



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 3 JUNE 2021
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: 3 June 2021

Time: 1.00pm

Certificate of Qualified Advice

Background


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

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

Certification

I certify that:

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



Michael Stretton
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

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

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

PUBLIC ATTENDANCE AT THE COUNCIL MEETING

At the Council Meeting, please take care to follow signage and the directions of Council Officers to ensure that physical distancing and other COVID-19 safe behaviour is observed. Members of the public will be required to check in on arrival via the *Check In Tas App* as per the Direction Under Section 16 - Contact Tracing - No. 5 - *Public Health Act 1997*.

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.

19 January 2021

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 dates for 2021:

28 January	11 February	25 February	11 March
25 March	8 April	22 April	6 May
20 May	3 June	17 June	1 July
15 July	29 July	12 August	26 August
9 September	23 September	6 October	21 October
4 November	18 November	2 December	16 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 (Tas) - section 48

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

4 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 20 May 2021 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 (Tas) - 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 Mr Richard Allanby (Tasmanian State Manager) - Reclink Australia

Mr Allanby will provide details to Council regarding Reclink's footprint and programs.

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 - Ms Jo Toulson - Council Meeting - 20 May 2021**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following question, submitted to Council on 20 May 2021 by Ms Jo Toulson, has been answered by Mr Nigel Coates (Engineering Officer Traffic).

Questions:

1. Can *Keep Clear* signage be installed at Plevna Place, Newstead? I have asked this question before. Is it a matter of location, location, location?

Response:

The purpose and location for Keep Clear markings is defined in Australian Standard AS1742. They are introduced for safety reasons so that traffic can turn off a main road into a side road through a queue of traffic preventing obstruction, particularly to an intersection on the main road. The Keep Clear marking on Penquite Road at Docking Court, which is used for school drop off, ensures that queuing does not occur through the Amy Road intersection.

On Hoblers Bridge Road at Plevna Place there is sufficient space for vehicles to pass a car waiting to turn right and little risk of queuing into the Elphin Road intersection. Also, at this location, there is often two lines of traffic approaching the traffic signals which might be moving at different speeds and no guarantee that drivers in both queues will leave a gap for a right turning vehicle.

ATTACHMENTS:

1. Public Questions on Notice - Ms Jo Toulson - 20 May 2021
-

Attachment 1 - Public Questions on Notice - Ms Jo Toulson - 20 May 2021



Launceston City Council
Town Hall, St John Street, Launceston, Tasmania 7250
PO Box 396 AusDoc DX 70127 Launceston
T: 03 6323 3000 F: 03 6323 3001 TTY: 03 6323 3003
E: council@launceston.tas.gov.au ABN 73 149 070 625

Public Question Time - Council Meeting of 20/5/21

Name: Jo Toulson
Address: 7 PLEVNA PLACE
Newstead

Are you a Resident or Ratepayer Launceston City Council? Yes [checked] No []

Question(s) for Council:

Can 'Keep Clear' signage at Plevna Place be installed?
Newstead. I have asked this question before. Is it location, location location!
Question on Notice
Docking Court, Newstead has one.
FOR COUNCIL MEETING OF
3 JUNE 2021.
Decided not to wait at
20 May 2021 Meeting.

Signature: _____

Notes:

- (1) Residential address is required as preference will be given to questions from residents or ratepayers of Launceston.
(2) A maximum of three questions will be permitted. Questions must be brief. Statements will not be accepted.
The Mayor reserves the right to rule questions/statements out of order.

8.1.2 Public Questions on Notice - Ms Susan Rafferty - Council Meeting - 24 May 2021**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following questions, submitted in writing to Council on 24 May 2021 by Ms Susan Rafferty, have been answered by Leanne Hurst (General Manager Community and Place Network).

Questions:

In relation to the Veolia development:

1. What is the current status of the site on Churchill Park Drive and what is planned over the next two years?

Response:

A planning permit (DA0711/2019) was issued on 6 January 2021 following a decision of the Resource Management Planning Appeals Tribunal, for a Recycling and Waste Disposal facility. The proponent has two years to either substantially commence the development or to apply for an extension. Although the City of Launceston cannot respond on behalf of the land owner, the Council does have a contract with Veolia to provide recycling services which they intend to provide from the Churchill Park site. It is understood that the site will be fully operational as a recycling facility within two years.

2. When there is an issue with non-compliance, who and what is the responsible body/person and what are the Terms of Reference?

Response:

The issued permit has 50 conditions which must be complied with both during construction and when the facility is operating. In the first instance, any suspected breaches of those conditions can be reported to the Council via the contactus@launceston.tas.gov.au contact and will be directed to the relevant team to investigate and take appropriate action, including on-referral or liaison with other agencies in accordance with any applicable legislative requirements.

8.1.2 Public Questions on Notice - Ms Susan Rafferty - Council Meeting - 24 May 2021 ...(Cont'd)

Additionally, there is a condition on the planning permit requiring the maintenance of a public complaints register, including the retention of specified details that must be retained for a period of at least two years and must be made available if requested to the Council's officers to assist with investigation of complaints.

3. What plans are in place in Forster Street/Invermay Road due to increased truck movements and the associated upgrading of Churchill Park Drive?

Response:

The development proposal was assessed against the relevant provisions of the Launceston Interim Planning Scheme (2015) which included the proponent providing a Traffic Impact Assessment.

The Traffic Impact Assessment determined that the traffic generated by the development is not expected to adversely impact the operation or safety of the existing road network. These conclusions are based upon modelling the existing intersection operation, reviewing crash data, surrounding land use and analysis of heavy vehicle movements.

The assessment was deemed to comply with the Launceston Interim Planning Scheme (2015).

A number of upgrades to Forster Street have been undertaken over the past two years by the State Government and City of Launceston to support increased traffic associated with the University of Tasmania development.

4. What is currently in place and what is intended, regarding waste water removal from the site?

Response:

TasWater has issued conditions with respect to this development and use, which are included as a condition and attached to the issued planning permit.

ATTACHMENTS:

1. Public Questions on Notice - Ms Susan Rafferty - 24 May 2021
-

Attachment 1 - Public Questions on Notice - Ms Susan Rafferty - 24 May 2021

1. What is the current status of the site on Churchill Park Drive and what is planned over the next two years?
2. When there is an issue with non compliance, who and what is the responsible body/person and what are the Terms of Reference?
3. What plans are in place in Forster Street/Invermay Road due to increased truck movements and the associated upgrading of Churchill Park Drive?
4. What is currently in place and what is intended, regarding waste water removal from the site?

Susan Rafferty

Mowbray

8.1.3 Public Questions on Notice - Mr John Parry - Council Meeting - 26 May 2021**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following questions, submitted in writing to Council on 26 May 2021 by Mr John Parry, have been answered by Mrs Leanne Hurst (General Manager Community and Place Network).

Questions:

1. How has Council considered current or future development plans for this suburban area, and assessed how this DA0849 impacts any strategy, plans, or in-process developments?

Response:

The assessment has acknowledged the surrounding land is an investigation area for future residential development. The application can only be assessed against the current provisions of the scheme which takes into consideration the existing surrounding land, being predominantly rural and industrial. Notwithstanding, conditions have been recommended that will ensure the use operates at a domestic level to help protect future residential strategies within the surrounding area.

2. How has the Council assessed maximum noise impact on neighbouring properties for multiple motorbikes operating at, or near, maximum capacity at the same time?

Response:

The assessment of noise emissions were assisted by the submission of a noise report from a qualified acoustic engineer. The recommendations within the report have been placed onto the permit, including limiting the type and number of bikes operating at the same time.

**8.1.3 Public Questions on Notice - Mr John Parry - Council Meeting - 26 May 2021
...(Cont'd)**

3. How has Council evaluated the DA against section 8 of the *Environment Management and Pollution Control (Noise) Regulations 2016* with residences within or near the 500m zone?

Response:

The use is a Level 1 activity under the Environment Management and Pollution Control (Noise) Regulations 2016. The Council has the ability to issue an environmental protection notice (EPN) on a level 1 activity that is causing an environmental nuisance. An EPN has the potential to vary an environmental condition, such as noise. This process could be followed should environmental nuisance occur.

4. Should Council approve DA0849, how will Council undertake:
- activities to collect data and monitor and evaluate noise levels?
 - procedures and standards for the evaluation of noise levels?
 - steps to address excessive noise above approved levels or operational protocols?

Response:

If a complaint is received regarding excessive noise, the Council's planning compliance team will follow up with the owner to ensure that all conditions have been met, including those relating to noise.

5. Does Council have an exemplar reference for a comparable DA to DA0849 within City boundaries that concerned residents could visit and/or review to understand approval practices, operational protocols and non-compliance enforcement practices - either locally, State-wide or national?

Response:

No similar application has been lodged locally in the recent past.

ATTACHMENTS:

1. Public Questions on Notice - Mr John Parry - 26 May 2021
-

Attachment 1 - Public Questions on Notice - Mr John Parry - 26 May 2021

26th May 2021

Mr Michael Stretton
General Manager
Launceston City Council

Re: Development Application DA0849/2020 – Questions on Notice

1. How has Council considered current or future development plans for this suburban area, and assessed how this DA0849 impacts any strategy, plans, or in-process developments?
2. How has the Council assessed maximum noise impact on neighbouring properties for multiple motorbikes operating at, or near, maximum capacity at the same time?
3. How has Council evaluated the DA against S8 of the Environment Management and Pollution Control (Noise) Regulations 2016 with residences within or near the 500m zone?
4. Should Council approve DA0849, how will Council undertake:
 - a. Activities to collect data and monitor and evaluate noise levels.
 - b. Procedures and standards for the evaluation of noise levels.
 - c. Steps to address excessive noise above approved levels or operational protocols.
5. Does Council have an exemplar reference for a comparable DA to DA0849 within City Boundaries that concerned residents could visit and/or review to understand approval practices, operational protocols, and non-compliance enforcement practices – either locally, state-wide, or national?

John Parry

8.1.4 Public Questions on Notice - Ms Jan Farquhar - Council Meeting - 26 May 2021**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following questions, submitted in writing to Council on 26 May 2021 by Ms Jan Farquhar (on behalf of Ms Kim Burling), have been answered by Leanne Hurst (General Manager Community and Place Network).

Questions:

1. We are, of course, concerned that there was no initial planning application by either the builders or the developers. Is this simply an unfortunate oversight considering the builder has on board an architect with 12 years experience on over 300 projects who offers a full service facility for expediting planning applications and approvals (<https://ridemoreaus.com/pages/the-bucko-compound> and <https://damonjacksondesign.wixsite.com/damonjacksondesign/services>)

The developer Meika Frost also did not submit a planning application and there is a concern that that there is a pattern of disregard for regulations as a previous Moto X facility at Swanwick, created by the Frost family does not appear to have submitted a planning application either.

Response:

The Council was made aware of the development and use through public concerns raised after the track had been completed. The Council's compliance team liaised with the owner to ensure that a development application was lodged.

2. With reference to the response to 26.3 Use Standards (h, where has the fill be (sic) sourced from. Response: No fill has been sourced, we utilised the bank to create the mounds. Nothing has been imported on the site.

There appears to be contradictory statements as in the response provided by Woolcott Surveys it clearly states in response to Zone Purpose 26.1 The surface is unsealed and *new clean fill* is applied on the site.

8.1.4 Public Questions on Notice - Ms Jan Farquhar - Council Meeting - 26 May 2021 ...(Cont'd)

Response:

Where the applicant obtains fill from is not a matter for planning consideration.

