic qualities of the site are limited, with the majority of the site being grassed and open. This can be maintained prior to future development and enhanced in the process of developing Lot 1, and then the balance land into the future. The proposed subdivision is considered to be in keeping with the scenic management requirements of the area. The proposal is deemed to comply.

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

E10.0 Open Space Code

E10.1 The purpose of this provision is to:

- (a) Ensure that the location and area of land required for public open space in subdivisions meets the reasonable ongoing needs of the community.

Consistent

A determination has been made that no land is required for public open space and that instead a payment in lieu is appropriate as per the provision of the *Local Government (Building and Miscellaneous Provisions) Act 1993*. As such, the proposal is exempt for assessment against the code.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	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 2020/01270-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 29 August to 14 September 2020. Ten 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.

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

<p>Issue 1 The proposal focuses on Lot 1, however, there will also be impacts to Lot 2 that will need to be taken into account.</p>
<p><i>Response 1</i> The proposal is to subdivide one lot into two lots, being Lot 1 and a balance lot. The balance lot is to be the focus of a future development application. The current lot is not connected to reticulated infrastructure or the road network. The proposal would result in a single lot that is connected to relevant infrastructure and is ready for development. The balance lot would be unchanged in that it is a lot that continues the existing characteristics of an undeveloped lot that is not serviced. While the balance lot is considered in the application it is not the focus, as it is not proposed to be connected and serviced for future development.</p>
<p>Issue 2 The proposal will cut the balance lot off from Talbot Road, requiring any future development to gain access from Junction Street. This will put pressure on this street.</p>
<p><i>Response 2</i> The access to the lots was assessed against Clause 10.4.16 of the Scheme and was deemed to comply. The existing lot has frontage to Junction Street and can apply for access to that street. The proposal would retain the frontage to Junction Street and the ability to apply for access and a vehicular crossover remains unchanged. Advice has been provided by the Road Authority that there are no traffic capacity issues on Junction Street and that traffic from future development could be accommodated by that street.</p>
<p>Issue 3 The stormwater capacity is not demonstrated to be sufficient for the potential development of the lots.</p>
<p><i>Response 3</i> The stormwater impact of the development was assessed against Clause 10.4.17 and was deemed to comply. Advice was provided by the General Manager Infrastructure and Assets Network, under delegation from the Chief Executive Officer, that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.</p>
<p>Issue 4 Clause 10.4.18 states that each lot must be connected to a reticulated sewerage system, the balance lot is not provided with a connection.</p>
<p><i>Response 4</i> The water and sewer connections were assessed against Clause 10.4.18 and were deemed to comply. The balance lot is not currently connected to reticulated services and this is unchanged by the proposal. The connections to Lot 1 allow for development of that lot. For future development of the balance lot, connections would be required.</p>

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

<p>Issue 5 The proposal states that Lot 1 can generate nine trips per day but does not address the impact of potential trips generated by Lot 2, the balance lot. There is also no access proposed to the balance lot, which does not comply.</p>
<p><i>Response 5</i> <i>The proposal does not propose any use, as such there are no daily vehicle movements generated by the proposal. Future use and development would be assessed for vehicle movements and impacts at a time when that use and development was proposed. The balance lot does not currently have any access, and that is unchanged by the proposal.</i></p>
<p>Issue 6 The proposal does not address the parking and sustainable transport code - Code E6.</p>
<p><i>Response 6</i> <i>An assessment was provided against the purpose of the parking and sustainable transport code and was deemed to be consistent with that purpose. As the proposal does not include any use or the development of any parking areas, the standards of the code individually do not apply.</i></p>
<p>Issue 7 If vegetation is removed this would result in muddy run off and additional stormwater impacts to properties on Junction Street and Roman Court. There would be additional scenic impacts.</p>
<p><i>Response 7</i> <i>The impact of the removal of vegetation was assessed against the clauses of Code E7.0 Scenic Management Code. The removal of some trees and bushes high on the site is not considered to create significant changes to stormwater runoff.</i></p>
<p>Issue 8 The proposal will create additional landslide risk due to tree removal and lack of reticulated infrastructure provision.</p>
<p><i>Response 8</i> <i>The impact of the proposal on the risk of landslide was assessed against the provisions of Code E3.0 Landslide Code and was deemed to comply. The proposed tree removal is minor and has been assessed by geotechnical engineers. The continued lack of servicing of the balance lot will not impact the risk of landslide.</i></p>
<p>Issue 9 The future development of the balance land will impact Junction Street, as it currently has issues with steep driveways, lack of pedestrian footpaths, lack of parking, lack of bin collection space, traffic and overall safety.</p>
<p><i>Response 9</i> <i>The proposal does not include any use or development on the balance lot, as such, no impacts on Junction Street can be assessed. Any future development will be assessed at such a time as it is proposed. Existing issues cannot be addressed through the development assessment process.</i></p>

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

9.2 29 Talbot Road, South Launceston - Subdivide One Lot Into Two Lots and Removal of Vegetation ...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst - General Manager Community and Place Network

ATTACHMENTS:

1. Locality Map - 29 Talbot Road, South Launceston (*electronically distributed*)
 2. Plans to be Endorsed - 29 Talbot Road, South Launceston (*electronically distributed*)
 3. TasWater SPAN - 29 Talbot Road, South Launceston (*electronically distributed*)
 4. Representations - 29 Talbot Road, South Launceston (*electronically distributed*)
 5. Response to Representations - 29 Talbot Road, South Launceston (*electronically distributed*)
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9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover**FILE NO:** DA0706/2020**AUTHOR:** Maria Chledowska (Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Prime Design
Property:	30 Lanoma Street, East Launceston
Zoning:	General Residential
Receipt Date:	12/10/2020
Validity Date:	15/10/2020
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	26/11/2020
Representations:	Four

PREVIOUS COUNCIL CONSIDERATION:

DA0499/2020 - Residential - construction of alterations and additions to a dwelling and construction of an outbuilding and a second driveway (withdrawn)

STANDARDS REQUIRING COUNCIL DISCRETION

10.4.12 Earthworks and retaining walls
10.4.2 Setbacks and building envelope for all dwellings
E4.6.2 Road accesses and junctions
E4.6.4 Sight distance at accesses, junctions and level crossings

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 DA0706/2020 Residential - construction of alterations and additions to a dwelling and install a second crossover at 30 Lanoma Street, East Launceston subject to the following conditions:

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

1. ENDORSED PLANS

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

- a. Site Plan, prepared by Prime Design, Project/Drawing No: PD19316-01, Revision 09, Dated 06/10/20.
- b. Landscaping Plan, prepared by Prime Design, Project/Drawing No: PD19316-02, Revision 09, Dated 06/10/20.
- c. Locality Plan, prepared by Prime Design, Project/Drawing No: PD19316-03, Revision 09, Dated 06/10/20.
- d. Ground Floor Plan, prepared by Prime Design, Project/Drawing No: PD19316-04, Revision 09, Dated 06/10/20.
- e. Shed Floor Plan, prepared by Prime Design, Project/Drawing No: PD19316-05, Revision 09, Dated 06/10/20.
- f. Elevations, prepared by Prime Design, Project/Drawing No: PD19316-06, Revision 09, Dated 06/10/20.
- g. Elevations, prepared by Prime Design, Project/Drawing No: PD19316-07, Revision 09, Dated 06/10/20.

2. LEGAL TITLE

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

3. 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

4. SITE LANDSCAPING

The landscaping must be:

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

5. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

6. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

7. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)

No works to install, removal or modify a vehicular crossing, are to be undertaken without the issue of a Vehicular Crossing Permit for the works. Modification of a vehicular crossing includes any widening of the kerb layback or the driveway apron, in any form whatsoever.

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

The new driveway crossover and kerb and channel must be constructed from bluestone, in accordance with *LGAT/IPWEA Tasmanian Standard Drawing - TSD-R19-v2 - Bluestone Kerbs and Channels Construction Details*, in order to match the existing infrastructure in Lanoma Street.

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

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

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. CONSTRUCTION OF RETAINING WALLS

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

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0706/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

- a. The 14 day appeal period expires; or*
- b. Any appeal to the 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.*

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

B. Restrictive Covenants

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

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

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

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

REPORT:**1. THE PROPOSAL**

The proposal is for the construction of an extension to the rear of the existing dwelling and a second driveway. Attached to the south-western side of the dwelling is a swimming pool with a breezeway and a new deck at the upper floor level. An outdoor barbeque/garden area is to the south of the swimming pool on the ground level. Further to the south-west is a living area with a bathroom and toilet, two bedrooms with walk-in wardrobes and a sitting area at the upper floor. A garage and workshop area are proposed under the bedrooms.

Associated with the alterations and additions to the dwelling are earthworks, retaining walls and a second access off Lanoma Street. The retaining walls are proposed along the sides and rear boundaries with various heights and distances from the boundaries. Landscaping is proposed between the retaining walls and the site boundaries.

The retaining wall on the north-western boundary, a temporary second access and driveway have been constructed for the current development on the existing dwelling. No planning permit is required for these works. Under the building legislation, these works are medium risk works (notifiable works) that are carried out by a licensed builder with

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

regulatory oversight by a building surveyor. Council is notified that the work is taking place but does not need to give approval.

Note: A previous application for redevelopment of the site was withdrawn as a result of the objections from neighbours. This current application was submitted with revised plans removing a large outbuilding and increasing the rear setback of the extension to 4m.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Address	30 Lanoma Street, East Launceston
Zone	General Residential
Size	1040m ²
Access	Existing via Lanoma Street
Shape	Irregular rectangular lot
Slope	Slopes downwards north west
Existing structures	Single dwelling
Vegetation	Planted residential
Connection to services	Connected to all reticulated services
Surrounding land	Predominantly single dwellings
Overlays	Nil

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

<p>10.1.1 Zone Purpose Statements</p> <p>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.</p> <p>10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.</p> <p>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.</p> <p>10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.</p> <p>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.</p>
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9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

Consistent

The proposal is associated with the existing residential use of the site where full infrastructure services are available. The design has considered the possible impacts on adjoining properties and it is compatible with the existing character of the area.

10.4 Development Standards

10.4.2 Setbacks and building envelope for all dwellings

Objective:

To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
- (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and
- (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
- (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Consistent

The proposed siting and scale of the proposed extension is considered to be consistent with the adjoining development and will continue to allow daylight and sunlight to enter habitable rooms and private open space on adjoining lots.

A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:

- (a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or
- (b) if the frontage is not a primary frontage, at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or
- (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or
- (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.

Complies

The proposed extension is at the rear of the site and does not affect the existing frontage setback.

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

<p>A2 A garage or carport must have a setback from a primary frontage of at least:</p> <ul style="list-style-type: none"> (a) 5.5m, or alternatively 1m behind the facade of the dwelling; or (b) the same as the dwelling facade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.
<p>Complies The proposed internal garage at the rear of the site faces the side boundary.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and (b) only have a setback within 1.5m of a side boundary if the dwelling: <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).
<p>Relies on Performance Criteria Part of the extension at the south-west encroaches the prescribed building envelope due to the height of the wall and, therefore, requires consideration against the performance criteria.</p>
<p>P3 The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> (a) not cause unreasonable loss of amenity by: <ul style="list-style-type: none"> (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or (ii) overshadowing the private open space of a dwelling on an adjoining lot; or (iii) overshadowing of an adjoining vacant lot; or (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

Complies

- (a) It is considered that the siting and scale of the proposed extension will not cause an unreasonable loss of amenity for the following reasons:
 - (i) *reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot;*
 Given the orientation of the site, topography of land, location of the proposed development and adjoining dwellings there will not be reduction of sunlight to any habitable room on adjoining lots.
 - (ii) *overshadowing the private open space of a dwelling on an adjoining lot;*
 As the shadow diagrams show the proposed extension has some overshadowing effects on the private open space of 32 Lanoma Street. The majority of these shadows are cast from parts of the extension which are mostly within the building envelope along the south eastern boundary and will not cause overshadowing of more than 50% of the area. The private open space areas of the adjoining properties to the rear will be only overshadowed until 12.00pm on 21 June.
 - (iii) *overshadowing of an adjoining vacant lot;*
 N/A
 - (iv) *visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot;*
 Visual impact of the proposed extension will be reduced by variety in heights, roof lines and transparencies. The proposed trees along the boundaries will soften the appearance of the extension.
- (b) *provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.*
 The proposed extension to the rear of the dwelling is consistent with the surrounding area which contains backyards developed with swimming pools and outbuildings. The proposed landscaping with trees will provide further separation between dwellings.

10.4.3 Site coverage and private open space for all dwellings

- Objective:
 To provide:
- (a) for outdoor recreation and the operational needs of the residents; and
 - (b) opportunities for the planting of gardens and landscaping; and
 - (c) private open space that is integrated with the living areas of the dwelling; and
 - (d) private open space that has access to sunlight.
- Consistent**
 The breezeway/deck and barbeque area are accessed off living areas and provide level outdoor space. Appropriate area of private open space is provided.

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

<p>A1 Dwellings must have:</p> <ul style="list-style-type: none"> (a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.
<p>Complies</p> <p>Site cover for the extended dwelling is 448m², equal to 43.9% of the 1,040m² site. At least 25% of the site will remain free from impervious surfaces.</p>
<p>A2 A dwelling must have an area of private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is at least: <ul style="list-style-type: none"> (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: <ul style="list-style-type: none"> (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.
<p>Complies</p> <p>The proposed extension has a 45m² breezeway with a minimum horizontal dimension of 5m. It is directly accessible from the kitchen/dining area and facing north/north west. It has a levelled surface and will be used solely as private space area. An additional area of private open space is a 45m² barbeque/garden area on other side of the swimming pool.</p>

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

10.4.4 Sunlight and overshadowing for all dwellings

Objective: To provide:
(a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.
Consistent The extension will receive solar access to habitable rooms.
A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).
Complies All of the existing living/dining/kitchen areas have windows within 30 degrees of the north.

10.4.5 Width of openings for garages and carports for all dwellings

Objective: To reduce the potential for garage or carport openings to dominate the primary frontage.
Consistent The internal garage is proposed at the rear of the site.
A1 A garage or carport within 12m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).
Complies The garage is proposed at the rear of the side.

10.4.6 Privacy for all dwellings

Objective: To provide reasonable opportunity for privacy for dwellings.
Consistent Privacy for dwellings will be retained either through required setbacks or obstructed windows to habitable rooms.
A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:
(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

<p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>
<p>Complies A1</p> <p>(a) The proposed deck/breezeway with a finished floor level more than 1m above the ground level is more than 3m from the side boundary to the north west.</p>
<p>A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <p>(i) is to have a setback of at least 3m from a side boundary; and</p> <p>(ii) is to have a setback of at least 4m from a rear boundary; and</p> <p>(iii) if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</p> <p>(iv) if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site.</p> <p>(b) The window or glazed door:</p> <p>(i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or</p> <p>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</p>
<p>Complies A2</p> <p>(b) (ii) - Opaque window to 1.7m height above the floor area is proposed to bedroom 4 along the south eastern boundary.</p>

10.4.11 Outbuildings, swimming pools and fences

<p>Objective: To ensure that:</p> <p>(a) outbuildings, swimming pools and fences:</p> <p>(i) do not detract from the character of the surrounding area; and</p> <p>(ii) are appropriate to the site and respect the amenity of neighbouring lots;</p> <p>(b) dwellings remain the dominant built form.</p>
--

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

<p>Consistent The proposed swimming pool that is part of the extension will not detract the character of the surrounding area.</p>
<p>A2 A swimming pool must be located: (a) no closer to the primary frontage than the main building; or (b) in the rear yard.</p>
<p>Complies The swimming pool is proposed within the proposed extension at the rear yard.</p>

10.4.12 Earthworks and retaining walls

<p>Objective: To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.</p>
<p>Consistent The earthworks are proposed due to the steep topography of the site and appropriate to the site. No adverse impact on amenity of adjoining lots will occur.</p>
<p>A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must: (a) be located no less than 900mm from each lot boundary; (b) be no higher than 1m (including the height of any batters) above existing ground level; (c) not require cut or fill more than 1m below or above existing ground level; (d) not concentrate the flow of surface water onto an adjoining lot; and (e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.</p>
<p>Relies on Performance Criteria The retaining walls are higher than 1m and located more than 900mm from the boundaries and must be considered against the performance criteria.</p>
<p>P1 Earthworks and retaining walls must be designed and located so as not to have an unreasonable impact on the amenity of adjoining lots, having regard to: (a) the topography of the site; (b) the appearance, scale and extent of the works; (c) overlooking and overshadowing of adjoining lots; (d) the type of construction of the works; (e) the need for the works; (f) any impact on adjoining structures; (g) the management of groundwater and stormwater; and (h) the potential for loss of topsoil or soil erosion.</p>

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

Complies

The proposed earthworks and retaining walls are required due to the steep topography of the site and the current sewer/stormwater connection. The floor level of the garage has had to be raised to ensure that stormwater runoff from the garage can be gravity fed back to the stormwater main. No overlooking or overshadowing will occur. There will be no impact on adjoining structures. The retaining wall proposed are of varying heights and will be designed by a structural engineer. All other cut and fill on site has been kept to a minimum as the extension steps down the site with the existing contours.

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 second access will improve car parking facilities on the site with compromising safety and efficiency of the street.

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 second access will have no impact on the safety and efficiency of Lanoma Street.

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 proposal includes the construction of an additional crossover; the proposal relies on the performance criteria.

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

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

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

Complies

The additional crossover will provide the site with two accesses providing separate entry and exit to facilitate the safe and convenient use of car parking spaces. The additional crossover will maintain the safety and efficiency and will not compromise the capacity of Lanoma Street. There will be no increase in the traffic caused by the second crossover.

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

Objective:

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

Consistent

The sight distance is similar, like any access of Lanoma Street, which is an undulating road.

A1 Sight distances at:

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

Relies on Performance Criteria

Table E4.6.4 shows that 50km/h speed limit requires 80m safe intersection sight distance.

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

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

Complies

The proposal is unlikely to cause an increase in traffic movements to and from the site. The site is located in a suburb where the traffic is predominantly residential with a speed limit of 50km/h. The Road Authority has reviewed the proposed access and have granted consent.

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(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 proposed development includes an appropriate level of parking facilities to serve the extended dwelling. Parking spaces and accesses comply with the appropriate standards and parking will not adversely 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

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

Table E6.1 requires two car parking spaces per dwelling. Three car parking spaces are proposed.

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective:

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

Consistent

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (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.
<p>Complies The proposed access and parking areas will be consistently flat, formed and paved and drained to the public stormwater system.</p>

E6.6.2 Design and layout of parking areas

<p>Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>
<p>Consistent A1.1 Car parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (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. <p>A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.</p> <p>A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more.</p> <p>A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.</p>
<p>Complies An additional crossover will be installed to provide access to the new garaging and to allow for vehicles to enter and exit the site in a forward direction. The width of vehicle access is provided in accordance with the requirements in Table E6.2 and parking space dimensions and manoeuvring spaces comply with the requirements set out in Table E6.3. The double garage has a vertical clearance of 2.1m.</p>

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	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	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 17 October to 3 November 2020. Two letters with four signatures were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<p>Issue 1 The revised plans show a substantial encroachment outside the building envelope.</p>
<p><i>Response 1</i> <i>An encroachment into the prescribed building envelope does not prohibit a development. A proposed development is assessed against the performance criteria which consider the impacts on adjoining properties in terms of overshadowing, visual impact and separation. The proposed development complies with the performance criteria.</i></p>
<p>Issue 2 Orientation of private open space - the proposal does not comply with clause 10.4.3 A2 (d) that states as follows: A dwelling must have an area of private open space that it is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June.</p>

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

<p><i>Response 2</i> <i>The area of open space including the breezeway and deck is to the north east of the extension and complies with Clause 10.4.3A2.</i></p>
<p>Issue 3 The retaining walls will have an unreasonable impact on the amenity of adjoining lots.</p>
<p><i>Response 3</i> <i>Earthworks and retaining walls are dictated by the steep topography of land, their appearance and scale will be softened by the proposed planting between the retaining walls and the boundaries. A 1.7m high privacy screen is proposed on the top of the retaining walls along the side and the rear boundaries. The future landscaping will further minimise any overlooking. Overshadowing by the retaining walls is considered to be minimal. The walls will be designed by a structural engineer to address stormwater and groundwater management.</i></p>
<p>Issue 4 Why is the concrete driveway not aligned with the western end of the building? If this is only intended for car turning path, then the extended driveway is not required.</p>
<p><i>Response 4</i> <i>The concrete turning area will allow vehicles to leave the site in forward direction increasing safety and convenience. The area has no impact on the amenity of adjoining lots.</i></p>
<p>Issue 5 Request a condition on a permit that requires the replanting of vegetation that should not have been removed.</p>
<p><i>Response 5</i> <i>The application includes a landscaping plan to be endorsed and a relevant condition is recommended for the visual amenity purposes. The vegetation that was removed from the site was not protected by a permit condition or planning scheme overlay.</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.

9.3 30 Lanoma Street, East Launceston - Residential - Construction of Alterations and Additions to a Dwelling and Install a Second Crossover ...(Cont'd)

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst - General Manager Community and Place Network

ATTACHMENTS:

1. Locality Map - 30 Lanoma Street, East Launceston (*electronically distributed*)
 2. Plans to be Endorsed - 30 Lanoma Street, East Launceston (*electronically distributed*)
 3. Representations - 30 Lanoma Street, East Launceston (*electronically distributed*)
 4. Shadow Diagrams and Building Envelope - 30 Lanoma Street, East Launceston (*electronically distributed*)
-

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots**FILE NO:** DA0345/2020**AUTHOR:** Iain More (Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Cohen and Associates Pty Ltd
Property:	175 Glenford Farm Road, Underwood
Zoning:	Rural Resource
Receipt Date:	30/06/2020
Validity Date:	16/10/2020
Further Information Request:	03/07/2020
Further Information Received:	24/08/2020
Deemed Approval:	27/11/2020
Representations:	Three

STANDARDS REQUIRING COUNCIL DISCRETION

26.4.2 Lot size and dimensions

26.4.3 Frontage and access

26.4.4 Wastewater management

E8.6.1 Habitat and vegetation management

E9.6.1 Development in the vicinity of a watercourses and wetlands

RECOMMENDATION:

That, 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 DA0345/2020 - Subdivision - Boundary adjustment between four lots at 175 Glenford Farm Road, Underwood, subject to the following conditions:

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots ...(Cont'd)

1. ENDORSED PLANS AND DOCUMENTS

The use 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. Plan of Subdivision, prepared by Cohen and Associates P/L, Ref: 96-88 (7923), dated 10/06/2020.
- b. Bushfire Hazard Management Report, prepared by Accredited Bushfire Practitioner Scott Livingston, dated 23/06/2020.
- c. Onsite Waste Water Assessment for Lots 1 and 4 of the Proposed 4 Lot Subdivision, prepared by JD Consulting, dated August 2020.
- d. Flora and Fauna Habitat Survey, prepared by Bushways Environmental Services Tasmania.
- e. Agricultural Report Lot 1, prepared by AK Consultants, dated 17/06/2020.
- f. Agricultural Report Lot 4, prepared by AK Consultants, dated 17/06/2020.
- g. Agricultural Letter for Subdivision, prepared by AK Consultants, dated 17/06/2020.

2. FINAL PLAN OF SURVEY

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

3. LEGAL TITLE

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

4. 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

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0345/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

- a. *The 14 day appeal period expires; or*
 - b. *Any appeal to the 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.*
-

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots ...(Cont'd)

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the 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>>

D. Permit Commencement

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

E. On-Site Disposal of Effluent

This permit does not give permission for the installation of an on site waste water system on this site. The applicant will need to submit a design report (including site and soil evaluation in accordance with AS/NZS 1547:2012) as well as a Plumbing Application (for an on-site wastewater system) with the Building Application. Before occupation of a dwelling, the required system must be commissioned.

**9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment
Between Four Lots ...(Cont'd)**

REPORT:**1. THE PROPOSAL**

It is proposed to adjust the boundaries of the existing lots, noting that no additional lots are to be created. The new lot areas proposed are:

Proposed Lot 1: 3.80ha
Proposed Lot 2: 19.99ha
Proposed Lot 3: 18.02ha
Proposed Lot 4: 2.17ha

Proposed Lot 2 will maintain the existing dwelling and outbuildings. The development will allow for future development to occur, in particular residential on proposed Lots 1 and 4, noting, however, that residential use is not proposed and any sensitive use would be subject to a separate development application.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located at 175 Glenford Farm Road, Underwood. It currently consists of four separate titles:

CT 1/179015 - 21.01ha
CT 2/179015 - 5.666ha
CT 3/179015 - 3.541ha
CT 4/179016 - 13.76ha

The site is zoned Rural Resource. It also contains priority habitat, is bushfire prone, within 30m of a watercourse and is potentially contaminated. Along with parking and access, the following codes are applicable:

- E1.0 - Bushfire-Prone Area Code
- E2.0 - Potentially Contaminated Land Code
- E4.0 - Road and Railways Assets Code
- E6.0 - Parking and Sustainable Transport Code
- E8.0 - Biodiversity Code
- E9.0 - Water Quality Code

The site is predominantly rural in nature, consisting of grazing paddocks and heavy vegetation. Access is obtained via Brown Mountain Road and Glenford Farm Road. There are several existing accesses, with the main access along Glenford Farm Road that leads to an existing dwelling and associated outbuildings.

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots ...(Cont'd)

There are also several road reserves owned by the Crown and maintained by Parks and Wildlife.

Surrounding development is varied, consisting of larger lifestyle blocks, farming blocks, and smaller residential lots.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

26.0 Rural Resource Zone

<p>26.1.1 Zone Purpose Statements</p> <p>26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.</p> <p>26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.</p> <p>26.1.1.3 To provide for uses that add value to primary industries.</p> <p>26.1.1.4 To provide for uses that support or service rural communities.</p>
<p>Consistent</p> <p>The boundary adjustment complies with the zone purpose as it ensures the lots will not constrain resource development uses.</p>

26.4 Development Standards

26.4.2 Lot size and dimensions

<p>Objective:</p> <p>To ensure that subdivision is only to:</p> <p>(a) improve the productive capacity of land for primary industry uses; or</p> <p>(b) enable Resource processing use where compatible with the zone; or</p> <p>(c) facilitate use and development for allowable uses in the zone; and</p> <p>(d) enable natural and cultural heritage protection.</p>
<p>Consistent</p> <p>The proposal complies with the objective as it ensures the resource capacity of the land is maintained.</p>
<p>A1.1 Each lot, or a lot on a plan of subdivision, must:</p> <p>(a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</p> <p>(b) be required for the provision of public utilities; or</p> <p>(c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and</p> <p>A1.2 Lots must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.</p>

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots ...(Cont'd)

Relies on Performance Criteria

A1.1

As the proposed adjustment is not for public use, public utilities, or consolidation with another lot, reliance on the performance criteria is required.

A1.2

As the existing dwelling is unable to meet the acceptable solutions for setbacks, reliance on the performance criteria is required.

P1.1 Each lot, or a lot on a plan of subdivision, must have sufficient useable area and dimensions suitable for Resource development use, having regard to:

- (a) not materially diminishing the productivity of the land;
- (b) the capacity of the new lots and the balance lot for productive agricultural use;
- (c) any topographical constraints to agricultural use;
- (d) current irrigation practices and the potential for irrigation; and
- (e) have an area of no less than 35ha and be able to contain a minimum inscribed circle of no less than 100m in diameter; or

P1.2 Each lot, or a lot on a plan of subdivision, must have sufficient useable area and dimensions that comply with a non-Resource development use other than Residential uses, approved under this scheme, having regard to:

- (a) the development area of the approved use; and
- (b) any conditions of approval; or

P1.3 Each lot, or a lot on a plan of subdivision, must have sufficient useable area and dimensions to facilitate the protection of a place of Aboriginal, natural or historic cultural heritage; or

P1.4 A dwelling existing at the effective date, may be excised, where:

- (a) the balance land is no less than 35ha, or through consolidation with adjoining land is no less than 35ha;
- (b) an agreement pursuant to section 71 of the Act is entered into and registered on the title preventing future Residential use where there is no dwelling on the balance lot;
- (c) any existing dwellings must meet the performance criteria for setback standards to new boundaries of clause 26.4.1; and
- (d) excised lots are no greater than 12.5ha; or

P1.5 Subdivision not creating additional lots and not meeting the requirements of clause 9.3 may be approved, having regard to:

- (a) the size, shape and orientation of the lots;
- (b) the setback to any existing buildings;
- (c) the capacity of the lots for productive agricultural use;
- (d) any topographical constraints to agricultural use; and
- (e) current irrigation practices and the potential for irrigation.

Complies

P1.5 is the applicable standard for the proposal. The adjustment will ensure the capacity for primary industry uses is maintained and will help facilitate allowable use and development that is permissible in the zone.

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots ...(Cont'd)

(a) the size, shape and orientation of the lots

The lots will be adjusted to maintain the existing agricultural uses whilst ensuring areas that are not capable of providing for resource development use are free for future development. Proposed Lots 1 and 4 have limited agricultural potential and will be separated from the productive land. This has resulted in the lots being much smaller than the remaining two. The two larger lots, proposed Lots 2 and 3, will maintain the agricultural viability of the site in its entirety.

(b) the setback to any existing buildings

The existing dwelling is located on proposed Lot 2. The adjustment will increase the eastern side setback. The adjustment will have no impact on existing primary industry uses.

(c) the capacity of the lots for productive agricultural use

The applicant has provided two Agricultural Reports for proposed Lots 1 and 4.

The report for proposed Lot 1 concludes:

The title is approximately 3.8ha in area and is almost entirely covered in native vegetation. Due to existing vegetation, Land Capability limitations and lack of a developed irrigation water resource and proximity of adjacent residential development, the agricultural/primary industry potential of the subject title is considered to be negligible. The title is also limited for farming in conjunction with other agricultural/primary industry land.

The report for proposal Lot 4 concludes:

The title is approximately 2.17ha in area and is covered unimproved pasture with a small area of plantation and native vegetation. Due to existing vegetation, Land Capability limitations and lack of a developed irrigation water resource, the agricultural/primary industry potential of the subject title is considered to be negligible. The title is also limited for farming in conjunction with other agricultural/primary industry land.

No agricultural reports have been provided for proposed Lots 2 and 3. Notwithstanding, the areas located within these lots are utilised for active grazing. The proposed boundary adjustment will cause no further detriment to this existing use. It is acknowledged that whilst an existing agricultural use currently operates, its productivity is limited by the existing surrounding constraints, including native flora and fauna. The proposed adjustment will allow the land to be maintained, whilst allowing other non-resource development uses to operate in the future, subject to appropriate approvals.

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots ...(Cont'd)

<p>(d) any topographical constrains to agricultural use The site contains an uneven topography, with flat areas dedicated to grazing, vegetated hills, and creek lines. The boundaries have been adjusted to align with the natural constraints, ensuring the productive agricultural area is maintained.</p> <p>(e) current irrigation practices and the potential for irrigation There are currently no irrigation practices and limited potential for future irrigation. The boundary adjustments as a whole ensure what potential for resource development uses is maintained, whilst ensuring non-resource development uses are able to occur in the future without impeding on the capacity of primary industry uses. The proposal complies with the performance criteria.</p>
--

26.4.3 Frontage and access

<p>Objective: To ensure that lots provide: (a) appropriate frontage to a road; and (b) safe and appropriate access suitable for the intended use.</p>
<p>Consistent The proposal complies with the objective as each lot has appropriate frontage and access.</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 3.6m.</p>
<p>Complies Each lot will have frontage to a Council maintained road.</p>
<p>A2 No acceptable solution.</p>
<p>Relies on Performance Criteria</p>
<p>P2 Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to: (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the character of the area; and (e) the advice of the road authority.</p>
<p>Complies Whilst no new accesses are proposed, each lot is capable of being provided with reasonable vehicular access.</p>

26.4.4 Wastewater management

<p>Objective: To ensure each lot provides for appropriate wastewater disposal.</p>

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots ...(Cont'd)

<p>Consistent The proposal complies with the objective as each lot is capable of providing for appropriate wastewater disposal.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria</p>
<p>P1 It must be demonstrated that each lot, or a lot proposed in a plan of subdivision, is capable of accommodating an on-site wastewater management system for the intended use, which does not have adverse environmental impacts.</p>
<p>Complies The applicant provided an on-site waste water assessment for Lots 1 and 4. It is noted that proposed Lots 2 and 3 have sufficient room and capacity to provide wastewater systems, also noting that proposed Lot 2 already contains one for its existing residential use. The provided report for proposed Lots 1 and 4 concluded that the lots are capable of supporting an onsite wastewater system on site, complying with the performance criteria.</p>

E1.0 Bushfire-Prone Areas Code

<p>E1.1 The purpose of this code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.</p>
<p>Consistent The code purpose has been met as the development ensures that any risk to bushfire will be mitigated.</p>

E1.6 Development Standards

E1.6.1 Subdivision: Provision of hazard management areas

<p>Subdivision provides for hazard management areas that:</p> <ul style="list-style-type: none"> (a) facilitate an integrated approach between subdivision and subsequent building on a lot; (b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and (c) provide protection for lots at any stage of a staged subdivision.
<p>Consistent The proposal complies with the objective as the subdivision ensures that management areas will be sufficient to manage any bushfire threat.</p>
<p>A1</p> <ul style="list-style-type: none"> (a) The Tasmanian Fire Service (TFS) or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or (b) The proposed plan of subdivision: <ul style="list-style-type: none"> (i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots ...(Cont'd)

- (ii) shows the building area for each lot;
 - (iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 - 2009 Construction of buildings in bushfire-prone areas; and
 - (iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots, and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 - 2009 Construction of buildings in bushfire-prone areas; and
- (c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.