- 3 As the area is in a classified Bushfire Prone Zone, greater consideration should be paid to the safety of emergency personal who may need to access the site, the only existing site access is situated on a Landslide Hazard Band and the laden weight of a fire tanker could compromise the integrity of the access. Please note the recommended access road should be: Not less than a modified 4c access road as specified in the building code of Australia
(https://f.hubspotusercontent20.net/hubfs/3003125/ARRB%20Unsealed%20Roads%20Best%20Practice%20Guide_Edition%202.pdf?__hstc=159530594.f9efadd62d87ed7e28f79469fca36fe6.1620004175873.1620004175873.1620004175873.1&__hssc=159530594.2.1620004175874&__hsfp=1628298250).

Response:

Bushfire is not a planning consideration matter. The site has an existing legal access.

ATTACHMENTS:

1. Public Questions on Notice - Ms Jan Farquhar - 26 May 2021
-

Attachment 1 - Public Questions on Notice - Ms Jan Farquhar - 26 May 2021

Date: 26 May 2021 at 4:50:12 pm AEST

To: contactus@launceston.tas.gov

Subject: Development Application DA0849/2020 – Questions on Notice

Mr Michael Stretton
General Manager
Launceston City Council

Re: Development Application DA0849/2020 – Questions on Notice

1. We are of course concerned that there was no initial planning application by either the builders or the developers, is this simply an unfortunate oversight considering the Builder has on board an architect with 12 years experience on over 300 projects who offers a full service facility for expediting planning applications and approvals.

<https://ridemoreaus.com/pages/the-bucko-compound>

<https://damonjacksondesign.wixsite.com/damonjacksondesign/services>

The developer Meika Frost also did not submit a planning application, and there is a concern that that there is a pattern of disregard for regulations as a previous Moto X facility at Swanwick, created by the Frost family does not appear to have submitted a planning application either.

2. With reference to the response to 26.3 Use Standards (h) Where has the fill be (sic) sourced from.

Response: No fill has been sourced, we utilised the bank to create the mounds. Nothing has been imported on the site.

There appears to be contradictory statements as in the response provided by Woolcott Surveys it clearly states in response to Zone Purpose 26.1 The surface is unsealed and **new clean fill** is applied on the site.

3. As the area is in a classified Bushfire Prone Zone, greater consideration should be paid to the safety of Emergency personal who may need to access the site, the only existing site access is situated on a Landslide Hazard Band, and the laden weight of a fire tanker could compromise the integrity of the access. Please note the recommended access road should be: Not less than a modified 4c access road as specified in the building code of Australia.

https://f.hubspotusercontent20.net/hubfs/3003125/ARRB%20Unsealed%20Roads%20Best%20Practice%20Guide_Edition%202.pdf?__hstc=159530594.f9efadd62d87ed7e28f79469fca36fe6.1620004175873.1620004175873.1620004175873.1&__hssc=159530594.2.1620004175874&__hsfp=1628298250

Thanking you for your consideration of these additional concerns.

Regards

Jan Farquhar
(advocate for Kim Burling)

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

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction of Motor Racing Track

FILE NO: DA0849/2020

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:	Woolcott Surveys Pty Ltd
Property:	329 George Town Road, Rocherlea
Zoning:	Rural Resource
Receipt Date:	11/12/2020
Validity Date:	25/03/2021
Further Information Request:	17/12/2020
Further Information Received:	25/03/2021
Deemed Approval (extension granted):	03/06/2021
Representations:	19

STANDARDS REQUIRING THE COUNCIL'S DISCRETION

26.3.1 Location and intensity

E4.6.1 Development adjacent to roads and railways

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 DA0849/2020 - Motor Racing Facility - Construction of Motor Racing Track at 329 George Town Road, Rocherlea, subject to the following conditions:

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

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. Planning Supporting Report, prepared by Woollcott Surveys, dated 10/03/2021;
- b. Preliminary Site Investigation, prepared by es&d, Project No. 7644, dated 10/02/2020; and
- c. Technical Memo - Rocherlea motocross track environmental noise assessment, prepared by Tarkarri Engineering, dated 25/03/2021.

2. USE LIMITATION

The use is limited to private use only, no formal events or competitions are permitted.

3. SESSION DURATION

The use is limited to:

- a. no more than three sessions a week, limited to four hours maximum each session; and
- b. no more than one session per weekend, and no more than two weekends a month, limited to four hours maximum each session.

4. LEGAL TITLE

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

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.

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.

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

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. 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.

8. HOURS OF USE

Use of the motocross track must not occur outside the following times:

- a. 10am to 6pm - Monday to Friday
- b. 9am to 5pm - Saturdays
- c. 11am to 5pm - Sundays and public holidays that are observed State-wide (Easter Tuesday excepted)

9. NOISE EMISSION LIMIT

The sound power level limit of each bike utilised at the track must not exceed 115dBA which equates to a maximum sound pressure level output at maximum engine revs of 107dBA at 1m from the bike exhaust (when measured over soft ground).

10. MAXIMUM NUMBER OF BIKES PERMITTED

No more than four motorbikes are permitted to be utilised at the track at any one time.

11. CONTROL OF DUST EMISSIONS

Dust emissions from the land must be controlled to the extent necessary to prevent environmental nuisance beyond the boundary of the land. To ensure compliance, a water cart must be provided on site when controlling dust.

12. BIKE LEVELS

Bikes with a maximum of 85 cubic capacity (cc) or less are permitted to operate on the track.

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

13. LIFE OF THE PERMIT

The use may operate for five years from the date of approval, after which the track must be reinstated to natural terrain.

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0849/2021. 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>>

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(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**

This is a retrospective application for a motorcycle facility. A private motocross track was constructed in 2020 without approval and through compliance action the current application was lodged. The track has an area of approximately 9,637m² and is located in the south west corner of the site. The circuit involved a significant amount of cut and fill to create, is 600m in length, and 6m high in part.

The track is for private use only, with the intention that it will only be utilised by the owner's children. No formal motor racing events are proposed to take place. Proposed hours of use are as follow:

- a. 10am to 6pm - Monday to Friday
- b. 9am to 5pm - Saturdays
- c. 11am to 5pm - Sundays and public holidays that are observed State-wide (Easter Tuesday excepted)

Each use and development is required to be defined within a use class as defined within the scheme. Motor Racing Facility is a defined use class:

use of land (other than public roads) to race, rally, scramble or test vehicles, including go-karts, motor boats, and motorcycles, and includes other competitive motor sports.

This is considered to be the most appropriate use class for the use and development, noting that a use within this class is not required to be a competitive motor sport and can in fact be private.

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located at 329 George Town Road, Rocherlea with access over 4 Australis Drive and is zoned Rural Resource. It is a 4.76ha triangular lot, with access via a right of way over 4 Australis Drive, Rocherlea. The vacant unserviced lot slopes downwards from the eastern corner of the site to the west. The site contains the E1.0 Bushfire Prone Areas Code and E2.0 Potentially Contaminated Land Code overlays.

The site borders the East Tamar Highway for its north western frontage in its entirety. Its southern boundary borders more unused rural resource land to the south that had previously been used for grazing. Adjoining the side to the north east is an industrial estate. Further north and north west over the East Tamar Highway is active rural land, of which a farm house is located 230m from the subject site and approximately 350m from the racing track.

Measured from the racing track, the next closest residential use is located at 208 Alanvale Road, some 430m south of the use. More residential uses are located approximately 520m south-east along Goya Road, Vermeer Avenue and Roberts Crescent, streets that form part of the residential suburb of Newnham.

The site and the immediate adjoining southern rural properties have been identified by Council for future residential growth and are currently being considered for their development potential at a higher level.

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 proposal meets the zone purpose as the proposed use does not contain or conflict with resource development uses.</p>

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

26.3 Use Standards

26.3.1 Location and intensity

Objective:

To:

- (a) protect the long term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated;
- (b) minimise the conversion of non-prime agricultural land to a non- primary industry uses;
- (c) ensure that non-primary industry uses are located appropriate to the zone;
- (d) discourage non-primary industry uses that can be reasonably located on land zoned for that purpose;
- (e) provide for uses that are co-located with a dwelling and are of similar intensity to a home-based business;
- (f) provide for tourism uses to enhance the experience and promotion of touring routes and natural and cultural features;
- (g) locate uses so that they do not unreasonably confine or restrain the operation of primary industry uses; and
- (h) provide for uses that are suitable in the locality and do not create an unreasonable adverse impact on existing uses or local infrastructure.

Consistent

An assessment against the zone purpose is as follows:

- (a) protect the long term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated;**

No prime agricultural land is located on the site.

- (b) minimise the conversion of non-prime agricultural land to a non- primary industry uses;**

The site is 4.76ha in size, with the racing track covering approximately 9,637m² (approximately 20%). The site is currently vacant pasture land. A recent subdivision has hindered the lands ability to continue to be viable farming land. The conversion of the south western corner is considered to be a good use of the land.

- (c) ensure that non-primary industry uses are located appropriate to the zone;**

The proposed use, being a Motor Racing Facility, is a permissible use within the Rural Resource Zone. It is considered that such a use fits well within a rural zone, which are generally larger lots with open land.

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

(d) discourage non-primary industry uses that can be reasonably located on land zoned for that purpose;

As discussed, the use of the land for such an activity is considered to be a good use of the land. There are not many other pieces of land in such a location that would permit such a use.

(e) provide for uses that are co-located with a dwelling and are of similar intensity to a home-based business;

This provision is not applicable.

(f) provide for tourism uses to enhance the experience and promotion of touring routes and natural and cultural features;

The proposal is for a private motocross track and is not proposed to be open to the public or for tourism purposes.

(g) locate uses so that they do not unreasonably confine or restrain the operation of primary industry uses; and

Whilst the land is constrained in its ability to operate as an active grazing farm, should the owner wish to undertake such a use in the future, they would be able to work around the tracks location, being located in the south western corner of the site. Alternatively, the track is able to be demolished and the land returned to pasture. In either scenario, the use as it is today does not unreasonably confine or restrain the operation of primary industry uses.

(h) provide for uses that are suitable in the locality and do not create an unreasonable adverse impact on existing uses or local infrastructure.

The site adjoins rural land to the south, is bordered by the East Tamar Highway to the north and west, and industrial to the east. Further to the north and west is more farmland. The closest residential use is located 430m to the south, with the majority of all other residential uses located approximately 520m south east along Goya Road, Vermeer Avenue and Roberts Crescent, streets that form part of the residential suburb of Newnham.

As a result of this use, there will be no impact on local infrastructure, and it is considered that the use is entirely suitable for its locality, especially given its proximity to other rural land, industrial land and the highway. The proposed use is assessed as to meet the objectives of the location and intensity use standard.