Complies
 The subdivision is relying on A1(b). No hazard management areas are located outside of the subject land. The report shows all lots within a bushfire-prone area, complying with A1(b)(i). Each lot contains a building area, with the exception of proposed Lot 2 which already contains a dwelling, complying with A1(b)(ii). Each lot contains a hazard management area and potential building area, complying with A1(b)(iii). The proposal complies with the acceptable solution.

E1.6.2 Subdivision: Public and fire fighting access

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

Consistent
 A1

- (a) Tasmanian Fire Service (TFS) or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or
- (b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:
 - (i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots ...(Cont'd)

Table E3; and
 (ii) is certified by the TFS or an accredited person.

Complies

The subdivision is relying on A1(b). The provided bushfire report has demonstrated that roads, private accesses, and fire trails will comply with Table E1, E2, and E3 respectively. This has been certified by an accredited bushfire practitioner.

E1.6.3 Subdivision: Provision of water supply for fire fighting purposes

Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.

Consistent

A2 In areas that are not serviced by reticulated water by the water corporation:

- (a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;
- (b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or
- (c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.

Complies

The subdivision is reliant on E1.6.3 A2(b) and (c). The bushfire report has been prepared by an accredited practitioner who has certified the subdivision is able to provide a static water supply dedicated to fire fighting and that it will be sufficient to manage bushfire risk.

E2.6 Development Standards

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 complies with the purpose of the code as the adjustment will protect the safety and efficiency of the road.

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.

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots ...(Cont'd)

Consistent

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

Complies

The acceptable solution requires that the annual average daily traffic for a site does not increase by more than 20% or 40 vehicle movements per day. Site is defined within the scheme as:

Means the lot or lots on which a use or development is located or proposed to be located.

As such, as the proposal is not proposing any new accesses or lots, there will be no further increase to vehicle movements then what already exists.

E8.0 Biodiversity Code

E8.1 The purpose of this provision is to:

- (a) support the conservation of biodiversity in the planning scheme area and the northern region, including the extent, condition and connectivity of important habitats and priority vegetation communities, and the number and status of threatened species; and
- (b) consider and manage the impact of use or development on biodiversity through:
 - (i) minimisation of vegetation and habitat loss or degradation; and
 - (ii) appropriate location of development.

Consistent

The proposal complies with the code purpose as the fauna and flora of the site will be protected.

E8.6 Development Standards

E8.6.1 Habitat and vegetation management

Objective:

To appropriately protect or manage vegetation identified as priority habitat and priority vegetation communities.

Consistent

The proposal complies with the objective as the protection of flora and fauna will be appropriately managed.

A1 Clearance or disturbance of priority habitat is in accordance with a certified Forest Practices Plan.

Relies on Performance Criteria

As no forest practices plan has been provided, reliance on the performance criteria is required.

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots ...(Cont'd)

P1 Clearance or disturbance of native vegetation within priority habitat or areas identified as priority vegetation communities does not compromise the adequacy of representation of species or vegetation communities, having regard to:

- (a) the quality of the site to provide habitat of significance to the maintenance or protection of biodiversity in the planning scheme area;
- (b) the need for the clearance or disturbance of the vegetation;
- (c) the method of clearance or disturbance of the vegetation;
- (d) the extent and quality of the vegetation or habitats affected by the proposal;
- (e) the value of the vegetation as a wildlife corridor;
- (f) the value of riparian vegetation to the protection of habitats and wildlife corridors;
- (g) any rehabilitation and maintenance measures;
- (h) the impacts of development and vegetation clearance, in proximity to the priority habitat or priority vegetation communities;
- (i) any conservation outcomes achieved and the long term security of any offset for the loss of the vegetation, provided in accordance with the General Offset Principles document published by the Department of Primary Industries, Parks, Water and Environment, available at <http://dPIPWE.tas.gov.au/Documents/General-Offset-Principles.pdf>;
- (j) any agreement under section 71 of the Act relating to vegetation management;
- (k) any conservation covenant made under the *Nature Conservation Act 2002*, that exists on or adjacent to the site of the proposed development; and
- (l) any recommendations or advice contained in a flora and fauna report.

Complies

Lot 4 will require limited clearing. The applicant provided a flora and fauna report to help address the provisions. The report has stated that, in order to reduce natural values impacts, the boundaries have been located to:

- *avoid steep slopes, wetlands and threatened vegetation community;*
- *retain the threatened vegetation community within two larger parcels;*
- *retain the productive grazing land within two larger parcels;*
- *leave the smaller lots as suitable for residential use;*
- *follow existing fence lines and reserved roads where possible.*

Furthermore, the report states:

The subdivision proposal will not impact the threatened vegetation community as:

- *the current management of stock exclusion will not be altered by the boundary adjustment;*
- *the proposed boundaries avoid this community; and*
- *the building envelopes recommended on the three lots without existing dwellings have adequate space for fire safe zones that avoid clearing threatened vegetation and minimise clearing of non threatened native vegetation.*

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots ...(Cont'd)

The report, prepared by a qualified person, will ensure that existing flora and fauna will be retained where possible, ensure disturbance is kept to a minimum, and maintain conservation outcomes, complying with the performance criteria.

E9.0 Water Quality Code

E9.1 The purpose of this provision is to:
 (a) manage adverse impacts on wetlands and watercourses.

Consistent
 The proposal complies with zone purpose as the development is able to manage any potential adverse impacts on wetlands and watercourses.

E9.6 Development Standards

E9.6.1 Development in the vicinity of a watercourses and wetlands

Objective:
 To protect watercourses and wetlands from the effects of development and minimise the potential for water quality degradation.

Consistent
 The proposal complies with the objective as the boundary adjustment will have no impact on any watercourses or wetlands.

A1 No acceptable solutions.

Relies on Performance Criteria
 P1 Development must not unreasonably impact the water quality of watercourses or wetlands, having regard to:
 (a) the topography of the site;
 (b) the potential for erosion;
 (c) the potential for siltation and sedimentation;
 (d) the risk of flood;
 (e) the impact of the removal of vegetation on hydrology;
 (f) the natural values of the vegetation and the land;
 (g) the scale of the development;
 (h) the method of works, including vegetation removal, and the machinery used;
 (i) any measures to mitigate impacts;
 (j) any remediation measures proposed;
 (k) any soil and water management plan; and
 (l) the requirements of the Department of Primary Industries, Parks, Water and Environment Wetlands and Waterways Works Manual.

Complies
 Subdivision is considered development as per the definition under the planning scheme. However, as no physical development or construction is proposed, there will be no impact on the water quality or watercourses, complying with the performance criteria.

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots ...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	N/A
EXTERNAL	
TasWater	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 26 August to 9 September 2020. 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.

<p>Issue 1 Safety of traffic on Glenford Farm Road. The road is currently sub-standard and too narrow. The subdivision may introduce two new families travelling on the road. The road should be widened.</p>
<p><i>Response 1</i> <i>There are no provisions within the planning scheme that require the upgrade to Glenford Farm Road. Any physical development that may be proposed in the future will be subject to a separate application where any potential road upgrades may be considered.</i></p>
<p>Issue 2 The marked entrances are not established and require additional work. Work would be required as the current fence line is too close to the road.</p>
<p><i>Response 2</i> <i>The scheme only requires that a site is capable of providing a vehicular entrance, not that one be provided. This has been demonstrated. Any future access would be subject to approval by Council.</i></p>

9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment Between Four Lots ...(Cont'd)

<p>Issue 3 Major issues with flooding and washouts. Potential building sites would be at least 1m underwater.</p>
<p><i>Response 3</i> There are no overlays that determine the site is subject to flooding. Upon review of the representations, however, it is clear that the area does flood. Nevertheless, the proposal is for an adjustment of boundaries. Relocating the boundaries does not increase any existing risk. Any future residential development would be subject to a discretionary application where flood risk would need to be assessed. Further, the Building Act restricts development areas in known flood locations. If any potential building areas were required to be relocated, any future development would also need to re-address bushfire and potentially flora and fauna as well. It is important to note that no new lots are being created. If approved and the property remained undeveloped, there would be no further increase in risk. Any future development would allow that risk to be assessed.</p>
<p>Issue 4 There is a rock shelf underneath one of the building sites.</p>
<p><i>Response 4</i> Whilst building areas have been provided, any physical construction in a future application would be required to deal with site constraints as they are.</p>
<p>Issue 5 If more dwellings are built there is potential issues for rubbish collection.</p>
<p><i>Response 5</i> This is not a consideration under the planning scheme.</p>
<p>Issue 6 Concern regarding the threatened fauna on the site. An independent assessment should be undertaken.</p>
<p><i>Response 6</i> It has been considered that the report is sufficient for the purpose of this subdivision. Any future development may require additional fauna and flora reports.</p>
<p>Issue 7 The roads do not follow the reserve title and the fencing is not located in the correct spot.</p>
<p><i>Response 7</i> This application is for a subdivision that does not create additional lots but re-arranges the lot boundaries and reduces the number of titles with access to Glenford Farm Road, as one of the new lots only has access to Brown Mountain Road. The existing road has been maintained by the City of Launceston for a number of years and, where the road is outside the road reserve, it is considered a "User" road and the Council has the power to maintain it in its current location. The requirement for the applicant to move the title boundaries to reflect the road and then re-fence is considered cumbersome and not appropriate, especially since no further lots are being created.</p>

**9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment
Between Four Lots ...(Cont'd)**

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

**9.4 175 Glenford Farm Road, Underwood - Subdivision - Boundary Adjustment
Between Four Lots ...(Cont'd)**

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst - General Manager Community and Place Network

ATTACHMENTS:

1. Locality Map - 175 Glenford Farm Road, Underwood (*electronically distributed*)
 2. Plans to be Endorsed - 175 Glenford Farm Road, Underwood (*electronically distributed*)
 3. Representations - 175 Glenford Farm Road, Underwood (*electronically distributed*)
 4. Response to Representations - 175 Glenford Farm Road, Underwood (*electronically distributed*)
-

10 ANNOUNCEMENTS BY THE MAYOR

10.1 Mayor's Announcements

FILE NO: SF2375

Sunday 15 November 2020

- Officiated at the *Festival of Lights* celebration

Monday 16 November 2020

- Attended the *7 Deadly Sins* performance and spoke at the reception marking 50 years of performance at the Princess Theatre

Wednesday 18 November 2020

- Welcomed delegates to the Environmental Health Association's State Conference
- Presented an award at *2020 Waste NoT Awards* ceremony

Thursday 19 November 2020

- Assisted with presenting awards at the *Heritage Snap! Awards*

Friday 20 November 2020

- Participated in the *Lighting of the Christmas Tree* in the Brisbane Street Mall

Saturday 21 November 2020

- Officiated at the opening of the *FunTastic ArTastic* event
- Attended the Northern Tasmanian Junior Soccer Association's 2020 annual dinner

Sunday 22 November 2020

- Attended the *Launceston Running Festival* launch at the Launceston Airport
-
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11 COUNCILLORS' REPORTS

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

12 QUESTIONS BY COUNCILLORS**12.1 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.)

12.1.1 Councillors' Questions on Notice - Councillor P S Spencer - USA President Elect Visit - Council Meeting - 12 November 2020**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following question, asked at the Council Meeting on 12 November 2020 by Councillor P S Spencer, has been answered by Mr Michael Stretton (Chief Executive Officer).

Questions:

1. Is it possible to invite the President [Elect] of the USA to visit the Cataract Gorge and Launceston next year?

Response:

The Council can send a written invitation to the United States President [Elect] and extend an invitation to visit the Cataract Gorge during the proposed presidential visit to Australia in 2021.

12.2 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.)

13 COMMITTEE REPORTS**13.1 Tender Review Committee Meeting - 12 November 2020****FILE NO:** SF0100/CD.052/2019**AUTHOR:** Anthea Rooney (Council and Committees Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To receive a report from the Tender Review Committee (a delegated Authority Committee).

RECOMMENDATION:

That Council notes the decision of the Tender Review Committee to accept the tender submitted by VOS Construction and Joinery Pty Ltd for the Paterson Street West Facilities Upgrade, Contract Number CD.052/2019 for \$597,565 (exclusive of GST).

REPORT:

The Tender Review Committee Meeting, held on 12 November 2020, determined the following:

That the sum submitted by VOS Construction and Joinery Pty Ltd for the Paterson Street West Facilities Upgrade, Contract Number CD.052/2019 for \$597,565 (exclusive of GST) be accepted.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

13.1 Tender Review Committee Meeting - 12 November 2020 ...(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:

3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

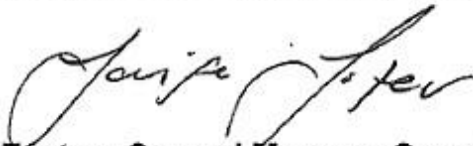
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

13.2 Cataract Gorge Advisory Committee Meeting - 5 November 2020**FILE NO:** SF0839**AUTHOR:** Anthea Rooney (Council and Committees Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To receive and consider a report from the Cataract Gorge Reserve Advisory Committee Meeting held on 5 November 2020.

RECOMMENDATION:

That Council receives a report from the Cataract Gorge Reserve Advisory Committee Meeting held on 5 November 2020.

REPORT:

The Cataract Gorge Reserve Advisory Committee Meeting held on 5 November 2020 discussed the following items:

- a. the *Reimagining the Gorge* Grant
 - *An explanation of the funding provided for the grant, including both Federal Government and Council funding streams, was discussed.*
- b. the Cataract Gorge Reserve Advisory Committee Membership
 - *An invitation is to be extended to the West Tamar Council regarding the appointment of a representative.*
- c. the Cataract Gorge Pump Station
 - *An on-site visit to the Pump Station to be organised for the next Meeting.*
- d. future discussion topics
 - *Committee Members will provide a listing of future discussion topics/presentations to assist with scheduling arrangements.*
- e. the 2021 Meeting schedule
 - *New Committee Members discussed the schedule for Meetings for 2021.*

ECONOMIC IMPACT:

Not considered relevant to this report.

13.2 Cataract Gorge Advisory Committee Meeting - 5 November 2020 ...(Cont'd)

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

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

Focus Areas:

1. To develop and consistently utilise contemporary and effective community engagement processes.

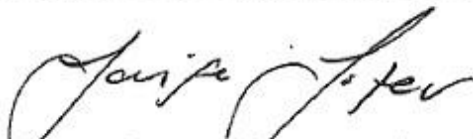
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

13.3 Pedestrian and Bike Committee Meeting - 22 October 2020**FILE NO:** SF0618**AUTHOR:** Cathy Williams (Infrastructure and Engineering Officer)**GENERAL MANAGER:** Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To receive and consider a report from the Pedestrian and Bike Committee Meeting held on 22 October 2020.

RECOMMENDATION:

That Council receives the report from the Pedestrian and Bike Committee Meeting held on 22 October 2020.

REPORT:

The Pedestrian and Bike Committee, at its Meeting on 22 October 2020, received presentations by:

- Shane Eberhardt - Draft Launceston Transport Strategy.
- Jaime Parsons - Place Making at Council.

and noted:

- the *Park and Ride* project would establish parking spaces at Hoblers Bridge and Heritage Forest as a base to then ride into Launceston.
- there were projects in the Accelerated Capital Works Program to:
 - seal the Churchill Park levees;
 - seal the Riverbend Park levees;
 - restore the Road Safety Centre;
 - proposal to reseal road and rehabilitate area from West Tamar Highway to Tamar Marine; and
 - create 100m of new footpath on Hoblers Bridge Road (near St Michaels).

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

13.3 Pedestrian and Bike Committee Meeting - 22 October 2020 ...(Cont'd)

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Area:

1. To develop and consistently utilise contemporary and effective community engagement processes.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Shane Eberhardt - General Manager Infrastructure and Assets Network

14 COUNCIL WORKSHOPS

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

14.1 Council Workshop Report

FILE NO: SF4401

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

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 19 and 26 November 2020

Communications Protocols

As part of the review of the Council's policy, Councillors reviewed the communications protocol between Councillors and employees.

Update on CBD Mass Building Heights Study

Councillors were provided with information and an update on the CBD Mass Building Heights study.

Local Government Association of Tasmania - General Meeting - 3 December 2020

Councillors provided feedback for voting directions for the City of Launceston's representatives for the Local Government Association of Tasmania's General Meeting.

Commercial Leases

Councillors provided feedback on the Council's Lease and Licence Policy and discussed relevant commercial leasing arrangements.

Flying of Flags Policy Review

Councillors provided feedback on the scheduled review of the Flying of the Flags Policy.

South Prospect Residential Growth Area Update

Councillors received an update on the progress of the South Prospect residential area.

14.1 Council Workshop Report ...(Cont'd)

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.

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:

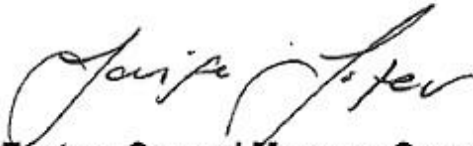
Not considered relevant to this report.

14.1 Council Workshop Report ...(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 - General Manager Organisational Services Network

15 NOTICES OF MOTION

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

15.1 Notice of Motion - Deputy Mayor Councillor D C Gibson - 403 Glenwood Road, Relbia

FILE NO: SF5547

AUTHOR: Leanne Purchase (Manager Governance)

CHIEF EXECUTIVE OFFICER: Michael Stretton

DECISION STATEMENT:

To consider a Notice of Motion regarding drainage works at 403 Glenwood Road, Relbia.

Pursuant to Regulation 18(2)(a) of the Local Government (Meeting Procedures) Regulations 2015, Recommendation 1. requires an absolute majority.

RECOMMENDATION:

That Council:

1. rescinds the decision of Council at its Meeting of 15 October 2020, regarding 403 Glenwood Road, Relbia.
2. authorises the Chief Executive Officer to allocate funds to allow for the realignment of the drain across properties in Glenwood Road.

REPORT:

The landowner at 403 Glenwood Road, Relbia, has raised concerns with the Council regarding drainage across the property.

Mr Gordon Badcock gave permission to access his land to disperse the water in the event of flooding and the City of Launceston placed the culvert under Glenwood Road, some years ago to alleviate flooding on Glenwood Road.

Council has not been back at all to maintain this swale drain across Mr Badcock's property.

Unfortunately, the Council has no documentation regarding the matter, following the initial work.

15.1 Notice of Motion - Deputy Mayor Councillor D C Gibson - 403 Glenwood Road, Relbia ...(Cont'd)

The premise that 'there is no indication that the drain was improperly constructed, or that the Council was negligent in the carrying out of the drainage works' is refuted.

In my view, Council has an ethical obligation to remedy the work that it has been negligent in maintaining and work that now the operational arm cannot even find documentation for.

The view communicated in the decision of the previous Meeting is inconsistent with our Organisational Values: *We Care about Our Community* and *We Strive towards the Best Outcome for our Community*.

The City of Launceston has a moral and ethical dilemma. The works were undertaken by Council. The drain has never been maintained to ensure that it still functions as was originally intended.

We are a 'can-do' organisation and one of our residents is seeking our help with an issue that we created.

OFFICER COMMENT:

(Michael Stretton, Chief Executive Officer)

1. Rescission Motion

Councillors are asked to note that Regulation 18(2) of the *Local Government (Meeting Procedures) Regulations 2015* says that:

A council or council committee may only overturn a decision passed at a previous meeting held since the last ordinary election -
(a) by an absolute majority, in the case of a council;...

Regulation 18(3) of the *Local Government (Meeting Procedures) Regulations 2015* requires me to provide you with the following information in respect of a proposed motion to overturn a decision of the Council:

(a) a statement that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision

The motion proposed at Recommendation 1., if resolved in the affirmative, would overturn part of a decision made by the Council at the Council Meeting on 15 October 2020.

(b) the details of that previous decision, or the part of that previous decision, that would be overturned

On 15 October 2020, Council determined:

15.1 Notice of Motion - Deputy Mayor Councillor D C Gibson - 403 Glenwood Road, Relbia ...(Cont'd)

That Council receives the report on drainage issues at 403 Glenwood Road, Relbia and accepts the recommendation that no further works are planned or constructed on the open drain at 403 Glenwood Road, Relbia, other than necessary erosion works at the culvert headwall.

The part of the decision that would be overturned if Recommendation 1. is resolved in the affirmative is that Council:

accepts the recommendation that no further works are planned or constructed on the open drain at 403 Glenwood Road, Relbia, other than necessary erosion works at the culvert headwall.

(c) advice as to whether or not that previous decision, or that part of that previous decision, directed that certain action be taken

The part of the decision that may be overturned recommends that no action - except for necessary erosion works at the culvert headwall - be taken.

(d) if that previous decision, of that part of the previous decision, directed that certain action be taken, advice as to whether or not that action has been wholly or substantially carried out

The necessary erosion works at the culvert headwall have not yet been carried out.

(Mr Shane Eberhardt, General Manager Infrastructure and Assets Network)

2. Motion to authorise the Chief Executive Officer to allocate funds to allow for the realignment of the drain across properties in Glenwood Road

The Council's Officers stand by the position taken in their report that was received by Council on 15 October 2020 (the report is included here for reference as Attachment 2).

The Council's Officers do not support the motion to *authorise the Chief Executive Officer to allocate funds to allow for the realignment of the drain across properties in Glenwood Road.*

The report received by Council on 15 October 2020 discussed legal advice that had been received in respect of this matter. On receipt of Councillor Gibson's Notice of Motion, a further legal opinion was sought. This advice is included as Attachment 3 and considers the functions and powers of the Council with regard to the construction of a drain across neighbouring properties to alleviate the issue at 403 Glenwood Road, Relbia.

15.1 Notice of Motion - Deputy Mayor Councillor D C Gibson - 403 Glenwood Road, Relbia ...(Cont'd)

Most significantly, the conclusion to be drawn from the advice is that the circumstances require the Council to obtain consent of neighbouring landowners to construct the drain. Repeated attempts to engage with neighbouring landowners has been unsuccessful.

The Council's Officers have undertaken preliminary modelling of the drain that would, should the motion succeed and landowner consent be obtained, be constructed on the neighbouring properties. The Council's Officers are of the view that the size of the drain that would be required is such that landowner consent is unlikely.

Whilst the Council's Officers do not support the Council engaging in works to realign the drain across the properties in Glenwood Road, should Council form the view that the works are warranted, it is recommended that any direction to undertake the works be made conditional upon gaining the consent of all property owners through which the drain runs. The legal advice attained in relation to this Notice of Motion found that the Council would not have the legal means under the *Urban Drainage Act 2013* (Tas) to compel the works to be undertaken if they are against the wishes of any of the property owners. In this scenario, an alternative motion for consideration would be as follows:

That Council:

1. rescinds the following part of the decision of Council made at Agenda Item 18.1 - 403 Glenwood Road, Relbia at its Meeting of 15 October 2020, being:

That Council...accepts the recommendation that no further works are planned or constructed on the open drain at 403 Glenwood Road, Relbia, other than necessary erosion works at the culvert headwall; and

2. requests the Chief Executive Officer to contact all property owners through which the subject drain at Glenwood Road runs and gain written consent for the requested drainage realignment work to be completed; and
3. if the written consent of all relevant property owners is provided, authorises the Chief Executive Officer to allocate sufficient funding and organise for the requested drainage realignment works to be completed in the 2021/2022 financial year.

ECONOMIC IMPACT:

Discussed in the report received by Council on 15 October 2022.

15.1 Notice of Motion - Deputy Mayor Councillor D C Gibson - 403 Glenwood Road, Relbia ...(Cont'd)

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.



Michael Stretton - Chief Executive Officer

ATTACHMENTS:

1. Notice of Motion - Councillor D C Gibson - 403 Glenwood Road, Relbia
 2. Report Received by Council on 15 October 2020 - 403 Glenwood Road, Relbia
 3. Advice Concerning Drainage Issue at 403 Glenwood Road, Relbia
-

**Attachment 1 - Notice of Motion - Councillor D C Gibson -
403 Glenwood Road, Relbia**

CITY OF LAUNCESTON

MEMORANDUM

FILE NO: SF5547 : 26526 : 92920
DG/el
DATE: 21 October 2020

TO: Michael Stretton Chief Executive Officer
CC Committee Clerks

FROM: Danny Gibson Deputy Mayor

SUBJECT: Notice of Motion - Open Drain 403 Glenwood Road

In accordance with Clause 16 (5) of the *Local Government (Meeting Procedures) Regulations 2015*, please accept this Notice of Motion for placement on the Agenda of the Meeting of Council to be held on 29 October 2020.

Motion

1. That Council rescinds the decision of Council at its Meeting of 15 October 2020, regarding 403 Glenwood Road, Relbia.
2. That Council authorises the Chief Executive Officer to allocate funds to allow for the realignment of the drain across properties in Glenwood Road.

Background

The landowner at 403 Glenwood Road, Relbia, has raised concerns with the Council regarding drainage across the property.

Mr Gordon Badcock gave permission to access his land to disperse the water in the event of flooding and the City of Launceston placed the culvert under Glenwood Road, some years ago to alleviate flooding on Glenwood Road.

Council has not been back at all to maintain this swale drain across Mr Badcock's property.

Unfortunately, the Council has no documentation regarding the matter, following the initial work.

The premise that 'there is no indication that the drain was improperly constructed, or that the Council was negligent in the carrying out of the drainage works' is refuted.

In my view, Council has an ethical obligation to remedy the work that it has been negligent in maintaining and work that now the operational arm cannot even find documentation for.

The view communicated in the decision of the previous Meeting is inconsistent with our Organisational Values: *We Care about Our Community* and *We Strive towards the Best Outcome for our Community*.

CITY OF LAUNCESTON

MEMORANDUM

The City of Launceston has a moral and ethical dilemma. The works were undertaken by Council. The drain has never been maintained to ensure that it still functions as was originally intended.

We are a 'can-do' organisation and one of our Residents is seeking our help with an issue that we created.

Attachments

Nil



Deputy Mayor Danny Gibson

Attachment 2 - Report Received by Council on 15 October 2020 - 403 Glenwood Road, Relbia**TITLE:** 403 Glenwood Road, Relbia**FILE NO:** 26526/92920**AUTHOR:** Kathryn Pugh (Acting Manager Infrastructure and Engineering)**GENERAL MANAGER:** Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To accept the recommendation regarding the open drain at 403 Glenwood Road, Relbia.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 12 March 2020 - 403 Glenwood Road, Relbia

RECOMMENDATION:

That Council receives the report on drainage issues at 403 Glenwood Road, Relbia and accepts the recommendation that no further works are planned or constructed on the open drain at 403 Glenwood Road, Relbia, other than necessary erosion works at the culvert headwall.

REPORT:

The landowner at 403 Glenwood Road, Relbia, has raised concerns with the Council via Customer Service Staff, Council Meetings and through Mr Ted Sands regarding drainage across the property. The landowner's primary issue of concern is water laying in the bottom of the drain due to inconsistent grading and/or placement of culverts and the inundation of his paddock areas and farm shed located in close proximity to the drain. The landowner has asserted that his farm shed has up to half a metre of water in it during flooding. The Council does not have any photographs on record of the extent or depth of flooding on this property. Water was evident lying in the drain in close proximity to a farm shed during a site visit undertaken by Council Officers in July 2019.

Customer Service requests regarding this matter date back to 2014 and the Council's Officers have spoken with and written to the landowner on numerous occasions; several site visits have also been undertaken. The Council's Officers have consistently provided advice to the landowner that the Council is not responsible for undertaking works on drains on private property in rural areas. This advice was most recently provided by the Chief Executive Officer, Michael Stretton at the Council Meeting on 14 November 2019 and via email from the Manager Infrastructure and Engineering (formerly Built Environment Manager) Michael Newby on 27 November 2019 (in reply to an email received from Mr Sands that same day).

The property at 403 Glenwood Road, Relbia is zoned as rural living. The upstream catchment to the drain is not urbanised; it largely consists of pasture and sparsely wooded areas (refer to map below). The catchment also contains approximately 1.1km of Glenwood Road and a number of rural properties. This level of development does not

The Council's Project Design and Delivery team has undertaken a preliminary design regarding potential works for this site. In order to achieve the landowner's two primary objectives of the works (no water laying in the bottom of the drain due to inconsistent grading and/or placement of culverts and inundation of the paddock areas and farm shed), the Council will need to grade the drain at 1% fall. To achieve 1% over 230m, the drain would be very deep at its end, and would be a large earth-moving job of some 1600m³ (at an estimated cost of \$70,000 for earthworks alone). The deep drain would require consultation with two downstream property owners who would need to be willing to accept a very deep drain cut through their property. With the associated and required, tree removal, re-fencing and culvert replacement, the works would cost an estimated \$120,000. For context, stormwater management has an operational budget of \$700,000 across the entire municipality for the 2019/2020 financial year, representing more than 17% of the annual municipal budget for works for one landowner. The costs of these works have been provided to the landowner.

In November 2019, Council adopted the Stormwater System Management Plan (SSMP) for Launceston's urban area which identifies priority actions using flood hazard categorisation in the urban catchment. Hazard categorisation considers a wide range of flood risks, particularly relating to personal safety, property damage, critical services and vulnerable developments. While not directly applicable to this property, as it is outside the urban area and inundation is caused by natural runoff, the flood hazard would be in the lowest hazard rating category. The landowner has not provided any evidence that the flooding is a risk to personal safety, causes substantial property damage, interrupts critical services or is a risk for a vulnerable development. There is no risk that the landowner's home would be flooded by water from the culvert and drain, which is 3.5m higher than the paddock the drain runs through. The landowner has previously reported stock losses due to paddock inundation. This is a farm management issue and moving stock to higher ground (a distance of 50-100m) would be an acceptable solution that is commonly employed by primary producers.

In order to complete works on the landowner's property to alleviate inundation of a paddock and farm shed, the Council would need to divert funding from projects identified in the SSMP Risk Studies such as flooding in residences in Whitford Grove to West Tamar Road, Trevallyn, or inundation of the Merino Street industrial complex. Within each stormwater catchment, the Stormwater Risk Studies identified a number of vulnerable developments, such as schools, aged care facilities, critical infrastructure, and locations with compromised vehicle stability due to flooding. Construction works on the open drain on the landowner's farm would require diversion of funds away from these identified risks. Within the urban area, the issues described by the landowner would be a low priority for capital or operational works and would be highly unlikely to receive funding. Within the rural network, these matters are not the responsibility of the City of Launceston to manage on behalf of property owners.

The level of service the City of Launceston offers is limited to the area in the immediate vicinity of the outlet of the culvert to ensure the discharge is not causing erosion. Legal advice has been sought on this matter which states that:

Section 21(4) of the Local Government (Highways) Act 1982 (LGHA) provides protection for a council from any injury or loss arises from the condition of a highway (which would include a drain that is part of the highway) providing that such injury or loss was not the result of improper carrying out of the highway

works, in this case the draining of the highway. Thus, the mere fact that water runs from a drain that is part of a local highway and causes flooding to neighbouring property, it cannot be said that the Council, as a road authority, is liable for such loss or injury unless it was negligent in the carrying out of the drainage work that led to that damage.

There is no indication that the drain was improperly constructed, or that the Council was negligent in the carrying out of the drainage works. The advice goes on to provide a summary of the Council's legal responsibility in regard to drainage from a road outside the urban area:

1. The Council has a right to make, cleanse and keep open any drain that is part of a highway or is constructed in and through any land adjoining or near a local highway that forms part of a highway.
2. If it does carry out drainage work and does so in such a way that creates the risk of injury to another then it is bound to do what is reasonable to prevent the occurrence of that injury.
3. If the drain is part of the local highway and water flows from that drain and causes damage to neighbouring property, section 21(4) of the LGHA provides statutory protection from such a claim providing it was not the carrying out of the drainage work that was causative of the damage.
4. In terms of land that adjoins the highway, section 47 of the LGHA, it provides that the occupier of that land is not to discharge any concentrated water onto the highway except pursuant to permission given to that person under section 46 of the LGHA.
5. If water drains from a local highway, including a drain that is part of that local highway and causes damage to neighbouring property, the property owner cannot look to the Council to make good that damage unless it is a result of the way the Council carried out the work. In other words, a breach of its duty of care to carry out the work in proper and workmanlike manner.