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

A1 If for permitted or no permit required uses.
Relies on Performance Criteria As the use is discretionary and reliance on the performance criteria is required.
P1 Uses (except for a single dwelling) are established at a location and at an intensity that is appropriate in the zone, having regard to: (a) the nature of the use, including: (i) the scale and extent of the use; (ii) the utilisation of existing buildings and infrastructure; (iii) the number of employees; (iv) the customer visitation and deliveries; (v) the hours of operation; (vi) the nature of any emissions; (vii) external storage of goods, materials or waste; and (b) the area of the site proposed to be used, including: (i) the existing use and development; (ii) the surrounding use and development; (iii) its capacity for productive agricultural use; (iv) the topography of the site; (v) current irrigation practices and the potential for irrigation; (vi) the effect, if any, of the loss of the site on the continuing or potential agricultural use of the site and the surrounding area; and (c) the potential to confine or constrain adjoining primary industry uses; (d) the location being reasonably required for operational efficiency; (e) the need to locate on the site; (f) the capacity of the local road network to accommodate the traffic generated by the use; and (g) the capability of the site to accommodate all aspects of the use.
Complies
An assessment against the performance criteria follows: Uses (except for a single dwelling) are established at a location and at an intensity that is appropriate in the zone, having regard to: (a) the nature of the use, including: (i) the scale and extent of the use; (ii) the utilisation of existing buildings and infrastructure; (iii) the number of employees; (iv) the customer visitation and deliveries; (v) the hours of operation; (vi) the nature of any emissions; (vii) external storage of goods, materials or waste; and

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

The proposal is for a 600m long motocross track. The track will be limited to 50cc - 85cc motorcycles through a recommended condition. There is a limit of four motorcycles operating on the track at any one time. The use of the track is limited to the following hours of operation:

- 10am to 6pm Monday to Friday
- 9am to 5pm Saturdays
- 11am to 5pm Sundays and public holidays that are observed State-wide (Easter Tuesday excepted)

There are no employees or utilisation of building or infrastructure, nor is there any storage of goods, materials, or waste.

Emissions may include dust and noise. To combat dust, a water cart will be on site to wet down the track. The applicant has indicated that the site may be connected to reticulated water in the future, however the provision of a water car will be sufficient to comply with the provisions of the scheme.

The applicant provided a Technical memo - "*Rocherlea motocross track environmental noise assessment*", prepared by Tarkarri Engineering to demonstrate acceptability of noise emissions generated by of the use. The noise engineer undertook modelling to understand the impact the track will have on surrounding uses when operating. The report states:

- *Predicted levels are well below ambient noise levels in the area, LAeq levels 8 to 15 dBA below; and*
- *LAmx levels 5 to 15 below ambient LA10, 10min levels. Given this impulsive noise characteristics from the bike operations are likely to have minimal impact;*
- *Given the above, noise impact from motocross bike operation at the track is highly unlikely to be excessive and for the majority of times inaudible.*

The report also offered the following recommendations:

Tarkarri Engineering recommends that for the periods of operation nominated that a maximum sound power level (SWL) limit of 115 dBA is placed on motocross bikes utilised at the track. This would equate to a maximum sound pressure level output at maximum engine revs of 107 dBA at 1m from the bike exhaust (when measured over soft ground). Any bike utilised at the track should meet this standard.

Based on this expert advice, it is considered that the emissions of the use are at a location and intensity that is appropriate to the zone.

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

(b) the area of the site proposed to be used, including:

- (i) the existing use and development;**
- (ii) the surrounding use and development;**
- (iii) its capacity for productive agricultural use;**
- (iv) the topography of the site;**
- (v) current irrigation practices and the potential for irrigation;**
- (vi) the effect, if any, of the loss of the site on the continuing or potential agricultural use of the site and the surrounding area; and**

The site is a vacant lot previously utilised for grazing purposes. The immediate surrounding area is rural and industrial land, with residential land over 400m to the south. Its capacity for productive agricultural use is limited, with no options for irrigation practices. The proposal's location and intensity is considered to be appropriate, located next to a highway on a large rural lot.

(c) the potential to confine or constrain adjoining primary industry uses;

The use will not confine or constrain adjoining primary industry uses.

(d) the location being reasonably required for operational efficiency;

The uses location is within the south western corner, the narrowest portion of the site. This has allowed the use to commence without hindering any other part of the land.

(e) the need to locate on the site;

There is no necessity for this use to locate on this land. The site is in an accessible location that is owned by the applicant.

(f) the capacity of the local road network to accommodate the traffic generated by the use; and

Any traffic increase will be negligible and will not affect the local road network.

(g) the capability of the site to accommodate all aspects of the use.

The site is able to wholly accommodate all physical aspects of the use. It is acknowledged that noise emissions from the use may cause some environmental nuisance to surrounding properties. To ensure that the use operates within a reasonable scope, conditions have been recommended that will ensure the use does not have the opportunity to expand, and will be maintained as a domestic scale.

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

The development and is considered to be in a suitable location that is appropriate within the zone and compliant with the performance criteria.

26.4 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

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

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

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

Consistent

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 proposed use will not increase vehicle movements by more than 40 vehicle movements per day.

E4.6 Development Standards

E4.6.1 Development adjacent to roads and railways

Objective:

To ensure that development adjacent to category 1 or category 2 roads or the rail network:

- (a) ensures the safe and efficient operation of roads and the rail network;
- (b) allows for future road and rail widening, realignment and upgrading; and
- (c) is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network.

Consistent

Consistency with the objective has been achieved as the proposal ensures the adjacent category 1 road is protected.

A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:

- (a) new buildings;
- (b) other road or earth works; and

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

<p>(c) building envelopes on new lots. A1.2 Buildings must be:</p> <ul style="list-style-type: none"> (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: <ul style="list-style-type: none"> (i) the existing building; or (ii) an immediately adjacent building.
<p>Relies on Performance Criteria As earthworks have occurred within 50m of the East Tamar Highway, a category 1 road, reliance on the performance criteria is required.</p>
<p>P1 The location of development, from the rail network, or a category 1 road or category 2 road in an area subject to a speed limit of more than 60km/h, must be safe and not unreasonably impact on the efficiency of the road or amenity of sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) the proposed setback; (b) the existing setback of buildings on the site; (c) the frequency of use of the rail network; (d) the speed limit and traffic volume of the road; (e) any noise, vibration, light and air emissions from the rail network or road; (f) the nature of the road; (g) the nature of the development; (h) the need for the development; (i) any traffic impact assessment; (j) any recommendations from a suitably qualified person for mitigation of noise, if for a habitable building for a sensitive use; and (k) any written advice received from the rail or road authority.
<p>Complies The track is setback 10m from the East Tamar Highway boundary, a well traversed road. Due to the type of use proposed, there will be no unreasonable impact on the efficiency of the road.</p> <p>The application was referred to Department of State Growth who has advised that they have no comment to make in regard to this application. As there is no access from the East Tamar Highway or the State Growth controlled portion of George Town Road this is considered an appropriate response.</p> <p>The proposal complies with the performance criteria.</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;

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

- (c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;
- (d) ensure that parking does not adversely impact on the amenity of a locality;
- (e) ensure that parking spaces and accesses meet appropriate standards; and
- (f) provide for the implementation of parking precinct plans.

Consistent

The proposal complies with the code purpose as the use will ensure safe and adequate parking and access.

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 one space per five spectators. As there are no spectators no parking is required. As no parking has been provided, the application complies with the acceptable solution.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	N/A

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

REFERRAL	COMMENTS
EXTERNAL	
TasWater	N/A
State Growth	Department of State Growth has advised that they have no comment to make in regard to this application. As there is no access from the East Tamar Highway or the State Growth controlled portion of George Town Road this is considered an appropriate response.
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 April to 3 May 2021. Nineteen 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 The use is too close to residential areas with respect to noise.</p>
<p><i>Response 1</i> <i>The closest residential use is 200m away to the north, the next closest is 430m away to the south, and the majority of all other residential uses are over 500m away. A noise report from a qualified engineer has been provided that considers the use appropriate for its location.</i></p>
<p>Issue 2 Will surrounding residences be given notice prior to the track being in use.</p>
<p><i>Response 2</i> <i>This is not a planning consideration and not something the planning scheme or a planning permit can address.</i></p>
<p>Issue 3 As this is retrospective, surrounding residences have been able to observe how the track is being utilised. It appears that the track is not being used only for the owner's children, but by up to six bikes at the same time. Further, the track has been used outside of the proposed operating hours.</p>

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

<p><i>Response 3</i> The application has been assessed based on the information provided within the application documents. If approved, the use will have to operate within the confines of the permit, including limitations on the number of bikes and operating hours.</p>
<p>Issue 4 The planning report has stated it will be used for occasional private use. However, the amount of use it is currently receiving is more than 'occasional'.</p>
<p><i>Response 4</i> The application documents have provided sufficient information to assess the application based on the provisions of the scheme.</p>
<p>Issue 5 How can anyone be sure that the use will operate as described in the application documents. Will the use be monitored?</p>
<p><i>Response 5</i> If a permit is issued it is up to the applicant or owner to ensure the use operates in accordance with that permit. If a complaint is received alleging the use is operating outside of the permit, council's compliance team will need to investigate.</p>
<p>Issue 6 No services are proposed, including water. How can the use operate without toilets or water to alleviate dust issues.</p>
<p><i>Response 6</i> Toilets are not a planning consideration. The applicant has stated a watercart will be provided when necessary to hose down the track to alleviate dust emissions.</p>
<p>Issue 7 The noise report is questionable and should be reviewed by an independent person over several months. A physical site test was not undertaken. Can Council implement noise conditions? Will EMPCA guide noise control?</p>
<p><i>Response 7</i> The noise report has been provided by a qualified noise engineer.</p>
<p>Issue 8 The proposal is in contradiction to Council's Residential Strategy, being a motor facility within an identified suburban boundary.</p>
<p><i>Response 8</i> The site as it currently sits is zoned Rural Resource. Assessment can only be undertaken against the provisions of the scheme as they are at time of lodgement.</p>
<p>Issue 9 The use class is Motor Racing Facility, and may operate as a fully operating commercial facility if approved, and should be assessed against as such.</p>
<p><i>Response 9</i> Conditions have been recommended that limit the use based on the information supplied for assessment.</p>

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

<p>Issue 10 The site forms part of the Alanvale Residential Strategy for the area, which has a broad scope to rezone not just the subject site, but surrounding rural lots into residential to enable future growth. The use as it is will make the site and surrounding land unsuitable for residential zoning.</p>
<p><i>Response 10</i> <i>Whilst acknowledging the surrounding land has indeed been identified for future residential development, the applicant cannot be refused on this ground as the future plans have not been finalised. Assessment must take into consideration the site and its surrounds as they currently are.</i></p>
<p>Issue 11 Signage was not affixed to the Vermeer Avenue frontage, and not all nearby neighbours were notified.</p>
<p><i>Response 11</i> <i>Advertising material is only required to be placed on public boundaries. The site does not share a boundary with Vermeer Avenue.</i></p>
<p>Issue 12 The scheme requires a 50m setback from East Tamar Highway, however the track is approximately 10m from this frontage. This may impact on future road widening.</p>
<p><i>Response 12</i> <i>The proposal was referred to the Department of State Growth who stated they have no concern regarding the use and development. The purpose of the setback is to prevent noise impacts on sensitive uses close to roads. The 50m setback is an acceptable solution, with development within this setback required to be assessed against the performance criteria.</i></p>
<p>Issue 13 There is concern emergency vehicles will not be able to enter the site through the right of way. This is particularly true in the event of a fire, as the site contains no reticulated water tankers would be required to get into the site.</p>
<p><i>Response 13</i> <i>The site has existing access through a right of way accessed from Australis Drive. No further consideration regarding emergency vehicle access is able to be undertaken in accordance with the provisions of the scheme. Bushfire is not a consideration of assessment under the provisions of the planning scheme.</i></p>
<p>Issue 14 The use class does not match the proposed use, which is for occasional private use, nor does it meet the definition of motor racing facilities under Motor Cycling Australia Track Guidelines, or the definition as prescribed under the use class.</p>
<p><i>Response 14</i> <i>The use class matches the proposed use, which is a facility to race motorbikes. Whether the use is private or commercial is irrelevant. Only the definitions of the scheme are applicable.</i></p>

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

<p>Issue 15 The hours of use are prohibited by the Launceston City Council.</p>
<p><i>Response 15</i> <i>There are no hours of operation that are prohibited by the Council, this can only be determined by the scheme and EMPCA.</i></p>
<p>Issue 16 The proposal has not adequately addressed bushfire concerns.</p>
<p><i>Response 16</i> <i>Bushfire is not a consideration of assessment under the provisions of the planning scheme for the proposal.</i></p>
<p>Issue 17 No information has been provided on waste management, vegetation clearing, landslip, security issues, or toilet facilities.</p>
<p><i>Response 17</i> <i>None of the abovementioned concerns are within the provisions of the planning scheme and therefore cannot be addressed.</i></p>
<p>Issue 18 The use has generated dust which is visible when motorbikes are on the track.</p>
<p><i>Response 18</i> <i>A watercart will be available to hose down the track should dust become an issue.</i></p>
<p>Issue 19 The use has caused vibrations which has caused distress to animals.</p>
<p><i>Response 19</i> <i>This is not a consideration of the planning scheme.</i></p>

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction Of Motor Racing Track ...(Cont'd)

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.

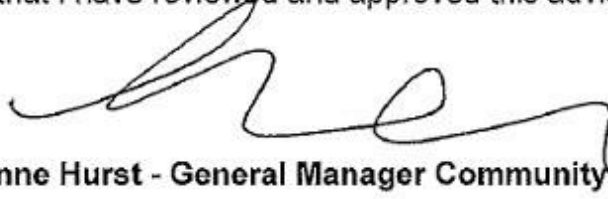
BUDGET & FINANCIAL ASPECTS:

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 - 329 George Town Road, Rocherlea (*electronically distributed*)
 2. Plans to be Endorsed - 329 George Town Road, Rocherlea (*electronically distributed*)
 3. Representations - 329 George Town Road, Rocherlea (*electronically distributed*)
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COUNCIL AGENDA

Thursday 3 June 2021

9.2 43 Los Angeles Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking

FILE NO: DA0013/2021

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:	Thomas Forbes Bertram, Angela Bertram
Property:	43 Los Angeles Road, Swan Bay
Zoning:	Rural Resource
Receipt Date:	14/01/2021
Validity Date:	15/01/2021
Further Information Request:	21/01/2021
Further Information Received:	17/04/2021
Deemed Approval:	03/06/2021
Representations:	Six

PREVIOUS COUNCIL CONSIDERATION:

DA0270/2017 - Visitor Accommodation - holiday cabin; construction of three self-contained two bedroom cabins; signage - Approved

STANDARDS REQUIRING THE COUNCIL'S DISCRETION

26.3.1 Location and intensity
E6.5.1 Car parking numbers
E7.6.2 Scenic management areas
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 DA0013/2021 - Visitor Accommodation - Partial change of use to caravan park and construction of caravan parking at 43 Los Angeles Road, Swan Bay, subject to the following conditions:

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

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. Application documents, including site plan, prepared by Tom and Angela Bertram, dated 22/04/2021.

2. CREEK LINE PROTECTION

To ensure the quality of the creek is protected, the following must be adhered to:

- a. All vehicles must maintain a distance of 10m from all creek lines at all times;
- b. No excavation within 10m of the creek line is to occur to accommodate the visitor accommodation use.

3. R.V NUMBERS

No more than 10 self-contained vehicles are permitted overnight on the site at any one time.

4. SELF-CONTAINED VEHICLES

All vehicles using the site must be self-contained. This includes clean water, toilet facilities including septic, is able to hold greywater and cooking facilities.

5. NO CAMPING

Tents are not permitted within the designated areas at any time.

6. DUMPING AND RUBBISH

No dumping of any greywater or septic is permitted on site and all waste rubbish must be removed from the site.

7. 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.

8. MAXIMUM LENGTH OF STAY

The maximum length of time for any one vehicle is 14 days.

9. 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.

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

10. 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.

11. VEHICULAR CROSSING UPGRADE (RURAL STYLE DRIVEWAY)

Prior to the commencement of the use, the development must be provided with sealed accesses from the edge of the road pavement to the property boundary generally in accordance with LGAT-IPWEA Tasmanian Standard Drawings TSD-R03 Rural Roads typical property access.

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. The work must include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra, and TasNetworks etc). The sealing works are to be at the applicant's expense.

12. AMENITY - COMMERCIAL/INDUSTRIAL USE

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

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

13. WASTE

All wastes generated by the activity (including liquid wastes from RVs) are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0013/2021. 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 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(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.

E. Future Dump Point

If a dump point is required, or is to be installed, a design report (including a site and soil evaluation in accordance with AS/NZS 1547:2012), is to be provided, with an application for a Plumbing Permit. The dump point is to be in accordance with AS 3500.2 - Sanitary Plumbing and drainage. The design report must also include plans to scale, a cross section, signage, a means of securing the unit to prevent tampering, a hose wash down facility and a means of protecting the unit from damage, such as vehicle damage. Furthermore a means of alerting of any overflows or malfunction, (eg. a visual, audible alarm) is to be provided at the existing dwelling.

REPORT:**1. THE PROPOSAL**

It is proposed to operate a self-contained RV camping area on the subject site. There are two areas proposed, one being 2,900m² and located on the southern side of Windermere Road and the other 4,900m² located on the northern side of Windermere Road. Both locations are on the same title, a 159.4ha size farm bordered by Windermere Road, Los Angelos Road and John Lees Drive. Access is existing from Windermere Road.

The main site is an active grazing farm, and will continue this operation. The sites for the RV camping have been chosen as they are currently underutilised and easily accessible. The use will operate 24 hours a day, seven days a week, and permit 10 vehicles per night over the two areas. No services will be provided for the use, each RV utilising the site will be required to be self-contained, taking in and out all waste and water.

The owners of the proposed use live on site and will monitor its activities in the morning and night, with an honesty box used for payment. Minimal works are proposed to commence the use. There will be some flattening of each area for vehicles to enter, exit, and park, but no formal driveways or parking spots.

It is their intention to essentially operate a self-contained camper area on existing cattle paddocks, which can be returned to paddocks when required.

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located at 43 Los Angelos Road, Swan Bay and is zoned Rural Resource. It is 159.4ha in size and currently utilised as an active grazing farm, which also contains a single dwelling and associated farming infrastructure. The site contains several entrances, including the two entrances via Windermere Road. The site contains pockets of native vegetation and is of an uneven topography. Symons Creek traverses the site. No site is currently unserved.

The surrounding land is a mix of farming and rural lifestyle lots, with Windermere Shop located approximately 240m east of the proposal camper area.

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 proposal is for a visitor accommodation use that will not constrain or conflict with any other resource development use, meeting the purpose of the zone.</p>

26.3 Use Standards

26.3.1 Location and intensity

<p>Objective:</p> <p>To:</p> <p>(a) protect the long term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated;</p> <p>(b) minimise the conversion of non-prime agricultural land to a non- primary industry uses;</p> <p>(c) ensure that non-primary industry uses are located appropriate to the zone;</p> <p>(d) discourage non-primary industry uses that can be reasonably located on land zoned for that purpose;</p> <p>(e) provide for uses that are co-located with a dwelling and are of similar intensity to a home-based business;</p> <p>(f) provide for tourism uses to enhance the experience and promotion of touring routes and natural and cultural features;</p>
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9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

- (g) locate uses so that they do not unreasonably confine or restrain the operation of primary industry uses; and
- (h) provide for uses that are suitable in the locality and do not create an unreasonable adverse impact on existing uses or local infrastructure.

Consistent

An assessment of how the proposal meets the objective of the clause is detailed below:

- (a) protect the long term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated;**

The site does not contain prime agricultural land.

- (b) minimise the conversion of non-prime agricultural land to a non- primary industry uses;**

The site is 159.4ha in size and currently operates as a grazing farm. Of the total site area, 7,800m² (less than 1%) will be utilised for non-agricultural uses. The application is proposing minimal changes to the existing land, of which will still have the ability to run cattle. As such, the long term productivity of the land will remain.

- (c) ensure that non-primary industry uses are located appropriate to the zone;**

The use is located in an easily accessible location off Windermere Road, within an area that has low agricultural productivity. This is considered to be an appropriate location on an active farm.

- (d) discourage non-primary industry uses that can be reasonably located on land zoned for that purpose;**

Visitor accommodation is a permissible use within the zone. It would be difficult to locate the use within a reasonable accessible piece of land where visitor accommodation has a permitted pathway.

- (e) provide for uses that are co-located with a dwelling and are of similar intensity to a home-based business;**

Due to the type of accommodation proposed, being self-contained RV campers, the use is not able to be co-located with the dwelling on site.

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

(f) provide for tourism uses to enhance the experience and promotion of touring routes and natural and cultural features;

The use can be considered to be for tourism purposes, providing a place for self-contained RV campers to stay. As the entrance to Windermere and easily accessible from East Tamar Highway, the use will promote touring routes, especially from the North of the State to Launceston.

(g) locate uses so that they do not unreasonably confine or restrain the operation of primary industry uses; and

As discussed, due to the type of use proposed, being self-contained RV campers within an area of the site that will remain largely undeveloped, the use will not constrain or confine the existing operation of the site and can easily be reverted back to a primary industry use in the future.

(h) provide for uses that are suitable in the locality and do not create an unreasonable adverse impact on existing uses or local infrastructure.

The use is located approximately 150m west of the Windermere Shop. It is unclear how an accommodation use could create an unreasonable impact on this use, but in fact would help support its continued operation. As no services is proposed, there will be no adverse impact to local infrastructure.

The proposal is able to meet the objectives of the clause.

A1 If for permitted or no permit required uses.

Relies on Performance Criteria

As visitor accommodation is discretionary, reliance on the performance criteria is required.

P1 Uses (except for a single dwelling) are established at a location and at an intensity that is appropriate in the zone, having regard to:

- (a) the nature of the use, including:
 - (i) the scale and extent of the use;
 - (ii) the utilisation of existing buildings and infrastructure;
 - (iii) the number of employees;
 - (iv) the customer visitation and deliveries;
 - (v) the hours of operation;
 - (vi) the nature of any emissions;
 - (vii) external storage of goods, materials or waste; and
- (b) the area of the site proposed to be used, including:
 - (i) the existing use and development;
 - (ii) the surrounding use and development;
 - (iii) its capacity for productive agricultural use;
 - (iv) the topography of the site;

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

- (v) current irrigation practices and the potential for irrigation;
- (vi) the effect, if any, of the loss of the site on the continuing or potential agricultural use of the site and the surrounding area; and
- (c) the potential to confine or constrain adjoining primary industry uses;
- (d) the location being reasonably required for operational efficiency;
- (e) the need to locate on the site;
- (f) the capacity of the local road network to accommodate the traffic generated by the use; and
- (g) the capability of the site to accommodate all aspects of the use.