It is the position of the Council that no further works will be undertaken on this property other than the mitigation of erosion at the culvert. This advice has previously been communicated to the landowner by the Chief Executive Officer and the Council Officers who have consistently advised that this position is clear and unchanged, in accordance with legislative framework, and it is consistent across the municipality.

ECONOMIC IMPACT:

Substantial Council resources have been spent investigating options for this property, including site visits, correspondence and engineering plans. There are economic ramifications if works are conducted on this rural property as it would set a precedent across the municipality.

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

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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.



Shane Eberhardt - General Manager Infrastructure and Assets Network

Attachment 3 - Advice Concerning Drainage Issue at 403 Glenwood Road, Relbia

TREMAYNE • FAY
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9 November 2020

Our ref: GWT:AMM:19/01618
Your ref: Shane Eberhardt

Launceston City Council
PO Box 396
LAUNCESTON TAS 7250

Attention: **Mr Shane Eberhardt**
By email*: shane.eberhardt@launceston.tas.gov.au

Dear Sirs

Advice concerning drainage issue at 403 Glenwood Road, Relbia

Our advice is sought in relation to an issue that arises from advice that we have previously provided. On 9 February this year we provided advice concerning the Council's responsibility for discharge of drainage from a local road culvert in an area that is outside the urban drainage area. The owner of land at 403 Glenwood Road, Relbia was concerned about drainage from Glenwood Road. In our advice we concluded that if water drains from a local highway onto a neighbouring property the owner cannot look to the Council to make good any consequent damage unless the Council in carryout the drainage work created the drainage problem on the neighbouring land.

The Council received of a notice of motion seeking to rescind a decision of the Council made on 15 October 2020 concerning Glenwood Road, Relbia. We have not been provided with a copy of the earlier motion but we assume that it was that the Council would not carry out any work to the drain that adjoins the Glenwood Road property. We are now asked as to whether the Council has the right to construct a drain on property that adjoins 403 Glenwood Road. We understand that the purpose of the drain would be alleviate the drainage problem complained of by the owner of 403 Glenwood Road. Our instructions are that the drain on the neighbouring property is not required to effectively drain Glenwood Road.

As we pointed out in our earlier advice the Council has powers and responsibilities under the *Urban Drainage Act 2013 (UDA)* but that Act has no application outside the urban area and therefore does not apply in relation to the area surrounding 403 Glenwood Road.

The Council does have statutory power concerning drainage works throughout its municipal area and that arises from the *Local Government (Highways) Act 1982 (LGHA)*. Section 34(1) of that Act enables a corporation, if it considers it necessary to do so, to make, cleanse and keep open all drains and water courses in and through any land adjoining or near a local highway maintainable by it. The key to understanding the power that is given to the Council is that it must consider that the drainage work is necessary. There is no guidance in the section

Directors

Geoffrey Tremayne LL.B.
Bridget Rheinberger BA LL.B. GAICD
Zac Nicholson B.Ec LL.B. (Hons)

Principals

Renée Spencer B.Com. LL.B.
Melanie Claxton LL.B.
Senior Associates
Sarah Tremayne LL.B.

Associates

Justin Un B.Bus. LL.B.
Cameron Topfer B.Bus. LL.B. (Hons)

Lawyers

Charli Barclay BA LL.B. (Hons)

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ABN: 26 613 134 615

as to when such drainage work is necessary thus, guidance should be sought from the legislation itself. It is important to realise that the LGHA is a highways act and gives corporations rights and responsibilities in relation to local highways. It is trite to say that it is not a drainage act, for instance in the style of the UDA. The modern approach to statutory interpretation is to consider the context in which a particular statute is set. In 1997 the High Court said in *CIC Insurance Limited v. Bankstown Football Club Limited* [1997] HCA 2 that “*the modern approach to statutory interpretation (a) insists that the context be considered in the first instance, not merely at some later stage when ambiguity might be thought to arise*”. Whilst the contextual approach to statutory interpretation is not the only consideration, it is clear that it is the principle consideration and if it is adopted in this case then the drainage powers given to a corporation by s.34 must be considered in relation to their use in relation to highways and in particular that the use of the power be necessary in relation to the corporations responsibility for maintaining its local highways and in particular the drainage associated with those highways.

In our view the Council could not reasonably consider it necessary to carryout drainage work, even though it was on land that adjoins a local highway, unless it was required for some purpose associated with the Council’s responsibility as a road authority. In our view it would be an improper use of s.34 for the Council to construct a drain on land that adjoins Glenwood Road to assist a drainage problem experienced by a neighbour when that drain is not justified by any purpose reasonably associated with the management and maintenance on Glenwood Road.

The second question we are asked is whether the construction of the drain would set a precedent. The answer to that is “no it would not”. Each use of a council power such as that provided in s.34, is dependent upon the Council determining that such drainage work is necessary and each application for assistance with drainage work would need to be considered on the basis of its own facts. However, whilst there is no legal precedent set, the carrying out of such work could reasonably give rise to an expectation that if the Council is prepared to carry out drainage work for other than purposes associated with a local highway in one area, that it would do so in another area. It is a moral or political dilemma not a legal one.

Yours faithfully
TREMAYNE FAY RHEINBERGER

Per:



GEOFFREY TREMAYNE
gtremayne@tflawyers.com.au

* Unless requested, a hardcopy will not be sent

15.2 Notice of Motion - Mayor Councillor A M van Zetten - Family and Domestic Violence**FILE NO:** SF5547**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

DECISION STATEMENT:

To consider a Notice of Motion, submitted by the Mayor, Councillor A M van Zetten, regarding family and domestic violence.

RECOMMENDATION:

That Council requests officers develop a Domestic and Family Violence Strategy for adoption by Council that demonstrates the Council's commitment as both an employer and as a leader within the community to raising awareness, educating and supporting individuals and families impacted by domestic and family violence.

REPORT:

Domestic and family violence is a serious social, health and safety issue for our community. Australian Bureau of Statistics data reveals that in 2019, almost a third (30%) of all homicide and related offences were family and domestic violence (FDV) related. Of those, almost two-thirds (64%) were female, and most (83%) occurred at a residential location. At least two out of five assaults were recorded as FDV-related in 2019, over two-thirds of which were female. In Tasmania, the FDV-related assault was most commonly by an intimate partner, for both male and female victims (source: <https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-victims-australia/latest-release#victims-of-family-and-domestic-violence-related-offences>).

Reports indicate that the statistics are even more distressing for the first half of 2020 and during the COVID-19 pandemic, response and associated home isolation restrictions. We know also that the effects of FDV are felt well beyond the direct victim, with immediate and extended families and communities also significantly impacted.

The City of Launceston supports the right of all people to live in a family or domestic relationship free from violence, abuse or intimidation. This commitment is supported by the organisational values we work by, but in particular - Our people matter, we care about our community and we go home safe and well - which all hold the health and wellbeing of our people and our community at their core.

15.2 Notice of Motion - Mayor Councillor A M Van Zetten - Family and Domestic Violence ...(Cont'd)

The Council is taking action in the community and workplace to support the right of all people to live free from violence, abuse or intimidation. These include:

Council Employee Protections

The Council's employment conditions include provisions to support employees impacted by domestic violence. The Council recognises the difficulties faced by victims of family violence and has committed to supporting employees that are affected by such circumstances. This support includes:

- temporary changes to span of hours or pattern or hours and/or shift patterns;
- access to annual leave, personal leave or family violence leave;
- a change to their telephone number or email address to avoid harassing contact; and
- access to Human Resources and reminded of the support available through accessing the Employee Assistance Program.

Any information provided by the employee in relation to their circumstances as a victim of family violence is considered private and treated with appropriate confidentiality.

Community Grants

The Council offers two rounds of community grants each year to support community projects/activities up to \$5,000 held in the Launceston municipality, which result in community, social, cultural and environmental benefits for the Launceston community. Past projects supported have included awareness raising and programs to support vulnerable, at risk and victims of violence.

Support of Community Awareness campaigns

The Council is actively working to create awareness of the *White Ribbon* campaign:

- White ribbons are displayed in the back screen of many of our fleet vehicles;
- *White Ribbon* awareness messages in the council's internal newsletter during the months of November and promotion of the sale of ribbons to support the campaign;
- Banners are displayed in the Brisbane Street Mall during the month of November.

Launceston Safer Communities Partnership

The Council participates in the Launceston Safer Community Partnership (LSCP), which is an inter-organisational partnership which addresses community safety issues as they relate to the greater Launceston area.

Tackling the serious issue of FDV in Australia is everybody's responsibility and local government, as a leader within each community, can play a significant role in addressing the shocking statistics that confront us as a nation. It is for this reason that I am recommending that the Council develop a Domestic and Family Violence Strategy to recognise and further strengthen its role both within the Council and in the community.

15.2 Notice of Motion - Mayor Councillor A M Van Zetten - Family and Domestic Violence ...(Cont'd)

Recently the Brisbane City Council demonstrated its commitment by adopting a Domestic and Family Violence Strategy in June of this year. The George Town Council also flagged its intention in June to develop a strategy.

There are a number of agencies, non-government organisations, health providers and academics working towards both addressing and seeking to prevent FDV and its effects. These practitioners or service providers would provide useful insights to assist with the development of a strategy that identifies this Council's role.

OFFICER COMMENTS:

(Mrs Leanne Hurst General Manager Community and Place Network)

The example set by the Brisbane City Council and the intent shown by the George Town Council support the view that local government has a key role to play in addressing unacceptable levels of family and domestic violence in our community. Consistent with the purpose and role of the *Liveable Communities Team*, engagement with relevant service providers and other jurisdictions can be undertaken with existing officer resources.

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
Priority Area 8 - A secure, accountable and responsive Organisation
Ten-year goals - To ensure decisions are made in a transparent and accountable way
Key Direction -
3. To ensure decisions are made on the basis of accurate and relevant information

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

15.2 Notice of Motion - Mayor Councillor A M Van Zetten - Family and Domestic Violence ...(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.



Michael Stretton - Chief Executive Officer

ATTACHMENTS:

1. Notice of Motion, Mayor Councillor A M van Zetten, Family and Domestic Violence
-

Attachment 1 - Notice of Motion, Mayor Councillor A M van Zetten, Family and Domestic Violence

CITY OF LAUNCESTON

MEMORANDUM

FILE NO: SF0138; SF3804
 AvZ
 DATE: 13/11/2020

TO: Michael Stretton Chief Executive Officer
 c.c. Committee Clerks

FROM: Albert van Zetten Councillor

SUBJECT: Notice of Motion - Family and Domestic Violence

In accordance with Clause 16 (5) of the *Local Government (Meeting Procedures) Regulations 2015* please accept this Notice of Motion for placement on the agenda of the Meeting of Council to be held on Thursday 26 November 2020.

Motion

That Council requests that officers develop a Domestic and Family Violence Strategy for adoption by Council that demonstrates the Council's commitment as both an employer and as a leader within the community to raising awareness, educating and supporting individuals and families impacted by domestic and family violence

Background

Domestic and Family Violence is a serious social, health and safety issue for our community. Australian Bureau of Statistics data reveals that in 2019, almost a third (30%) of all homicide and related offences were family and domestic violence (FDV) related. Of those, almost two-thirds (64%) were female, and most (83%) occurred at a residential location. At least two out of five assaults were recorded as FDV-related in 2019, over two-thirds of which were female. In Tasmania, the FDV-related assault was most commonly by an intimate partner, for both male and female victims (source: <https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-victims-australia/latest-release#victims-of-family-and-domestic-violence-related-offences>).

Reports indicate that the statistics are even more distressing for the first half of 2020 and during the COVID-19 response and associated home isolation restrictions. We know also that the effects of FDV are felt well beyond the direct victim, with immediate and extended families and communities also significantly impacted.

The City of Launceston supports the right of all people to live in a family or domestic relationship free from violence, abuse or intimidation. This commitment is supported by the organisational values we work by, but in particular - Our people matter, we care about our community and we go home safe and well - which all hold the health and wellbeing of our people and our community at their core.

CITY OF LAUNCESTON

MEMORANDUM

The Council is taking action in the community and workplace to support the right of all people to live free from violence, abuse or intimidation. These include:

Council employee protections

The Council's employment conditions include provisions to support employees impacted by domestic violence. The Council recognises the difficulties faced by victims of family violence and has committed to supporting employees that are affected by such circumstances. This support includes:

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The Council is actively working to create awareness of the White Ribbon campaign:

- White Ribbons are displayed in the back screen of many of our fleet vehicles;
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Launceston Safer Communities Partnership

The Council participates in the Launceston Safer Community Partnership (LSCP), which is an inter-organisational partnership which addresses community safety issues as they relate to the greater Launceston area.

Tackling the serious issue of FDV in Australia is everybody's responsibility and local government, as a leader within each community, can play a significant role in addressing the shocking statistics that confront us as a nation. It is for this reason that I am recommending that the Council develop a Domestic and Family Violence Strategy to recognise and further strengthen its role both within the Council and in the community. Recently the Brisbane City Council demonstrated its commitment by adopting a Domestic and Family Violence Strategy in June of this year. The George Town Council also flagged its intention in June to develop a strategy.

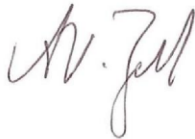
CITY OF LAUNCESTON

MEMORANDUM

There are a number of agencies, non-government organisations, health providers and academics that are working towards both addressing and seeking to prevent FDV and its effects. These practitioners or service providers would provide useful insights to assist with the development of a strategy that identifies this Council's role.

Attachments

N/A



Mayor, Councillor Albert van Zetten

16 COMMUNITY AND PLACE NETWORK ITEMS

No Items have been identified as part of this Agenda

17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS**17.1 City of Launceston Cultural Strategy 2020-2030****FILE NO:** SF3547**GENERAL MANAGER:** Tracy Puklowski (Creative Arts and Cultural Services Network)

DECISION STATEMENT:

To endorse the City of Launceston Cultural Strategy and note the intention to establish an Implementation Framework and a Cultural Advisory Committee following endorsement.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 22 October 2020 - City of Launceston Cultural Strategy 2020-2030

Council - 5 March 2020 - Agenda Item 17.1 - City of Launceston Cultural Strategy

Workshop - 13 February 2020 - Draft City of Launceston Cultural Strategy

Workshop - 24 October 2019 - *Our Place, Our People, Our Stories* - City of Launceston Cultural Strategy Introduction and Discussion

RECOMMENDATION:

That Council:

1. endorses the City of Launceston Cultural Strategy 2020-2030 (ECM Document Set ID 4451354).
 2. notes the intention to establish an Implementation Framework and Cultural Advisory Committee once the Strategy is endorsed.
-

REPORT:

The City of Launceston Cultural Strategy (the Strategy) is the culmination of work that originated in 2017, when Robyn Archer introduced the Council to the concept of culture as the overall encompassing feeling that visitors and residents associate with their experience from a place. It was determined, at that stage, that a cultural strategy was needed to provide a vision and direction for Launceston as a culturally vibrant City and destination and to proactively leverage opportunities from cultural assets and the arts to realise untapped potential for the municipality and the region. The Strategy is a key City Deal commitment.

17.1 City of Launceston Cultural Strategy 2020-2030 ...(Cont'd)

After a review of previous work and extensive community and stakeholder feedback, a final draft document was originally endorsed for community consultation in February 2020. Due to the COVID-19 pandemic, the timeline for consultation was extended and the consultation sessions were revised in accordance with COVID-19 requirements.

The Strategy sets Launceston on a bold and ambitious course for the future. It establishes a clear vision for Launceston to be a dynamic place where people live meaningful and culturally vital lives; filled with rich experiences and fuelled by curiosity. It aims to promote Launceston to be a welcoming place which builds a better future by celebrating the rich cultural diversity of its people and by recognising the stories of its past.

There are five strategic focus areas in the Strategy, all of which have the potential to transform our City and inform the decisions we make:

1. value and respect Aboriginal Culture
2. realise the potential of our cultural places and assets
3. foster creative practice
4. reveal our cultural stories
5. build and extend partnerships

The significant impact of the COVID-19 pandemic on communities has brought the importance of shared expressions and celebrations of culture to the fore as a means of healing and reconnecting. To this end, the Strategy is placed to deliver even greater benefit to Launceston and its people than originally imagined or anticipated.

COMMUNITY CONSULTATION:

Deferred community consultation took place throughout the 3-30 August 2020 and was complemented by a comprehensive communications and engagement plan to encourage feedback via the Draft Cultural Strategy survey and website.

Targeted community consultation comprised a community stakeholder workshop event and an online Q and A session.

The feedback from all of the engagement was summarised and, in the case of the community stakeholder workshop, shared back to participants. Feedback was then integrated into the final version of the Draft Cultural Strategy (17 changes overall) and shared with Councillors at a Workshop on 22 October 2020.

POST ENDORSEMENT:

Once the Strategy is endorsed, work will begin on the establishment of an Implementation Framework. This Implementation Framework will be integrated with the City of Launceston's Vision, Purpose, Values and with the planning principles for cultural development projects, as set out by the Cultural Development Network (CDN).

17.1 City of Launceston Cultural Strategy 2020-2030 ...(Cont'd)

A Cultural Advisory Committee will also be established in order to provide the Council with strategic advice and informed feedback on cultural development matters.

ECONOMIC IMPACT:

The Strategy asserts that a culturally vibrant community is an attractive place to establish and grow innovative businesses, and build Launceston's brand as a place of effortless living and classic culture. Enhancing the City's cultural vitality will make the region a more attractive place to settle and raise a family, increase local engagement in cultural activities, and promote Launceston as a year-round cultural tourism destination.

SOCIAL IMPACT:

The Strategy will strengthen community pride and a sense of belonging, by leveraging Launceston's rich cultural assets. It also has a key role to play in positioning Launceston as a welcoming place that recognises and celebrates the benefits of cultural diversity.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

1. To actively market the City and Region and pursue investment.
4. To promote tourism, and the development of a quality tourism offering for Launceston.

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

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

Focus Areas:

1. To promote and enhance Launceston's rich heritage, culture and natural environment.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

17.1 City of Launceston Cultural Strategy 2020-2030 ...(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.



Tracy Puklowski - General Manager Creative Arts and Cultural Services Network

ATTACHMENT:

1. City of Launceston Cultural Strategy 2020-2030 (ECM Document ID Set 4451354)
(electronically distributed)
-

18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS

18.1 Lease - Land at Cataract Gorge

FILE NO: SF2229

AUTHOR: Duncan Campbell (Team Leader Legal Services)

GENERAL MANAGER: Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider the extension of a lease at the Cataract Gorge.

PREVIOUS COUNCIL CONSIDERATION:

Council - 13 December 2004 - Agenda Item 9.8 - Mobile Phone Installation - Cataract Gorge

RECOMMENDATION:

That Council:

1. pursuant to section 179 of the *Local Government Act 1993* (Tas) decides to lease public land on the following basis: the decision of Council on 13 December 2004 in respect of the lease at the Cataract Gorge to Telstra Limited, as varied, is expanded to allow the exercise of a third option of five years if requested.
 2. notes that the relevant land to be leased is more particularly described in the officer report attached to this Agenda Item.
-

REPORT:

On 13 December 2004, Council resolved to lease land at the Cataract Gorge to Telstra Ltd for the purpose of telecommunications infrastructure on a 10 plus five plus five year basis.

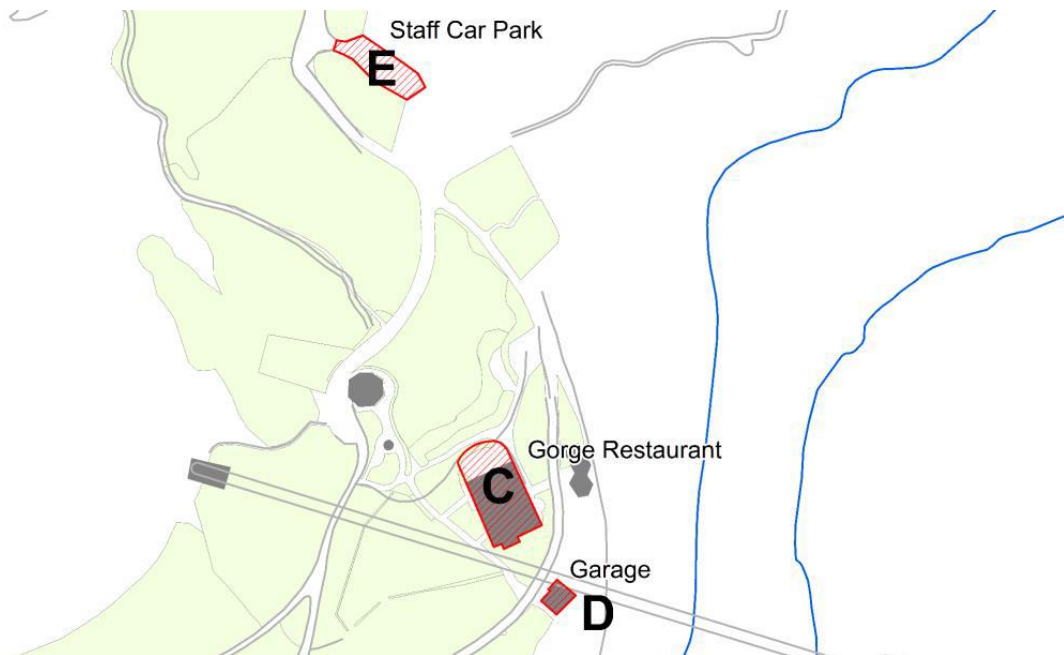
Following that decision, advertisements were placed in *The Examiner* newspaper inviting objections to the lease from members of the public, as required by section 178 of the *Local Government Act 1993* (Tas) (the Act). No objections were received and a lease of the relevant land was subsequently entered into on or about 19 July 2005.

18.1 Lease - Land at Cataract Gorge ...(Cont'd)

By deed, dated 23 March 2015, the first option of that lease was exercised, taking the lease to 31 April 2020. A deed of variation, dated 10 December 2018, slightly varied the area subject to the lease in line with contemporary needs. The lease is currently in holding over.

The relevant land is contained within Certificate of Title 243968, Folio 1, comprising land and airspace on and within the Basin Café and the immediate surrounding area. A representation of the location of the relevant land is identified at C on the map below.

The precise parameters of the land are more particularly described in the lease as varied by the deed of variation dated 10 December 2018.



The second option will be entered into in accordance with the decision of Council in 2014 and the subsequent deed of variation.

Given that public advertising requirements were met in 2005 and a third option represents a disposal not exceeding five years, Council can exercise that option pursuant to section 179 of the Act without further public advertising.

The Recommendation, if approved, will ensure that the third option can be exercised if required.

It is noted that a valuation is not statutorily required in order for the Council to dispose of public land. It is intended that the rent to be charged under the lease will be calculated in accordance with its existing terms.

18.1 Lease - Land at Cataract Gorge ...(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.
3. To ensure decisions are made on the basis of accurate and relevant information.
4. To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains and adopting technological and other process innovations.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Shane Eberhardt - General Manager Infrastructure and Assets Network

19 ORGANISATIONAL SERVICES NETWORK ITEMS**19.1 2020/2021 Budget - Budget Amendments****FILE NO:** SF6816**AUTHOR:** Nathan Williams (Manager Finance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider changes to the Council's 2020/2021 Statutory Estimates.

A decision for Recommendation 1. requires an absolute majority of Council in accordance with section 82(4) of the Local Government Act 1993 (Tas).

RECOMMENDATION:

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993* (Tas) and by an absolute majority, approves the following changes to the 2020/2021 Statutory Estimates:
 - (a) Revenue
 - i. the net increase in revenue from external grants and contributions of \$1,206,930.
 - (b) Expenses
 - i. the net increase in operations expenditure of \$13,900.
 - (c) Capital Works Expenditure
 - i. the net increase in expenditure from external funds of \$1,206,930.
 - ii. the decrease in the Council's funded expenditure of \$13,900.
 2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus being amended to \$6,755,344 (including capital grants of \$18,031,576) for 2020/2021.
 - (b) the capital budget being increased to \$50,442,826 for 2020/2021.
-

19.1 2020/2021 Budget - Budget Amendments ...(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 01/07/2020	359	43,929
Adjustments approved by Council to 30/09/2020	5,203	5,321
Balance Previously Advised as at 30/09/2020	<u>5,562</u>	<u>49,250</u>
 <u>Amendments</u>		
Capital to Operations	(14)	(14)
Operations to Capital	0	0
External Funds	1,207	1,207
Statutory Budget as at 31/10/2020	<u>6,755</u>	<u>50,443</u>
Deduct Capital Grants and Contributions	<u>(18,031)</u>	
Underlying Operating Budget Surplus/(Deficit)	<u>(11,276)</u>	

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
CP24025	Albert Hall External Fabric Renewal - Capital	\$13,900	\$13,900	\$0	\$0
OPM22964	Albert Hall External Fabric Renewal - Major Operations	\$0	\$0	\$13,900	\$13,900
	TOTALS	\$13,900	\$13,900	\$13,900	\$13,900

19.1 2020/2021 Budget - Budget Amendments ...(Cont'd)

The project scope of works:

Work undertaken on project CP24025 - Albert Hall External Fabric Renewal, does not meet the requirements under the Council's Capitalisation Framework document. As these costs cannot be capitalised, expenditure has been transferred to the Major Operations area and requires the matching budget amount to be transferred as well.

Capital to Operations	Operations	Capital
Albert Hall External Fabric Renewal	\$13,900	(\$13,900)
TOTAL	\$13,900	(\$13,900)

1(b) 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	(\$1,703,070)	\$706,930	\$0	(\$2,410,000)
G10067.12160	Parks Capital Grants	(\$250,000)	\$500,000	\$0	(\$750,000)
CP24137	Footpath Reseal Program 2020/2021	\$1,200,000	\$0	\$326,930	\$1,526,930
CP24195	Churchill Park Levee Footpath Sealing	\$0	\$0	\$200,000	\$200,000
CP24210	Riverbend Footpath Sealing	\$0	\$0	\$180,000	\$180,000
CP24087	Road Safety Centre Stabilisation	\$1,200,000	\$0	\$500,000	\$1,700,000
	TOTALS	\$446,930	\$1,206,930	\$1,206,930	\$446,930

The project scope of works:

External grant funding has been allocated to the Council under the Local Roads and Community Infrastructure (LCRI) Program as part of the COVID-19 Recovery Infrastructure Investment Stimulus. It is, therefore, required that these funds are recognised as budget on the nominated Capital Projects.

External Funding	Operations	Capital
Footpath Reseal Program	(\$326,930)	\$326,930
Churchill Park Levee Footpath Sealing	(\$200,000)	\$200,000
Riverbend Footpath Sealing	(\$180,000)	\$180,000
Road Safety Centre Stabilisation	(\$500,000)	\$500,000
TOTAL	(\$1,206,930)	\$1,206,930

19.1 2020/2021 Budget - Budget Amendments ...(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.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

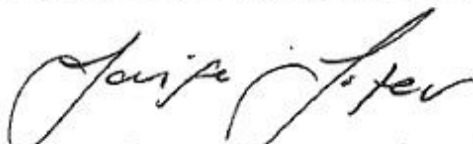
BUDGET & FINANCIAL ASPECTS:

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 - General Manager Organisational Services Network

**19.2 2020/2021 Budget - Chief Executive Officer's Report on Adjustments - 1
September 2020 to 31 October 2020**

FILE NO: SF7144

AUTHOR: Nathan Williams (Manager Finance)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider adjustments made during 1 September 2020 to 31 October 2020 by the Chief Executive Officer to the 2020/2021 Budget.

RECOMMENDATION:

That Council, pursuant to section 82(7) of the *Local Government Act 1993* (Tas), receives the Chief Executive Officer's report on adjustments to the 2020/2021 budget for the period 1 September 2020 to 31 October 2020.

REPORT:

Pursuant to section 82(6) of the *Local Government Act 1993* (Tas), Council has authorised the General Manager (Chief Executive Officer) 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 to section 82(7) of the *Local Government Act 1993* (Tas) which requires the Chief Executive Officer 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 September 2020 to 31 October 2020:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24106	Major Plant Replacement 2020/2021 Purchases	\$3,002,806	\$200,000	\$0	\$2,802,806
24230	Digital Two-Way Radio System	\$0	\$0	\$200,000	\$200,000
	TOTALS	\$3,002,806	\$200,000	\$200,000	\$3,002,806

**19.2 2020/2021 Budget - Chief Executive Officer's Report on Adjustments - 1
September 2020 to 31 October 2020 ...(Cont'd)**

The project scope of works:

Purchase of a new two-way digital radio system, which will replace the existing analogue system that is now obsolete.

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:

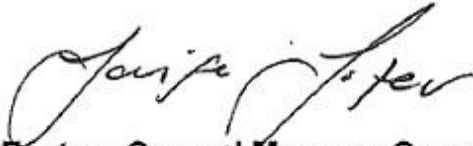
As per the report.

**19.2 2020/2021 Budget - Chief Executive Officer's Report on Adjustments - 1
September 2020 to 31 October 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 - General Manager Organisational Services Network

19.3 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 October 2020 to 31 October 2020)**FILE NO:** SF7114**AUTHOR:** Nathan Williams (Manager Finance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider changes to the Council's 2020/2021 Statutory Estimates.

A decision for Recommendation 1. requires an absolute majority of Council in accordance with section 82(4) of the Local Government Act 1993 (Tas).

PREVIOUS COUNCIL CONSIDERATION:

Council - 2 April 2020 - Agenda Item 7.1 - Community Care and Recovery Package - COVID-19

Workshop - 7 May 2020 - Care and Recovery Package - Proposed Accelerated Capital Works Program

Council - 28 May 2020 - Agenda Item 20.2 - Accelerated Capital Works Program Policy (30-Plx-007)

Council - 1 October 2020 - Agenda Item 19.1 - 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program

RECOMMENDATION:

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993* (Tas), and by an absolute majority, approves the following changes to the 2020/2021 Statutory Estimates:
 - (a) Expenses
 - i. the net increase/decrease in operations expenditure of \$0.
 - (b) Capital Works Expenditure
 - i. the increase/decrease in the Council's funded expenditure of \$0.
 - (c) New Projects for 2020/2021.
-

19.3 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 October 2020 to 31 October 2020) ...(Cont'd)

Project Number	Project Description
24234	Rural Reseal Program 2020/2021
24183	Patersonia River Bridge (BR#649)
24190	George Town Road/University Way Reseal
24211	Wellington Street (Peel-Meredith) Reseal
24212	Wellington Street (Cridge-Pipeworks) Reseal
24215	Opossum Road Reseal
24218	Forest Road Reseal
24219	Lilydale Road Reseal
24221	Auburn Street Reseal
24222	Penquite Road Reseal
24229	Taroona Street Gate Upgrade
24194	Boiton Hill Road Charlton to Norwood
24201	Charlton Street Reseal
24208	Gorge Road Reseal
24202	Hart Street Reseal
24216	Seymour Street Reseal
24204	Victoria Street Reseal
24193	Malunga Street Chifley to Panubra
24236	Brougham Street Road Contribution

(d) Projects with amended budget amounts for 2020/2021

Project Number	Project Description
23785	Prospect Flood Alleviation
24000	Gorge Cliff Grounds SPS Renewal
24151	Ashleigh Avenue Rehabilitation
24157	Harrow/Mimosa Place Rehabilitation
23832	Riverbend/Lindsay Street Precinct Work 2020/2021
24143	Reimagining the Cataract Gorge 2020/2021
23705	Alexandra Suspension Bridge
21587	Carr Villa Ash Placement Area
23881	Paterson Street Exeloo
24095	Poplar Parade Pavement Reconstruction
24163	Invermay (Forster-Mann) Rehabilitation
23887	Newnham Creek/Hortus Place Bank Remediation
24015	Youngtown Oval Facilities Upgrade
24134	Upper Blessington Road Bridge (BR#666)
24137	Footpath Reseal Program 2020/2021

19.3 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 October 2020 to 31 October 2020) ...(Cont'd)

(e) Projects Cancelled for 2020/2021

Project Number	Project Description
24153	Windermere Road Reconstruction
24138	Urban Road Reseal Program 2020/2021
24162	Kings Meadows CBD Road Resurface

2. notes that amendments from Recommendation 1. result in:
- (a) the operating surplus remaining at \$6,755,344 (including capital grants of \$18,031,576) for 2020/2021.
 - (b) the capital budget being remaining at \$50,442,826 for 2020/2021.

REPORT:

The budget amendments are changes to the Statutory Estimates which require a Council decision. The changes relate to projects identified to be delivered as part of the Council's Accelerated Capital Works Program (ACWP).