Complies

An assessment against the criteria has been undertaken below:

Uses (except for a single dwelling) are established at a location and at an intensity that is appropriate in the zone, having regard to:

- (a) the nature of the use, including:**
 - (i) the scale and extent of the use;**
 - (ii) the utilisation of existing buildings and infrastructure;**
 - (iii) the number of employees;**
 - (iv) the customer visitation and deliveries;**
 - (v) the hours of operation;**
 - (vi) the nature of any emissions;**
 - (vii) external storage of goods, materials or waste; and**

It is proposed to open up two separate areas on the subject site for self-contained RV campers, operating 24/7. The applicant is proposing a maximum of 10 vehicles per night, which will be a condition on the permit if approved. Visitors will utilise an honesty box for payment and sign in. All rubbish will be required to be taken from the site with each camper. The use will be monitored by the owners who live on site, to ensure that the number of vehicles on site is not exceeded, and waste and rubbish is taken off-site.

Emissions will be vehicle exhaust, light, and noise. Considering the sites location, being an active farm with the camping areas off the road, as well as the relatively low number of vehicles, the emissions will be appropriate for the area.

Conditions have been recommended that will ensure the proposed nature of the use is maintained to an appropriate level.

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

- (b) the area of the site proposed to be used, including:**
 - (i) the existing use and development;**
 - (ii) the surrounding use and development;**
 - (iii) its capacity for productive agricultural use;**
 - (iv) the topography of the site;**
 - (v) current irrigation practices and the potential for irrigation;**
 - (vi) the effect, if any, of the loss of the site on the continuing or potential agricultural use of the site and the surrounding area; and**

The areas proposed to be utilised for the accommodation use is less than 1% of the total site area. They are located north and south of Windermere Road, with existing access available. The site is an active grazing farm, and the areas set aside for the RV camping will still be able to be utilised for grazing purposes if required.

Therefore, the low-intensity of the use is completely appropriate for the zone. The areas range from flat surfaces, to uneven grassland. The uneven sections of topography will be flattened to ensure vehicles are able to enter, exit, and park successfully. There is no potential for irrigation within the defined areas.

The sites are located approximately 220m west from the turn off from John Lees Drive to Windermere Road. The closest use is the Windermere Shop located approximately 160m east of the site, and on the same title is a residence. The next closest use is a residential use approximately 350m to east of the site on another farming lot. More intensive residential uses commence approximately 675m south west along Windermere Road.

The northern proposed RV camping area is screened through existing vegetation and the land is lower than the road. It will only be visible when driving along Windermere Road. The southern area will also be reduced by vegetation screening, however, will be visible from the Windermere Shop and John Lees Drive.

However, considering the low-intensity of the accommodation use, being a maximum of 10 vehicles per night, coupled with the separation of surrounding uses, it is not believed the proposal will have a negative impact on the surrounding area, not impact on the potential for agricultural uses.

- (c) the potential to confine or constrain adjoining primary industry uses;**

Being an RV use with no development, the proposal will not confine or constrain adjoining primary industry uses.

- (d) the location being reasonably required for operational efficiency;**

Not Applicable.

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

(e) the need to locate on the site;

The applicant has identified a market need for a low cost, low intensity, self-contained RV camping site. The site is well positioned to take advantage of Windermere and Swan Bay and is easily accessible on the tourism route along the East Tamar Highway. Therefore, there is a necessity to locate on this land.

(f) the capacity of the local road network to accommodate the traffic generated by the use; and

The proposal will allow 10 vehicles per day. At its maximum, it may be expected each vehicle has four traffic movements per day, however, in reality it may only be one.

The two existing access points do not meet the contemporary access standard and it is intended to condition the development to upgrade these to be sealed for the first 6m from the edge of the existing road seal. This will protect the road edge from being damaged by the turning vehicle and reduce the amount of debris tracked onto the road from the site. The development represents a significant change in use of the access points where they go from being used periodically for farm use to being used for a commercial purpose by the public.

Windermere Road is a two lane, 7m wide road. However, the road reserve at each entrance point is 26.4m wide, with sufficient width for two vehicles to safely enter and exit the site. Surrounding road networks including Windermere Road, John Lees Drive and East Tamar Highway are constructed, council maintained roads that can accommodate the limited increase in vehicle movements.

(g) the capability of the site to accommodate all aspects of the use.

The proposed use will be 'leave no footprint' self-contained RV camping. The proposed site is able to accommodate all aspects of the use.

The proposal is assessed as compliant with the performance Criteria for the reasons outlined above.

E3.6 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

Consistency with the objective has been achieved as the proposal protects the safety and efficiency of the road network.

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

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

Consistent

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

Complies

The annual average daily traffic (AADT) of vehicle movements, to and from the site, will be less than 40 vehicle movements per day.

E4.6 Development Standards

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

Consistency with the code purpose has been achieved as the proposal ensures appropriate and sufficient parking and access is available.

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

Consistency with the objective has been achieved as the proposal ensures that an appropriate level of car parking is provided to meet the needs of the use.

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

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

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

Relies on Performance Criteria

Table E6.1 requires one space per caravan space, resulting in 10 spaces required. As no formal car parking spaces are proposed, the application is reliant on the performance criteria.

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

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

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

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

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

Complies

The proposal is for a self-contained RV camping site, with a maximum of 10 vehicles per night. Due to the operational characteristics of this use, being single self-contained caravans, the provision of separate parking is not appropriate. The use will involve single self-contained vehicles, or vehicles towing self-contained caravans, and will be able to park freely within the confines of the site. Therefore, providing formal parking spaces is not a reasonable request, given the proposed use. The application is assessed as compliant with the performance criteria.

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

E6.6 Development Standards

E6.6.1 Construction of parking areas

<p>Objective: To ensure that parking areas are constructed to an appropriate standard.</p>
<p>Consistent Consistency with the objective has been achieved as the proposal ensures that parking areas are constructed to an appropriate standard.</p>
<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 As no formal parking, access ways, manoeuvring and circulation spaces are able to meet the requirements of the acceptable solution, reliance on the performance criteria is required.</p>
<p>P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the use; (b) the topography of the land; (c) the drainage system available; (d) the likelihood of transporting sediment or debris from the site onto a road or public place; (e) the likelihood of generating dust; and (f) the nature of the proposed surfacing and line marking.
<p>Complies The use will operate within open grass fields previously utilised for grazing. There will be no formal line marking or paved areas. Drainage will occur naturally into the ground and follow natural drainage paths. This is one of the reasons for the proposed use, to not have any formal parking areas, but rather offer freedom camping within a designated area. The only formal access ways will be at the entrance to the site, after which vehicles will be able to navigate generally flat open fields. The owner will need to manage the site to ensure it is useable, particularly in inclement weather. Occupiers of the site will understand this, ensuring that the site will be useable. The proposal is assessed as compliant with the performance criteria.</p>

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

E6.6.2 Design and layout of parking areas

<p>Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>
<p>Consistent</p> <p>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</p> <p>With the exception of the entrance, there will be no formal parking, access ways, manoeuvring, or circulation spaces. The initial entrance is able to meet the widths and dimensions of Table E6.3, whilst maintaining a clearance of 2.1m.</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.
<p>Consistent</p> <p>Whilst no construction is proposed, there will be some earthworks to ensure the designated accommodation areas are flat. Earthworks are defined as development and as such the code applies. Consistency with the code purpose has been achieved as the proposal ensures the proposal protects the visual amenity of the area.</p>

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

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

Consistency with the objective has been achieved as the proposal ensures the siting and design of is to be unobtrusive in the landscape and complement the character of the scenic management areas.

A1 No acceptable solution.

Relies on Performance Criteria

P1 Development (not including development that involves only the clearance or removal of vegetation, or subdivision) must have regard to:

- (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3;
- (b) the impact on skylines, ridgelines and prominent locations;
- (c) the nature and extent of existing development on the site;
- (d) the retention or establishment of vegetation to provide screening;
- (e) the need to clear existing vegetation;
- (f) the requirements for any hazard management;
- (g) the need for infrastructure services;
- (h) the specific requirements of the development;
- (i) the location of development to facilitate the retention of trees; and
- (j) design treatment of development, including:
 - (i) the bulk and form of buildings including materials and finishes;
 - (ii) any earthworks for cut or fill;
 - (iii) the physical (built or natural) characteristics of the site or area;
 - (iv) the nature and character of the existing development; and
 - (v) the retention of trees.

Complies

The site is located within the local scenic management area - Dilston Wetland Precinct. The management objectives of this precinct are to:

- Protect and maintain the wetland habitat; and
- Avoid development within the precinct that will impact on the scenic values of the place or impact on the nursery and feeding grounds of native fauna.

As discussed, minor earthworks will be required to ensure vehicles are able to park on flat ground. This primarily will only occur in the northern area. A condition has been recommended that all vehicles must be at least 10m from the creek line. This will help ensure no damage to the creek or surrounding wetland occurs. Furthermore, both areas are largely protected from impacting on scenic values through the existing screening vegetation. Due to the low level intensity of the site, visual impact will again be reduced. The proposal is assessed as being compliant with the performance criteria.

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

E8.6 Development Standards

E9.0 Water Quality Code

E9.1 The purpose of this provision is to:

- (a) manage adverse impacts on wetlands and watercourses.

Consistent

Whilst no construction is proposed, there will be some earthworks to ensure the designated accommodation areas are flat. Earthworks are defined as development and as such the code applies. Consistency with the code purpose has been achieved as the proposal will ensure wetlands and watercourses are protected.

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

Consistency with the objective has been achieved as the proposal will protect watercourses and wetlands from the effects of development and minimise the potential for water quality degradation.

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

The southern area is not located within the 30m waterway buffer and therefore does not require further assessment. The majority of the northern area however is within the buffer.

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

The northern area is triangular and almost half a hectare in size. The area to the west is Symons Creek. The area is rough, but generally flat, sitting just below Windermere Road. There is a steep fall at the banks of the creek. The site is subject to flood in severe wet weather. It is mostly cleared, with remaining vegetation along the creek line. As no building construction is proposed, there is almost no risk or erosion of sedimentation as a result of this use.

If utilised to its maximum capacity, 10 vehicles will be able to enter the site to setup. To facilitate this some levelling of the earth is required. This would generally involve an excavator, noting, however, that no vegetation is being removed, only existing grassland to be flattened. To ensure the quality of the creek is maintained to the northern area, the following condition is recommended:

No excavation within 10m of the creek line is to occur to accommodate the visitor accommodation use.

This condition will ensure that the health of the creek is maintained. It is noted, however, that as this is an active grazing site and that sheep grazing may occur in the future, should the owner wish to undertake earthworks involved with the rural use, no permit is required for those earthworks to occur.

Being a relatively low intensity use, it is considered that the minor development of the site will not impact on the integrity of the waterway. The proposal complies with the performance criteria.

E9.6.2 Development of watercourses and wetlands

<p>Objective: To protect watercourses and wetlands from the effects of development and minimise water quality degradation.</p>
<p>Consistent</p>
<p>A1 A wetland must not be altered, modified, filled, drained, piped or channelled.</p>
<p>Complies No wetland will be altered, modified, filled, drained, piped or channelled.</p>

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(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 24 April to 10 May 2021. Six representations were received.

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

<p>Issue 1 Vehicles entering and exiting the site will be too large for the existing accesses, causing potential on road safety issues. There are also internal issues around the internal cattle gates.</p>
<p><i>Response 1</i> A recommended condition will require both accesses to be upgraded to ensure vehicles can safely enter and exit the site. Internal fencing is able to be relocated to ensure safe manoeuvring.</p>
<p>Issue 2 There is no maximum time of stay, and with only an honesty box system, will be hard to regulate. How will the owners monitor who stays and for how long?</p>
<p><i>Response2</i> The owners will be responsible for monitoring visitors. Notwithstanding, a maximum stay condition has been recommended to help regulate visitor numbers.</p>

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

<p>Issue 3 How will the owners ensure all the campers are self-contained? What is the definition of self-contained?</p>
<p><i>Response 3</i> The owners will be responsible for monitoring that each camper is self-contained, ensuring each camper is able to take out all waste and water.</p>
<p>Issue 4 How will the owners protect the amenity of the area? Will campers be able to stay up all night with accompanying music or light nuisances?</p>
<p><i>Response 4</i> The owners will be responsible for monitoring potential nuisances, with the use being subject to the relevant controls under the Environmental Management and Pollution Control Act 1994.</p>
<p>Issue 5 How will it be ensured that no dumping occurs on site and what is the rubbish management plan?</p>
<p><i>Response 5</i> Campers will be notified that no dumping is permitted on site and that all waste, including rubbish, is removed when they leave.</p>
<p>Issue 6 Will animals be permitted on site, as they may hunt native wildlife.</p>
<p><i>Response 6</i> This will be at the discretion of the owners and is not a planning consideration.</p>
<p>Issue 7 Will campfires be allowed?</p>
<p><i>Response 7</i> This will be at the discretion of the owners and is not a planning consideration.</p>
<p>Issue 8 The proposed site is the entrance to Windermere, will the use affect the way Windermere has developed - will affect the amenity of the area.</p>
<p><i>Response 8</i> The location is considered to be at a well situated location, and is offered some visual protection from existing vegetation. Due to the limited number of vehicles able to use the site at one time, its visual intrusion is considered to be minimal.</p>
<p>Issue 9 There is the potential pedestrians will litter the road, causing safety issues.</p>
<p><i>Response 9</i> This is not a planning consideration.</p>
<p>Issue 10 How will the owners monitor the site, including people who may have not paid, and ensure that all people utilising the site are in self-contained vehicles.</p>

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

<p><i>Response 10</i> <i>This is not a planning consideration. It is noted, however, that the responsibility is on the owners to ensure the use is operated in accordance with their permit.</i></p>
<p>Issue 11 There is a safety concern that the areas to be used for the campers may flood. Is there a flood management plan in place?</p>
<p><i>Response 11</i> <i>This is not a planning consideration, however, the owners have been notified of this potential issue and may plan accordingly.</i></p>
<p>Issue 12 How will COVID tracing be managed?</p>
<p><i>Response 12</i> <i>This is not a planning consideration, however, as a visitor accommodation use, the owners will need to ensure they are compliant with all state guidelines regarding COVID-19.</i></p>
<p>Issue 13 Surrounding roads were not designed to take self-contained vehicles and damage to the roads will be inevitable.</p>
<p><i>Response 13</i> <i>The surrounding roads are constructed to an appropriate standard. The scheme cannot prohibit certain vehicles from utilising public roads.</i></p>
<p>Issue 14 How will the creek be protected?</p>
<p><i>Response 14</i> <i>A condition requiring a 10m setback for vehicles will help ensure the creek is protected.</i></p>

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

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.

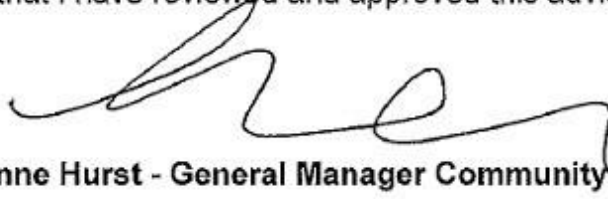
BUDGET & FINANCIAL ASPECTS:

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 - 43 Los Angelos Road, Swan Bay (*electronically distributed*)
 2. Plans to be Endorsed - 43 Los Angelos Road, Swan Bay (*electronically distributed*)
 3. Representations - 43 Los Angelos Road, Swan Bay (*electronically distributed*)
 4. Applicants' Response to Representations - 43 Los Angelos Road, Swan Bay (*electronically distributed*)
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9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings**FILE NO:** DA0180/2021**AUTHOR:** Eric Smith (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:	S. Group
Property:	29 Connaught Crescent, West Launceston
Zoning:	Inner Residential
Receipt Date:	1/04/2021
Validity Date:	9/04/2021
Further Information Request:	14/04/2021
Further Information Received:	26/04/2021
Deemed Approval (extension granted):	3/06/2021
Representations:	Three

STANDARDS REQUIRING THE COUNCIL'S DISCRETION

11.4.10 Rear and side setbacks
11.4.17 Private open space for multiple dwellings
11.4.18 Site facilities for multiple dwellings
E6.5.1 Car parking numbers

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 two new multiple dwellings at 29 Connaught Crescent, West Launceston, subject to the following conditions:

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

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. Demolition and Proposed Site Plans, prepared by S. Group for project j007013, page A1-001 Rev B dated 23/4/2021.
- b. Site Plan, prepared by S. Group for project j007013, page A1-002 Rev B dated 23/4/2021.
- c. Shadow Diagrams, prepared by S. Group for project j007013, page A1-003 Rev B dated 23/4/2021.
- d. "Townhouse 1" Floorplan, prepared by S. Group for project j007013, page A2-001 Rev B dated 23/4/2021.
- e. "Townhouse 1" NE and NW Elevations, prepared by S. Group for project j007013, page A3-001 Rev B dated 23/4/2021.
- f. "Townhouse 1" SW and SE Elevations, prepared by S. Group for project j007013, page A3-002 Rev B dated 23/4/2021.
- g. "Townhouse 2" Floorplan, prepared by S. Group for project j007013, page A4-001 Rev B dated 23/4/2021.
- h. "Townhouse 2" SE and NE Elevations, prepared by S. Group for project j007013, page A4-002 Rev B dated 23/4/2021.
- i. "Townhouse 2" SW and NW Elevations, prepared by S. Group for project j007013, page A4-003 Rev B dated 23/4/2021.
- j. Planning Report by S. Group dated 31/03/2021.

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. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No.TWDA 2021/00554-LCC, 20/04/2021 and attached to the permit.

4. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

5. FENCING

Prior to the commencement of the use, all side and rear boundaries must be provided with a solid (ie. no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed at the developer's cost and to a height of:

- a. 1.2m within 4.5m of the frontage; and
- b. 1.8m - 2.1m elsewhere when measured from the highest finished level on either side of the common boundaries.

6. MULTIPLE DWELLINGS - SERVICE FACILITIES

Prior to the commencement of the use, the following site facilities for multiple dwellings must be installed:

- a. mail receptacles must be provided and appropriately numbered for each dwelling unit.
- b. each multiple dwelling must be provided with a minimum 6m³ exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
- c. either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

7. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

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

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

8. ON-SITE DETENTION (TASWATER ADVICE TO DRAINAGE AUTHORITY)

On-site detention storage must be provided to limit the peak rate of piped stormwater discharge and overland flows, from the site to that generated by the site at its current level of development for a 1 in 5 storm event of one hour duration. The volume of the detention structure must be the difference between the above discharge (pre-development) and the discharge from the site post development

Prior to the commencement of works, the plans and calculations must be submitted to the General Manager Infrastructure and Assets Network for approval. On completion, an *as constructed* plan complete with levels, must be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

9. 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.

10. 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 Infrastructure and Engineering 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.

11. APPLICATION TO ALTER A STORMWATER SERVICE

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

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

12. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

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

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

13. 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 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.

14. SOIL AND WATER MANAGEMENT PLAN

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

15. 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.

16. 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.

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

17. DEMOLITION

The Developer must:

- a. carry out all demolition work in accordance with Safe Work Australia '*Demolition Work Code of Practice* or any subsequent versions of the document;
- b. protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
- c. not undertake any burning of waste materials on site;
- d. remove all rubbish from the site for disposal at a licensed refuse disposal site;
- e. dispose of any asbestos found during demolition in accordance with the Safe Work Australia *How to Safely Remove Asbestos Code of Practice* or any subsequent versions of the document

18. PROTECTION OF STREET TREES

Existing street trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970: Protection of Trees on Development Sites*. The protection works are to be installed prior to the commencement of any other works on the site and are to remain in place until the completion of all other works.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0180/2021. 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 Council.

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

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. Heat Pump Use

Use of the heat pump will be subject to the Environmental Management and Pollution Control (Noise) Regulations 2016 or as amended.

F. Street addresses for Multiple Dwellings

Residential addressing is undertaken in accordance with Australian Standard AS4819. The development has been assessed according to the standard and the following addresses allocated:

<i>Dwelling No</i>	<i>Street Address</i>
<i>Existing</i>	<i>1/29 Connaught Crescent</i>
<i>TH1</i>	<i>2/29 Connaught Crescent</i>
<i>TH2</i>	<i>3/29 Connaught Crescent</i>

The above addresses are to be adhered to when identifying the dwellings and their associated letterboxes.

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

REPORT:**1. THE PROPOSAL**

The application proposes to demolish an existing double garage in the rear of 29 Connaught Crescent, West Launceston to make way for two additional dwellings, each of three bedrooms with integral double garage. The existing dwelling will retain two car parking spaces to the rear and there will be alterations to the access, including within the road reserve.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is a fully serviced urban lot of 1,741m² located at 29 Connaught Crescent, West Launceston in the Inner Residential Zone. There are no other overlays on the property. It is broadly rectangular and positioned somewhat above the road with a relatively steep driveway in the road reserve, where a hedge has been removed to improve visibility. The slope of the site is about 7.5% from east to west with the access at the north eastern corner.

The existing dwelling will be retained while a double garage will be demolished as part of this application. The front yard is a mature garden including some trees. Smaller vegetation in the rear will be removed and a large oak tree within the garden of 1A Duke Street has been lopped to the boundary.

The area is characterised by a mix of large dwellings with generous gardens and smaller dwellings including existing multiple dwellings. Neighbouring Duke and Laura Streets are proposed as a heritage precinct. There is ready pedestrian access to the hospital and local primary school. The centre of Launceston is a short and convenient bus ride away.

3. PLANNING SCHEME REQUIREMENTS**3.1 Zone Purpose****11.0 Inner Residential Zone****11.1.1 Zone Purpose Statements**

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

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

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

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

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

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

Consistent

Multiple dwellings are discretionary in the zone and appropriate in the location.

11.4 Development Standards

11.4.7 Site coverage

Objective:

To:

- (a) ensure that the site coverage of residential development and ancillary buildings respects the character of the surrounding area;
- (b) reduce the impact of increased stormwater runoff on the drainage system; and
- (c) provide for landscaping and private open space.

Consistent

A1.1 Site coverage must be no greater than 60%; and

A1.2 No less than 25% of the site must be pervious to rainfall.

Complies

The site area is 1,741m². The proposed roofed area of the three dwellings will be 591m² which is a site coverage of approximately 35%. At least 435m² (approximately 25%) of the site will remain free from impervious surfaces.

11.4.8 Building height

Objective:

To ensure that the building height respects the character of the surrounding area.

Consistent

A1 Building height must be no greater than 9m.

Complies

New construction will reach a maximum building height of 4.4m above natural ground level.

11.4.10 Rear and side setbacks

Objective:

To ensure that the setbacks are compatible with the character of the surrounding area and minimise the impacts on the amenity and solar access of adjoining dwellings.

Consistent

A1 Buildings must be set back from the rear boundary no less than 2.5m.

Relies on Performance Criteria

The existing dwelling has a rear setback of 51m, and the southern wall of Townhouse 1 is 24m from the rear boundary.

The proposal is to locate Townhouse 2 1.25m from the rear boundary. Assessment against Performance Criteria is therefore necessary.