Council approved a Nation leading Community Care and Recovery Package, during April 2020, in response to the COVID-19 pandemic. The package included a \$40m ACWP which was designed to stimulate the local economy, with an emphasis on renewal projects that are deliverable within the next four years (2021-2025).

The ACWP supports financially sustainable investment that is consistent with the City of Launceston's Strategic Asset Management Plan and Long Term Finance Plan.

The ACWP Policy (30-Plx-007) adopted the following criteria to be applied to the selection of projects forming part of the ACWP:

- Expenditure must be 80% asset renewal*.
- Expenditure by program should be in line with the Long Term Finance Plan of approximately:
 - 60% to 70% transportation
 - 4% to 10% drainage
 - 5 to 10% recreation
 - 3% to 8% buildings
 - 12% to 20% waste management
 - 0% to 5% other

19.3 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 October 2020 to 31 October 2020) ...(Cont'd)

- Projects are required to be delivered in the next four years (2021-2025) due to capacity, condition and/or compliance.
- Can be delivered to market by 30 April 2021.
- *Roads to Recovery* minimum expenditure is to be met.

** Rehabilitation and liner development expenditure at the Launceston Waste Centre and expansion of the ash placement area are considered renewal from an asset management perspective and in application of this criteria because they are a continuation of an existing service.*

Council approved an additional ACWP Budget of \$10m for 2020/2021, as part of the Community Care and Recovery Package in response to the COVID-19 pandemic.

It was necessary to review the overall Capital Works Program for 2020/2021 and all projects with a carried forward budget from previous years. In consultation with each General Manager, the ACWP team and relevant Project Managers, a number of budget amendments were identified as being required to facilitate the ACWP.

The centralised ACWP project which contains the \$10m of funding will be drawn down as new ACWP projects are identified, these will be provided to Council for approval in a timely manner. Projects that have had their scope reduced or have been cancelled, will have their funding assigned to the centralised project. Members of both the ACWP team and Finance team will meet regularly to ensure expenditure remains on track.

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:

The following items need to be reallocated between Capital projects but do not alter the operating surplus:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24153	Windermere Road Reconstruction	\$250,000	\$250,000	\$0	\$0
24138	Urban Road Reseal Program 2020/2021	\$1,500,000	\$1,500,000	\$0	\$0
24234	Rural Reseal Program 2020/2021	\$0	\$0	\$350,000	\$350,000
24175	Accelerated Capital Works Program (COVID-19)	\$7,148,835	\$0	\$1,400,000	\$8,548,835
	TOTALS	\$8,898,835	\$1,750,000	\$1,750,000	\$8,898,835

19.3 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 October 2020 to 31 October 2020) ...(Cont'd)

The project scope of works:

Windermere Road Reconstruction has been cancelled as an individual project and the funds are to be transferred to the newly created Rural Reseal Program 2020/2021.

The Urban Road Reseal Program 2020/2021 has been cancelled and the budget is to be transferred to the Accelerated Capital Works Program. The work identified as part of the reseal program will be carried out as individual projects.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24175	Accelerated Capital Works Program (COVID-19)	\$8,548,835	\$4,632,253	\$0	\$3,916,582
23785	Prospect Flood Alleviation	\$2,000,000	\$250,000	\$0	\$1,750,000
24000	Gorge Cliff Grounds SPS Renewal	\$1,200,000	\$150,000	\$0	\$1,050,000
24151	Ashleigh Avenue Rehabilitation	\$250,000	\$100,000	\$0	\$150,000
24157	Harrow/Mimosa Place Rehabilitation	\$250,000	\$85,000	\$0	\$165,000
23832	Riverbend/Lindsay Street Precinct Work 2020/2021	\$706,106	\$400,000	\$0	\$306,106
24143	Reimagining the Cataract Gorge 2020/2021	\$500,000	\$270,000	\$0	\$230,000
23705	Alexandra Suspension Bridge	\$430,000	\$0	\$270,000	\$700,000
21587	Carr Villa Ash Placement Area	\$366,800	\$0	\$433,200	\$800,000
23881	Paterson Street Exeloo	\$460,000	\$0	\$240,000	\$700,000
24095	Poplar Parade Pavement Reconstruction	\$400,000	\$0	\$150,000	\$550,000
24163	Invermay (Forster-Mann) Rehabilitation	\$2,525,000	\$0	\$375,000	\$2,900,000
24183	Patersonia River Bridge (BR#649)	\$0	\$0	\$250,000	\$250,000
24190	George Town Road/University Way Reseal	\$0	\$0	\$550,000	\$550,000

19.3 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 October 2020 to 31 October 2020) ...(Cont'd)

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24211	Wellington Street (Peel-Meredith) Reseal	\$0	\$0	\$250,000	\$250,000
24212	Wellington Street (Cridge-Pipeworks) Reseal	\$0	\$0	\$250,000	\$250,000
24215	Opossum Road Reseal	\$0	\$0	\$150,000	\$150,000
24218	Forest Road Reseal	\$0	\$0	\$450,000	\$450,000
24219	Lilydale Road Reseal	\$0	\$0	\$330,000	\$330,000
24221	Auburn Street Reseal	\$0	\$0	\$100,000	\$100,000
24222	Penquite Road Reseal	\$0	\$0	\$385,000	\$385,000
23887	Newnham Creek/Hortus Place Bank Remediation	\$1,087,485	\$0	\$712,515	\$1,800,000
24229	Taroona Street Gate Upgrade	\$0	\$0	\$400,000	\$400,000
24194	Boiton Hill Road Charlton to Norwood	\$0	\$0	\$280,000	\$280,000
24201	Charlton Street Reseal	\$0	\$0	\$180,000	\$180,000
24015	Youngtown Oval Facilities Upgrade	\$445,462	\$0	\$131,538	\$577,000
	TOTALS	\$19,169,688	\$5,887,253	\$5,887,253	\$19,169,688

The project scope of works:

These projects are all part of the confirmed Accelerated Capital Works Program (COVID-19) to date.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24175	Accelerated Capital Works Program (COVID-19)	\$3,916,582	\$208,070	\$0	\$3,708,512
24134	Upper Blessington Road Bridge (BR#666)	\$350,000	\$50,000	\$0	\$300,000
24137	Footpath Reseal Program 2020/2021	\$1,526,930	\$326,930	\$0	\$1,200,000
24162	Kings Meadows CBD Road Resurface	\$550,000	\$550,000	\$0	\$0
24208	Gorge Road Reseal	\$0	\$0	\$150,000	\$150,000
24202	Hart Street Reseal	\$0	\$0	\$350,000	\$350,000

19.3 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 October 2020 to 31 October 2020) ...(Cont'd)

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24216	Seymour Street Reseal	\$0	\$0	\$125,000	\$125,000
24204	Victoria Street Reseal	\$0	\$0	\$200,000	\$200,000
24193	Malunga Street Chifley to Panubra	\$0	\$0	\$160,000	\$160,000
24236	Brougham Street Road Contribution	\$0	\$0	\$150,000	\$150,000
	TOTALS	\$6,343,512	\$1,135,000	\$1,135,000	\$6,343,512

The project scope of works:

These projects are all part of the confirmed Accelerated Capital Works Program (COVID-19) to date.

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.

19.3 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 October 2020 to 31 October 2020) ...(Cont'd)

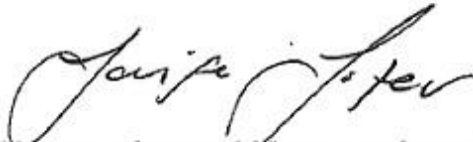
BUDGET & FINANCIAL ASPECTS:

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 - General Manager Organisational Services Network

19.4 Delegation from Council to Chief Executive Officer - *Urban Drainage Act 2013* (Tas)**FILE NO:** SF0113**AUTHOR:** Wezley Frankcombe (Governance and Legal Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider delegation from Council to the Chief Executive Officer of all powers under the *Urban Drainage Act 2013* (Tas).

RECOMMENDATION:

That Council:

1. pursuant to section 22(1) of the *Local Government Act 1993* (Tas), delegates all of its functions and powers under the *Urban Drainage Act 2013* (Tas) to the holder of the position of Chief Executive Officer.
 2. pursuant to section 64(1)(b) of the *Local Government Act 1993* (Tas), authorises the holder of the position of Chief Executive Officer to delegate the functions and powers to an employee or employees of the Council.
 3. determines that the delegations made by the decision, revokes any previous delegation made under the *Urban Drainage Act 2013* (Tas).
 4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference used for the General Manager as appointed under section 61 of the *Local Government Act 1993* (Tas).
 5. pursuant to section 23AA(2)(b) of the *Acts Interpretation Act 1931* (Tas), authorises the Mayor to evidence the delegations made by this decision, by signing an instrument of delegation referring to this decision and replicating, either exactly or in substance, the terms of the delegations effected by these Recommendations.
-

REPORT:

The ongoing review of Council's delegations has identified powers under the *Urban Drainage Act 2013* (Tas) (the Act) suitable for delegation.

19.4 Delegation from Council to Chief Executive Officer - *Urban Drainage Act 2013 (Tas) ... (Cont'd)*

A formal decision to delegate the functions and powers contained within the Act will ensure that the powers of the Council's Officers are permitted to perform are clear to the public. It will also provide efficiencies by ensuring that largely procedural matters can be dealt with by the Council's Officers independently.

To date the authority for particular stormwater and drainage works have been managed under a combination of General Managers' powers under other legislation, including the *Local Government Act 1993 (Tas)* and the *Urban Drainage Act 2013 (Tas)*. The ongoing review of Council's processes has identified that this is more appropriately managed by delegation under the *Urban Drainage Act 2013 (Tas)*.

Despite this delegation, Council can continue to exercise the relative powers.

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:

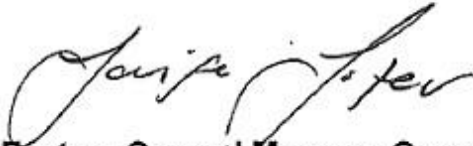
Not considered relevant to this report.

19.4 Delegation from Council to Chief Executive Officer - *Urban Drainage Act 2013* (Tas) ...(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 - General Manager Organisational Services Network

19.5 Remission of Fees and Charges - Community Care and Recovery Package

FILE NO: SF2968

AUTHOR: Nathan Williams (Manager Finance)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the approval of the remission of Fees and Charges as prescribed under Council's Community Care and Recovery Package.

This decision, pursuant to section 207 of the Local Government Act 1993 (Tas), states that Council may remit all or part of a fee or charge paid or payable requires an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

Special Council Meeting - 2 April 2020 - Agenda Item 7.1 - Community Care and Recovery Package - COVID-19 Pandemic

RECOMMENDATION:

That Council:

1. pursuant to section 207 of the *Local Government Act 1993* (Tas) and by absolute majority, approves the schedule of Fees and Charges remissions, totalling \$820,105 and indicated in the table below:

Description	Estimated Remission	Amount of Remission	Variance
Rent Relief	508,000	222,936	285,064
Parking	-	68,851	(68,851)
Hall Hire	-	3,580	(3,580)
Sporting Ground Hire	6,000	58,224	(52,224)
Events	-	545	(545)
Development Application Minimum Fee	360,000	377,840	(17,840)
Food Business and Public Health Registrations	99,000	88,127	10,873
Totals	\$973,000	\$820,105	\$152,895

19.5 Remission of Fees and Charges - Community Care and Recovery Package ...(Cont'd)

Council approved the Community Care and Recovery Package in April 2020 in response to the COVID-19 pandemic. Part of the package was the provision of fees and charges relief and rent relief for a period of six months from April to September.

Now that the period of six months relief has ended and the details of the remissions are finalised, they can be presented to Council for endorsement.

The estimated remissions for rent relief of \$508,000 included rent and lease income for parking, hall hire and (the majority of) sporting ground hire which accounts for these variances. These variances were not broken down into further categories at the time the package was proposed by Council.

Included in the initial rent relief estimation was the waiver of utilities costs. As stipulated in the Community Care and Recovery Package, tenants of the Council's properties were required to reimburse utilities costs, unless waived by the provider. It was hoped that a waiver would be provided to tenants of the Council's properties. The Council's Officers worked closely with tenants and providers to seek waivers for these properties and were successful in securing several waivers from TasWater, but none from Aurora, which has added to the variance for rent relief.

ECONOMIC IMPACT:

The intention of the Community Care and Recovery Package was to provide a stimulus for economic growth in the short term by offering fee and rent relief for a variety of organisations. Waiving the Development Application minimum fee was designed as a way to fast-track developments in the municipality.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

The remission of fees and charges has allowed various community groups, sporting clubs and businesses remain viable throughout the COVID-19 pandemic.

19.5 Remission of Fees and Charges - Community Care and Recovery Package ...(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:

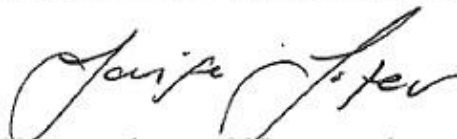
The remissions have been accounted for in the financial year in which they occurred. \$322,863 was processed in 2019/2020, with the balance to be accounted for in the 2020/2021 financial year.

The budget for 2020/2021 was updated to account for the estimated remissions as part of the Community Care and Recovery Package.

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 - General Manager Organisational Services Network

ATTACHMENTS:

1. Annual Rate Remissions - Section 129 - *Local Government Act 1993 (Tas)* - Financial Year 2019/2020 - Part 1 (*electronically distributed*)
2. Annual Rate Remissions - Section 129 - *Local Government Act 1993 (Tas)* - Financial Year 2019/2020 - Part 2 (*electronically distributed*)

(Pursuant to section 28D of the Local Government Act 1993 (Tas), unredacted versions of these Attachments are available to Councillors on request to the Manager Governance)

19.6 Local Government Association of Tasmania General Meeting - 3 December 2020

FILE NO: SF0331/SF2217

AUTHOR: Kelsey Hartland (Team Leader Governance)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To provide voting direction to the Council's delegate for the items listed for decision at the Local Government Association of Tasmania General to be held on 3 December 2020.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 19 November 2020 - Items for Discussion/Decision at LGAT General Meeting - 3 December 2020

RECOMMENDATION:

That, in respect of the items listed for decision at the Local Government Association of Tasmania's General Meeting on 3 December 2020, Council directs the Council's delegate to vote as follows:

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
1	6	Minutes Decision Sought: <i>That the Minutes of the General Meeting held on 11 September 2020, as circulated, be confirmed.</i>	LGAT	Recommendation: <i>Accept</i>
2	6	Confirmation of Agenda and Order of Business Decision Sought: <i>That the Agenda and Order of Business be confirmed.</i>	LGAT	Recommendation: <i>Accept</i>
3	6	President's Report Decision Sought: <i>That the Meeting notes the Report on the President's Activities from 22 August to 30 October 2020.</i>	LGAT	Recommendation: <i>Noted</i>

19.6 Local Government Association of Tasmania General Meeting - 3 December 2020 ...(Cont'd)

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
4	7	CEO's Report Decision Sought: <i>That the Meeting notes the Report on the CEO's Activity from 22 August to 30 October 2020.</i>	LGAT	Recommendation: <i>Noted</i>
5	8	Business Arising Decision Sought: <i>That Members note the following information on Business Arising.</i>	LGAT	Recommendation: <i>Noted</i>
6	8	Follow Up Of Motions Decision Sought: <i>That the Meeting notes the Report detailing progress of motions passed at previous Meetings and not covered in Business Arising.</i>	LGAT	Recommendation: <i>Noted</i>
7.1	9	LGAT Future Role in Emergency Management Decision Sought: <i>That member councils agree to LGAT having an emergency response role when there is a significant state-wide impact as a result of an emergency event and the State Control Centre (SCC) is activated by the State Emergency Management Controller. In these circumstances, LGAT's principal function will be as a Local Government Liaison Officer embedded in the SCC.</i>	LGAT	Recommendation: <i>Support</i> Michael Stretton (Chief Executive Officer): <i>It was the Council's experience during the COVID-19 pandemic that LGAT provided an invaluable contribution to the sector by engaging with Councils and coordinating discussion and responses on a State-wide basis. This should be recognised and leveraged moving forward.</i>
8.1	12	PESRAC Update Decision Sought: <i>That Members note the update on the Premier's Economic and Social Recovery Advisory Council (PESRAC) Activities.</i>	LGAT	Recommendation: <i>Noted</i>