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

P1 Building setback to the rear boundary must be appropriate to the location, having regard to:

- (a) the ability to provide adequate private open space;
- (b) the character of the surrounding area and location of buildings on adjoining lots;
- (c) the impact on the amenity, solar access and privacy of habitable rooms, windows, and private open space of nearby or adjoining buildings; and
- (d) the size, shape and orientation of the lot.

Complies

Assessment against the performance criteria is as follows:

(a) the ability to provide adequate private open space

The design of the proposal sites the private open space to the side of Townhouse 2. This enables the new dwelling to take advantage of views to the east while going some way to protecting the existing oak in the neighbouring property, by minimising disturbance to the tree's root system. This means the area behind the house need not serve as private open space.

(b) the character of the surrounding area and location of buildings on adjoining lots

The area is generally characterised by single dwellings on large lots, however, there are nearby examples of smaller sites and similarly reduced rear setbacks. The multiple dwellings at 4 Merrys Lane are within 2.5m of the rear boundary (on a diagonal) and located within this setback as near as 1m for about 5m each. There are other townhouse developments at 11A, 17A and 25 Duke Street with reduced setbacks. The setback is therefore reasonable given the character of the area.

(c) the impact on the amenity, solar access and privacy of habitable rooms, windows and private open space of nearby or adjoining buildings; and

The applicant has provided shadow diagrams to demonstrate that there is adequate sunlight to neighbouring properties. The rear gardens at 8 Merrys Lane will continue to have sun in the morning from 9am to 12noon. Overshadowing of the open space and windows of Unit 4/8 Merrys Lane would occur from 12noon, however, it is likely that this will not be significantly more than currently exists from the large oak tree at 1A Duke Street.

The only rooms with windows to the rear boundary are a bathroom and a toilet, which will have frosted glass and are therefore not a privacy concern. The existing fence (approximately 1.6m high) will be raised by condition to 1.8m to ensure privacy for existing dwellings to the rear, reducing the impact of potential overlooking. Based on the above assessment the proposal meets the Performance Criteria.

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

<p>A2 Buildings must be set back from side boundaries no less than:</p> <ul style="list-style-type: none"> (a) for lots 1,000m² or less, 1m, plus 0.3m for every metre of building height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m; or (b) for lots greater than 1,000m², 2.0m, plus 0.3m for every metre of building height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m.
<p>Relies on Performance Criteria The lot size is 1740sqm so the larger setback specified in A2 (b) applies.</p> <p>No change is proposed for the existing dwelling.</p> <p>The western wall of Townhouse 1, with a wall height of 2.6m, albeit slightly cut into the natural ground level, is proposed to be 1.57m from the western side boundary. The setback required is 2.0m and must therefore be assessed against the performance criteria. The wall of Townhouse 1 facing the eastern boundary reaches a height of 5.6m at the top of the gable roof and is setback 4.4m, across the common driveway.</p> <p>Townhouse 2 is set back 5.5m from the western boundary, this area includes the proposed private open space for the dwelling and the wall is at most 2.99m high. The wall to the eastern boundary is 3.6m high and has an offset to the boundary of 3.6m. These distances meet the Acceptable Solution.</p>
<p>P2 Building setback to the rear boundary must be appropriate to the location, having regard to:</p> <ul style="list-style-type: none"> (a) the ability to provide adequate private open space; (b) the character of the area and location of buildings on adjoining lots; (c) the impact on the amenity, solar access and privacy of habitable rooms, windows, and private open space of nearby or adjoining buildings; and (d) the size, shape and orientation of the lot.
<p>Complies</p> <p>Assessment against the Performance Criteria is as follows:</p> <ul style="list-style-type: none"> (a) the ability to provide adequate private open space; Townhouse 1 has a suitably large deck (approximately 5m x 5m) which will receive morning sun and is accessed directly from the living room. Open space behind the dwelling (against the site side boundary) is therefore not essential. (b) the character of the area and location of buildings on adjoining lots; There are a number of examples along Connaught Crescent and Duke Street where dwellings are located 1.5m from a side boundary. It is considered that the proposed setback of Townhouse 1 is compatible in the area.

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

(c) the impact on the amenity, solar access and privacy of habitable rooms, windows and private open space of nearby or adjoining buildings; and

A representation drew attention to the risk of overshadowing at 1A Duke Street which is west of proposed Townhouse 1 and therefore, behind it, but to the side of the site. However, the subject site is considerably lower than its neighbour, and the deck and habitable rooms facing this boundary have a floor level about 1.7m above natural ground level, and are set back from the boundary at least 4.4m. The new dwelling will have a wall height of 2.6m which is dug in to have an effective height of only 2.25m so it is unlikely this will create any shadowing at all on windows or the deck. The private open space at 1A Duke Street will also continue to receive adequate sunlight, given its size.

(d) the size, shape and orientation of the lot.

The site, with a depth of 95m and a width of 20m and large rear garden for the existing dwelling is capable of accommodating a multiple dwelling development. A reduced setback on this side is necessary to achieve the required driveway width and separation from habitable rooms, and will not cause unreasonable impacts on the adjoining property.

Therefore, the proposed 1.57m setback is assessed as appropriate in this location and meets the performance criteria.

11.4.12 Location of car parking

Objective:

To:

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

Consistent

A1 Shared driveways or car parks of residential buildings must be located no less than 1.5m from the windows of habitable rooms.

Complies

The proposed driveway will be at least 1.5m from windows to the living room in the existing dwelling and also 1.5m from windows to proposed Townhouse 1.

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

A2.2 Turning areas for vehicles must not be located within the primary front setback.

Complies

The new dwellings will be provided with integral double-garages while the existing dwelling will have space for two vehicles between it and the new construction. Turning areas are behind the primary front setback.

A3 A garage or carport must be:

- (a) within 10m of the dwelling it serves; and
- (b) located no less than 5.5m from a frontage; or

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

<p>(c) with a setback equal to or greater than the setback of the dwelling to the frontage; or (d) in line with or behind the front building line of the dwelling, if the dwelling is facing an internal driveway.</p>
<p>Complies Integral garages will be provided for the new dwellings while the existing house will have convenient parking within 10m.</p>

11.4.13 Overlooking

<p>Objective: To minimise: (a) overlooking into private open space and habitable room windows; and (b) the impact on the amenity of the adjoining and the subject site.</p>
<p>Consistent A1.1 A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window or private open space of dwellings within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio must: (a) be offset no less than 1.5m from the edge of one window to the edge of the other; or (b) have sill heights no less than 1.7m above floor level; or (c) have fixed, obscure glazing in any part of the window less than 1.7m above floor level; or (d) have permanently fixed external screens to no less than 1.7m above floor level; and (e) have obscure glazing and screens must be no greater than 25% transparent; or A1.2 New habitable room windows, balconies, terraces, decks or patios that face a property boundary at ground level must have a visual barrier no less than 1.8m high.</p>
<p>Complies The new dwellings are single-storey and slightly cut in at the western setback. It is the Council's policy that all multiple dwelling developments install a 1.8m high boundary fence by condition and this will provide a visual barrier between the adjoining dwellings to meet the Acceptable Solution under A1.2.</p>

11.4.15 Daylight to windows

<p>Objective: To allow adequate daylight into habitable room windows.</p>
<p>Consistent A1 Where the minimum distance between: (a) a new window in a habitable room and an existing building; or (b) a new building constructed directly opposite an existing habitable room window, is less than 3m, a light court with an area of no less than 3m² and dimension of no less than 1m clear to the sky must be provided.</p>
<p>Complies The distance between new windows to habitable rooms and existing buildings is at least 3m.</p>

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

11.4.16 Density control of multiple dwellings

<p>Objective: To ensure that multiple dwellings and other forms of residential development are interspersed with single dwellings in a manner that ensures that single dwellings remain the primary form of dwellings in a road and the surrounding area.</p>
<p>Consistent</p>
<p>A1 Multiple dwellings must have a site area per dwelling of no less than 350m².</p>
<p>Complies The site area is 1741m² and three dwellings are proposed, giving a site area per dwelling of 580m².</p>
<p>A2 Dwellings must have a density no greater than 40% by lot number, of the number of lots on land zoned Inner Residential along the road to which the site has frontage.</p>
<p>Complies Connaught Crescent has 40 lots in the Inner Residential Zone, of which no more than eight are existing multiple dwellings. This proposal will bring the number to nine, or 22.5% by lot number.</p>

11.4.17 Private open space for multiple dwellings

<p>Objective: To provide adequate and useable private open space for the needs of residents.</p>
<p>Consistent</p>
<p>A1.1 Each multiple dwelling must have private open space: (a) with a continuous area of 24m² and a horizontal dimension of no less than 4m; (b) directly accessible from, and adjacent to, a habitable room other than a bedroom; (c) with a gradient no steeper than 1:16; (d) located on the side or rear of the dwelling; and (e) that is not provided within the setback from a frontage. A1.2 Where all bedrooms and living areas in a multiple dwelling are above ground floor, each multiple dwelling must have private open space, with direct access from a habitable room other than a bedroom, of: (a) a balcony of 8m² with a minimum dimension of 2m²; or (b) a roof-top area of 10m² with a minimum width of 2m².</p>
<p>Complies The existing dwelling will retain use of the front garden (at least 200sqm of useable space) which is not directly accessible from a habitable room. However, a suitably sized area (at least 49sqm) behind the proposed parking area (and accessible from the kitchen/dining room) meets the Acceptable Solution. The deck for Townhouse 1 is just over 24 m² with a dimension of approximately 5m x 5m. The proposed garden for Townhouse 2 has an area of 130 m² with dimensions of 23.5m x 5.5m.</p>
<p>A2 The southern boundary of private open space must be set back from any wall 2m high or greater on the north of the space, no less than (2m + 0.9h) metres, where 'h' is the height of the wall as indicated in Figure 11.4.17.</p>

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

<p>Relies on Performance Criteria The existing dwelling will use private open space within the frontage which has a useable area of over 100sqm. There is no wall to the north of this area. Private open space for Townhouse 1 has a wall to the north of 4.9m and does not meet the Acceptable Solution. The private space for Townhouse 2 will not be bounded on the north by anything higher than a 1.8m fence.</p>
<p>P2 Private open space must receive adequate solar access, having regard to: (a) the topography of the site; (b) site constraints, including orientation and shape of the lot; (c) the location and size of buildings on adjoining lots and the subject site, and (d) the height of walls on the northern side of the private open space.</p>
<p>Complies The deck for Townhouse 1 has a north eastern orientation and will receive sunlight between 9am and 12 noon, which is considered adequate. The private open space benefits from being directly accessible from the living areas of the house and is considered to meet the performance criteria.</p>

11.4.18 Site facilities for multiple dwellings

<p>Objective: To provide adequate site and storage facilities for multiple dwellings.</p>
<p>Consistent</p>
<p>A1 Each multiple dwelling must have access to 6m³ of secure storage space not located between the primary frontage and the facade of a dwelling.</p>
<p>Relies on Performance Criteria No outside storage is shown.</p>
<p>P1 Each multiple dwelling must provide storage suitable to the reasonable needs of residents, having regard to: (a) the location, type, and size of storage provided; (b) the proximity to the dwelling and whether it is convenient and safe to access; (c) the impacts on the amenity of adjacent sensitive uses; and (d) the existing streetscape.</p>
<p>Complies The existing dwelling has sufficient undercroft storage which is capable of being secure and may choose to erect a garden shed without the need for a further application. A condition is recommended requiring the provision of 6 cubic metres of outside storage space for Townhouse 1 and Townhouse 2. Both sites are capable of supporting secure storage but is currently not shown.</p>
<p>A2 Mailboxes must be provided at the frontage.</p>
<p>Complies Letter boxes for the three dwellings are shown at the frontage.</p>
<p>A3 No less than 2m² per dwelling must be provided for bin and recycling enclosures and be located behind a screening fence of no less than 1.2m.</p>

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

Complies
Compliant bin storage is shown on the site plan.