19.6 Local Government Association of Tasmania General Meeting - 3 December 2020 ...(Cont'd)

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
8.2	13	Charitable Rates Decision Sought: <i>That the Meeting notes a verbal update will be provided to the Meeting.</i>	LGAT	Recommendation: <i>Noted</i>
8.3	14	Parliamentary Inquiries - TasWater Decision Sought: <i>That Members note the Report on activity related to TasWater.</i>	LGAT	Recommendation: <i>Noted</i>
8.4	15	21st Century Councils Decision Sought: <i>That Members note the progress on the 21st Century Councils' Project.</i>	LGAT	Recommendation: <i>Noted</i>
8.5	17	Planning Decision Sought: <i>That Members note the report on planning reform and the red tape reduction agenda and proposed advocacy priorities for the next two years.</i>	LGAT	Recommendation: <i>Noted</i>
8.6	19	Waste and Resource Recovery Decision Sought: <i>That Members note the Report on waste and resource recovery.</i>	LGAT	Recommendation: <i>Noted</i>
8.7	20	Infrastructure Contributions Survey Decision Sought: <i>That Members note the investigations underway on infrastructure contributions and the current survey seeking council feedback to inform the development of a sector position.</i>	LGAT	Recommendation: <i>Noted</i>

19.6 Local Government Association of Tasmania General Meeting - 3 December 2020 ...(Cont'd)

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
8.8	22	Energy Decision Sought: <i>That Members note the report in relation to Energy and the potential for savings through LGAT services.</i>	LGAT	Recommendation: <i>Noted</i>
8.9	24	Emergency Management Decision Sought: <i>That Members note the report on Emergency Management.</i>	LGAT	Recommendation: <i>Noted</i>
8.10	26	Road Safety Decision Sought: <i>That Members note the draft Safe System Guiding Principles for Local Government and provide any feedback by the end of January 2021.</i>	LGAT	Recommendation: <i>Noted</i>
8.11	27	LGAT Procurement Decision Sought: <i>That Members note the following update on procurement support for councils.</i>	LGAT	Recommendation: <i>Noted</i>
8.12	29	Strategic Asset Management Plan Training Decision Sought: <i>That Members note the success of the recent Strategic Asset Management Plan (SAMP) training.</i>	LGAT	Recommendation: <i>Noted</i>
8.13	30	Policy Updates Decision Sought: <i>That Members note the following updates on various matters.</i>	LGAT	Recommendation: <i>Noted</i>

19.6 Local Government Association of Tasmania General Meeting - 3 December 2020 ...(Cont'd)

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
8.14	31	Environmental Health Officer Workforce Development Project Decision Sought: <i>That Members note the progress of the Environmental Health Officer (EHO) Workforce Development project.</i>	LGAT	Recommendation: <i>Noted</i>
8.15	33	Community Health and Well Being Project Decision Sought: <i>That Members note the progress on the LGAT Health and Wellbeing Project 2020-2022.</i>	LGAT	Recommendation: <i>Noted</i>
8.16	34	Events Update Decision Sought: <i>That Members note the report and update on LGAT events. Members are encouraged to attend LGAT events and training as appropriate.</i>	LGAT	Recommendation: <i>Noted</i>
8.17	37	Communications Update Decision Sought: <i>That Members note the following report, particularly the 2019-2020 LGAT Year in Review that strategically links to the new LGAT advocacy pages on the LGAT website.</i>	LGAT	Recommendation: <i>Noted</i>
8.18	38	Operations Update Decision Sought: <i>That Members note the report on LGAT operational matters.</i>	LGAT	Recommendation: <i>Noted</i>
8.19	39	LGAT Annual Plan Decision Sought: <i>That Members note the report against the Annual Plan.</i>	LGAT	Recommendation: <i>Noted</i>

19.6 Local Government Association of Tasmania General Meeting - 3 December 2020 ...(Cont'd)

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
10.1	40	<p>Elected Member Election Nomination Requirements</p> <p>Decision Sought: <i>That LGAT determine as a policy position and lobby the State Government to require all future candidates nominating for Local Government elections in Tasmania undertake a National Police check in current name and any previous names. The requirements to be a mandatory part of the nomination form which must be completed by all candidates and be available for public scrutiny.</i></p>	Devonport City	<p>Recommendation: <i>Not Supported</i></p> <p>Michael Stretton (Chief Executive Officer): <i>In practice, a person cannot nominate for Council under the Local Government Act 1993 (Tas) if they:</i></p> <ul style="list-style-type: none"> • <i>Have been barred by court order from nominating in respect to various offences under the Act;</i> • <i>Are bankrupt;</i> • <i>Have been removed from office because of inadequacy or incompetency;</i> • <i>Are undergoing a term of imprisonment; and</i> • <i>Have been sentenced for a crime but the sentence has not been executed.</i> <p><i>It is difficult to see what a police check can add if a person is able to demonstrate compliance with these requirements.</i></p>
10.2	42	<p>Code of Conduct</p> <p>Decision Sought: <i>That LGAT call on the State Government to include mandatory arbitration in the first instance of the Code of Conduct process.</i></p>	George Town	<p>Recommendation: <i>Not Supported</i></p> <p><i>Council would support mediation as a first step in the process (noting work being done around review of the Code of Conduct process).</i></p>

19.6 Local Government Association of Tasmania General Meeting - 3 December 2020 ...(Cont'd)

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
				<p>Michael Stretton (Chief Executive Officer): <i>I am not sure whether arbitration should be required, however, I believe mediation should be. I don't think it should be up to an arbitrator to make a decision on a Code of Conduct complaint. Rather, if the parties can mediate a solution to a matter then that would be great, however, if not, the matter should be referred to the Panel.</i></p>
10.3	43	<p>Code of Conduct Panel Decision Sought: <i>That the Local Government Association of Tasmania declares it has no confidence in the Local Government Code of Conduct Panel and calls on the Minister for Local Government to take a more active role in resolving this process.</i></p>	Kingborough	<p>Recommendation: <i>Not Supported</i></p> <p><i>At Workshop on 19 November 2020 Councillors acknowledged that the process needs refining and we are supportive of the current review.</i></p>
12.1	46	<p>Grant Timing and Harmonisation Decision Sought: <i>LGAT calls on the State Government to harmonise the timing requirements of its Local Government grant schemes with other grant funding agencies (such as the Federal Government) in order to reduce contradictory and conflicting expenditure and benchmark requirements.</i></p>	George Town	<p>Recommendation: <i>Support - in principle</i></p> <p>Michael Stretton (Chief Executive Officer): <i>Agree with the State Government's position - support, in principle, alignment and harmonisation of grant arrangements to Local Government to the extent that this is practically achievable, is within its control, and does not impact on the delivery of grant objectives.</i></p>

19.6 Local Government Association of Tasmania General Meeting - 3 December 2020 ...(Cont'd)

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
13.1	47	<p>Dog Control and Wildlife Conservation Decision Sought: <i>That LGAT ask the Tasmanian Government to improve and increase its education and enforcement programs for the conservation of shorebirds and other coastal wildlife values, in particular to underpin the efforts Councils make, through their Dog Management Policies, to support the Government's responsibilities for wildlife conservation and Reserve management.</i></p>	Break O'Day	<p>Recommendation: <i>Support</i></p> <p>Leanne Hurst (General Manager Community and Place Network): <i>Local Government regulations team resources are stretched and as the protection of wildlife is a State responsibility. The Tasmanian Government should take a leading role in education and enforcement.</i></p>
13.2	49	<p>Dog Control and Wildlife Management Decision Sought: <i>That LGAT coordinate arrangements for a more collaborative arrangement between Local Government and State compliance agencies with responsibilities that include dog control and wildlife management and protection.</i></p>	Burnie City	<p>Recommendation: <i>Support</i></p> <p>Leanne Hurst (General Manager Community and Place Network): <i>LGAT and the Tasmanian Government have already commenced discussions on how agencies and local government can effectively engage on dog control and wildlife management.</i></p>
13.3	51	<p>EPA Resourcing and Delegation Decision Sought: <i>That LGAT calls on the State Government to increase or share resourcing to Local Governments to meet the increasing EPA regulatory and compliance functions required to be provided by Local Governments.</i></p>	George Town	<p>Recommendation: <i>Support</i></p> <p>Leanne Hurst (General Manager Community and Place Network): <i>Although it is preferable that the State Government takes responsibility for enforcement and removal of rubbish dumped on Crown land, in reality the community's expectation is that Local Government will address incidences of dumping</i></p>

19.6 Local Government Association of Tasmania General Meeting - 3 December 2020 ...(Cont'd)

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
		<p><i>This should include the resourcing and authorisation of Council Officers to facilitate illegal dumping enforcement on crown land.</i></p>		<p><i>regardless of whether it is on private, Crown or local government land. It is not seen as an acceptable response when complainants are advised that another level of government is responsible. Where local government is expected to address regulatory and compliance concerns that involve State land or policy positions, it should be compensated by the State Government.</i></p>
13.4	53	<p>Shipping Containers Decision Sought: <i>That LGAT lobby for amendment to the State Planning Provisions to further regulate the placement of shipping containers to reduce their visual impact on the streetscape within township areas.</i></p>	Northern Midlands	<p>Recommendation: <i>Not Supported</i></p> <p><i>The motion is too generalised.</i></p> <p>Leanne Hurst (General Manager Community and Place Network): <i>As indicated in the comments to the Agenda Item, the State Government's planning focus remains on the introduction of the TPS. Shipping containers can be used effectively as a building form and there are many examples here, and overseas, where converted containers have provided affordable and attractive dwelling types. Arguably, there is a case for providing better support and advice to the Council's Compliance Officers when temporary or non-compliant containers are placed for prolonged periods in residential zones and where they draw complaints from neighbours.</i></p>

19.6 Local Government Association of Tasmania General Meeting - 3 December 2020 ... (Cont'd)

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
14.1	56	<p>Family and Sexual Violence Strategies Decision Sought: <i>That LGAT Members support in principal the development of Family and Sexual Violence Strategies by Local Governments across the State.</i></p>	George Town	<p>Recommendation: <i>Support</i></p> <p>Michael Stretton (Chief Executive Officer): <i>The Mayor's Notice of Motion will be considered by Council prior to this Meeting.</i></p>
15.1	59	<p>Date of Australia Day Decision Sought: <i>That LGAT approach the State Government to lobby the Federal Government for a change of date for Australia Day.</i></p>	Burnie	<p>Recommendation: <i>Supported</i></p> <p>Michael Stretton (Chief Executive Officer): <i>The Council's current position on this matter is:</i></p> <ol style="list-style-type: none"> <i>1. that unless the Australian Government adopts proposed changes to the Citizenship Ceremonies Code legislating that councils must hold a citizenship ceremony on 26 January, the City of Launceston will hold a Citizenship Ceremony on 25 January.</i> <i>2. that the City of Launceston will replace the National Australia Day Awards program with a community recognition awards ceremony to be held on 25 January following the Citizenship Ceremony.</i>

19.6 Local Government Association of Tasmania General Meeting - 3 December 2020 ...(Cont'd)

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
15.2	61	<p>Indigenous Site of Significance Signage Decision Sought: <i>That LGAT call on the State Government to, where appropriate, support the identification, preservation and celebration of indigenous places of importance across the municipalities of Tasmania.</i></p>	George Town	<p>Recommendation: <i>Support</i></p> <p>Michael Stretton (Chief Executive Officer): <i>I believe this is consistent with the current State Government policy for the naming of Tasmanian geographical places and features. The policy states that:</i> <i>the Government is committed to working with Tasmanian Aboriginal people and the wider community to encourage more Aboriginal place names in Tasmania. Part of this commitment is the establishment and use of the Aboriginal and Dual Naming Policy.</i></p>
16.1	63	<p>Elected Member Professional Development Decision Sought: <i>That Members discuss, if time allows, what constitutes best practice for Elected Member Professional Development.</i></p>	LGAT	<p>Recommendation: <i>Currently the City of Launceston offers a robust induction process that supports these areas. There is a budget allocation to support professional development.</i></p> <p>Michael Stretton (Chief Executive Officer): <i>This has always been a vexed issue, particularly when it involves discussions of compulsory professional development. I think, in reality, there are core competencies areas in which elected members should receive professional development in and these relate largely to governance, Land Use Planning, leadership, strategic planning/management and financial management.</i></p>

19.6 Local Government Association of Tasmania General Meeting - 3 December 2020 ...(Cont'd)

REPORT:

A Local Government Association of Tasmania (LGAT) General Meeting will be held by on 3 December 2020. An outline of the General Meeting's Agenda Items, with recommended voting direction for consideration of Councillors, is included in this report's Recommendation.

The General Meeting Agenda for 3 December 2020 is provided as Attachment 1. The Minutes of the General Meeting held on 11 September 2020 and other Attachments to the Agenda for the General Meeting on 3 December 2020, are included in Attachment 2.

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.

BUDGET & FINANCIAL ASPECTS:

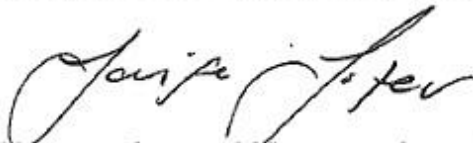
Not considered relevant to this report.

19.6 Local Government Association of Tasmania General Meeting - 3 December 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 - General Manager Organisational Services Network

ATTACHMENTS:

1. LGAT General Meeting Agenda 3 December 2020 (*distributed electronically*)
 2. LGAT General Meeting Agenda 3 December 2020 - All Attachments - Including Minutes of the General Meeting on 11 September 2020 (*distributed electronically*)
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20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS**20.1 Design Tasmania - Request for Financial Support****FILE NO:** SF0375**CHIEF EXECUTIVE OFFICER:** Michael Stretton

DECISION STATEMENT:

To consider the provision of financial support to Design Tasmania under the Community Care and Recovery Package as a one-off subsidy.

RECOMMENDATION:

That Council approves financial support in the form of a one-off operational subsidy in the amount of \$18,855 to Design Tasmania.

REPORT:

Design Tasmania (DT) has approached the Council seeking financial support in light of the COVID-19 pandemic impacts on their operations and additional costs which have been incurred as a result of water inundation which impacted its building earlier this year. DT has a current lease agreement with the Council.

After closing in March 2020, DT re-opened its galleries to the public on 1 October 2020 with COVID-19 safe measures in place and reduced trading hours. However, its retail outlet remains closed.

DT is located in two adjoining buildings on Council owned land in Tamar Street, Launceston. These buildings are the Price Memorial Chapel, which is owned by the Council, and the Garry Cleveland Galleries building which is currently owned by Design Tasmania, which will transfer to Council in 2042 at the end of the current lease agreement.

Under the terms of the lease, the Council is responsible for the repair and maintenance of the Price Memorial Chapel with DT being responsible for the Garry Cleveland Galleries building.

Earlier this year the Garry Cleveland Galleries building was impacted by water inundation due to problems with the building's roof and guttering, which resulted in damage to the wall render and paint, internal walls and sandstone floor. An insurance claim was made for the damage, however, this was unsuccessful as the insurer determined that the building had been insufficiently maintained.

20.1 Design Tasmania - Request for Financial Support ...(Cont'd)

During the time taken to investigate the insurance claim, DT incurred significant additional utility charges (\$18,855) connected to the operation of the dehumidifiers and further heating of the building. It is recommended that the Council provide DT with an operational subsidy of \$18,855 to assist in managing the additional costs incurred as a result of the water inundation event and the loss of revenue caused by COVID-19 pandemic.

The Garry Cleveland Galleries building requires significant upgrading work to prevent re-occurrences of water inundation in the future. DT is currently liaising with Council Building Asset staff to develop a proposal to upgrade the building. These upgrade works are currently unfunded and the Council will work with DT to identify potential funding sources once the development proposal has been completed.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Design Tasmania is an important cultural asset dedicated to furthering design in Tasmania through exhibitions, collection and retail space and supporting the cultural vibrancy, social wellbeing and economic development of the region.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

1. To develop and consistently utilise contemporary and effective community engagement processes.
 3. To advocate and collaborate to enhance regionally significant services and infrastructure for the benefit of our communities.
-

20.1 Design Tasmania - Request for Financial Support ...(Cont'd)

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

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

Focus Areas:

1. To promote and enhance Launceston's rich heritage, culture and natural environment.
2. To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.

BUDGET & FINANCIAL ASPECTS:

If Council determines to proceed with the Recommendation contained in this report, the budget implications will be dealt with by a future Budget Amendment. The additional expenditure would be included in the costs associated with the Council's COVID-19 Pandemic Community Care and Recovery Package with a budget amendment to be considered at a future Council Meeting.

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 - Chief Executive Officer

21 CLOSED COUNCIL

No Closed Items have been identified as part of this Agenda

22 MEETING CLOSURE