11.4.19 Common property for multiple dwellings

Objective:
To ensure that common areas are easily identified.

Consistent

A1 Site drawings must clearly delineate private and common areas, including:
(a) driveways;
(b) parking, including visitor parking;
(c) landscaping and gardens;
(d) mailboxes; and
(e) storage for waste and recycling bins.

Complies
Plans clearly show the three proposed strata titles and common property.

11.4.20 Streetscape integration and appearance

Objective:
To:
(a) integrate the layout and form of residential development with the road; and
(b) promote passive surveillance; and
(c) enhance streetscapes.

Consistent

A1 Dwellings, other than outbuildings, must:
(a) have a front door and a window to a habitable room in the wall that faces a road; or
(b) if not immediately adjacent to a road, face an internal driveway or common open space area.

Complies
The existing house faces the street while Townhouse 1 and Townhouse 2 have windows for habitable rooms overlooking the common driveway.

A2 Dwellings, other than outbuildings, must provide a porch, shelter, awning, recess, or similar architectural feature that identifies and provides shade and weather protection to the front door.

Complies
Awning is shown above the front door of the new dwellings. The existing bungalow benefits from a front and side verandah.

11.4.22 Earthworks and retaining walls

Objective:
To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.

Consistent

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

- (a) protect the safety and efficiency of the road and railway networks; and
- (b) reduce conflicts between sensitive uses and major roads and the rail network.

Consistent

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

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

Consistent

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

Two additional dwellings is unlikely to create more than 40 additional vehicle movements per day.

E4.6 Development Standards

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

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.

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

<p>Consistent The proposal consists of two new three-bed dwellings and the existing four-bed dwelling. The requirements of Table E6.1 are: two car parking space for each new three-bed dwelling, three car parking spaces for the existing four-bed dwelling and a visitor car parking space for the group. No bicycle parking is required.</p>
<p>A1 The number of car parking spaces must:</p> <ul style="list-style-type: none"> (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.
<p>Relies on Performance Criteria The proposal shows two parking spaces for each dwelling but no visitor parking.</p>
<p>P1.1 The number of car parking spaces for other than residential uses, must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the availability of off-road public car parking spaces within reasonable walking distance; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (f) an assessment of the actual car parking demand determined in light of the nature of the use and development; (g) the effect on streetscape; and (h) the recommendations of any traffic impact assessment prepared for the proposal; or <p>P1.2 The number of car parking spaces for residential uses must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the locality; or <p>P1.3 The number of car parking spaces complies with any relevant parking precinct plan.</p>

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

Complies
 The two new dwellings have sufficient parking for the requirements of Table E6.1. Two car parks is likely to be sufficient for the existing dwelling. The site's location within walking distance of facilities (hospital, primary school) and on a bus route provides adequate opportunity for alternative means of travel. There is also uncontrolled parking in the street. Visitors to the new dwellings will be able to park in tandem to the garages without obstructing the general flow of traffic on the site, or use the above mentioned on-street parking or alternative transport options, so no dedicated on-site visitor parking is necessary. Therefore, parking arrangements meet the performance criteria.

E6.6 Development Standards

E6.6.1 Construction of parking areas

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

Consistent

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

Complies
 A condition will be applied to ensure parking is appropriately signed.

E6.6.2 Design and layout of parking areas

Objective:
 To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.

Consistent

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

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

<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</p> <p>The driveway and a terminating turning bay will provide the opportunity for vehicles to enter and leave in a forward direction, as there are at least six formal car parking spaces on site.</p>

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets	Recommended conditions.
Environmental Health	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 TWDA 2021/00554-LCC, 20/04/2021.
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 28 April to 12 May 2021. 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.

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

<p>Issue 1 Fears were raised that the construction of Townhouse 1 would overshadow the existing dwelling at 1a Duke Street.</p>
<p><i>Response 1</i> It is unlikely that the proposed dwelling will cause unreasonable overshadowing due to the dwelling at 1A Duke Street being elevated compared to the proposed Townhouse 1. It will be set low on the neighbouring site and has a wall height of only 2.2-2.5m. The performance criteria has been met as the shadow diagrams demonstrate that windows to habitable rooms and private open spaces will receive sunlight for at least three hours between 9am and 3pm on 21 July each year.</p>
<p>Issue 2 The impact of the development, especially Townhouse 2 on the existing oak tree in the garden at 1A Duke Street.</p>
<p><i>Response 2</i> The site is not within the Scenic Protection Area, and the tree is not specifically protected by any provision of the Planning Scheme. The applicant has exercised the common law right to lop the tree to the boundary. An arborist's report provided by the representor shows that the Structural Root Zone is not threatened by the development. To the extent that Townhouse 2 is within the Tree Protection Zone, the Planning Scheme has no grounds on which to prohibit or control the development.</p>

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

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 - 29 Connaught Crescent, West Launceston (*electronically distributed*)
 2. Plans to be Endorsed - 29 Connaught Crescent, West Launceston (*electronically distributed*)
 3. TasWater SPAN - 29 Connaught Crescent, West Launceston (*electronically distributed*)
 4. Representations - 29 Connaught Crescent, West Launceston (*electronically distributed*)
-

10 ANNOUNCEMENTS BY THE MAYOR

10.1 Mayor's Announcements

FILE NO: SF2375

Thursday 27 May 2021

- Attended the *2021 Theatre North* winter season launch

Friday 28 May 2021

- Hosted a civic function to mark the 21st Anniversary of *Rotary Club of Tamar Sunrise*

Saturday 29 May 2021

- Attended the *Sea Country* (authored by Aunty Patsy) book launch

Tuesday 1 June 2021

- Attended the *Reconciliation Day* breakfast
- Attended the *Reconciliation Day* lunchtime lecture by Professor Dr Marcia Langton AO

Sunday 6 June 2021

- Attended *Marooned: The Play* at Earl Arts Centre
-

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 A G Harris - Security Surveillance - Council Meeting - 18 May 2021**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following questions, submitted to the Council on 18 May 2021 by Councillor A G Harris, have been answered by Mr Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Can you please provide the details of the number of CCTV and security cameras that have been installed by the Council or other levels of government in the CBD, Kings Meadows and Mowbray shopping areas over the past 5 to 10 years.
2. Can you also please advise if these cameras are still operational and if they are still *fit for purpose* to enable them to be used for the purpose that they were originally installed or are they in need of upgrading?

Response:

The City of Launceston operates closed circuit television (CCTV) to assist Tasmania Police manage community safety in public areas. The need and locations of CCTV is provided on advice from Tasmanian Police.

The current status of the City of Launceston's CCTV system is:

- *there are 35 cameras in the CBD that and, with the exception of one, they are all operational and fit for purpose;*
- *there are two cameras in Kings Meadows - operational and fit for purpose; and*
- *there have recently been 14 cameras installed in Mowbray and are awaiting power to be provided before becoming operational. This should be completed within six months.*

Managing the CCTV system consumes around 400 to 500 of officer hours a year in addition to an annual expenditure of around \$50,000 for CCTV.

12.1.1 Councillors' Questions on Notice - Councillor A G Harris - Security Surveillance - Council Meeting - 18 May 2021 ...(Cont'd)

In addition to the ongoing maintenance and operation of the CCTV system, the Council has delivered the following recent projects:

- *FY2018/2019 - CCTV expansion of the CBD and Kings Meadows for \$204,000.*
- *FY2019/2020 - improved CCTV storage for \$30,000.*
- *FY2019/2021 - Mowbray CCTV upgrade which is currently in delivery \$63,000.*
- *Draft FY2021/2022 budget allocates \$70,000 for upgrades/renewal of CCTV in the CBD.*

Between the public place CCTVs and security CCTVs for the Council's facilities, the City of Launceston operates over 350 cameras. In 2021/2022 it is planned to develop a strategy on what the CCTV system will look like in to the future. The strategy will include management arrangements, technology, the Council's role, Tasmanian Police's role and legislative compliance.

ATTACHMENTS:

1. Councillor's Questions on Notice - Councillor A G Harris - 18 May 2021
-

Attachment 1 - Councillor's Questions on Notice - Councillor A G Harris - 18 May 2021

From: Councillor Alan Harris

To: Michael Stretton

Subject: Questions on Notice for a future Council meeting - Government funded CCTV & Security cameras in CBD, Kings Meadows and Mowbray shopping areas

Good afternoon Michael,

Local community groups have raised with me questions about CCTV security & surveillance cameras in the major retail areas of the CBD, Kings Meadows and Mowbray for after hours and weekend surveillance to help combat illegal activities occurring in these areas.

Can you please provide the details of the number of CCTV & security cameras that have been installed by Council or other levels of Government in the CBD, Kings Meadows and Mowbray shopping areas over the past 5 or 10 years.

Can you also please advise if these cameras are still operational and if they are still "fit for purpose" to enable them to be used for the purpose that were originally installed or are they in need of upgrading?

I realise that this will require some detailed investigation and research and I'm happy to wait for your response.

Also very happy to answer any questions that you may have.

Thank you,

Alan Harris
Councillor

Phone 03 6323 3000, Mobile 0418 130 616
alan.harris@launceston.tas.gov.au
www.launceston.tas.gov.au

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 Audit Panel Meeting - 18 May 2021****FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Chief Financial Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To receive a report from the Audit Panel Meeting held on 18 May 2021.

RECOMMENDATION:

That Council receives the report from the Audit Panel Meeting held on 18 May 2021.

REPORT:

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

6.1 Internal Audit - Internal Audit Report

Details The Cyber Security Review was discussed by the Audit Panel.

Action The Audit Panel noted the Cyber Security Review as presented.

7.1 External Audit - External Audit Report

Details The Financial Audit Strategy for the year ending 30 June 2021 was discussed by the Panel.

Action The Audit Panel noted the summary provided by the Tasmanian Audit Office and the report as presented.

8.1 Tasks Arising From Audits - Outstanding Internal and External Audit Tasks

Details The Audit Panel discussed and noted the progress on remaining outstanding items.

Action The Audit Panel approved five outstanding items as resolved and noted progress on the remaining outstanding items.

9.1 Financial Reports Against Budget - Capital Report

Details The Audit Panel received the Capital Report for the period ended 31 March 2021.

Action The Audit Panel received and noted the Capital Report as presented.

13.1 Audit Panel Meeting - 18 May 2021 ...(Cont'd)

9.2 Financial Reports Against Budget - Budget Amendments

Details The Audit Panel received the 2020/2021 Budget Amendments approved by Council.

Action The Audit Panel noted the Budget Amendments as presented to Council.

9.3 Financial Reports Against Budget - Budget Reallocations

Details That the Audit Panel received project reallocations for the period ended 31 March 2021 as presented to Council.

Action The Audit Panel noted project reallocations for the period ended 31 March 2021.

9.4 Financial Reports Against Budget - Financial Statements (Analysis and Commentary)

Details The reports and commentaries for the quarter ending 31 March 2021 were received and discussed.

Action The Audit Panel noted reports and commentaries for the quarter ending 31 March 2021. The Financial Statements for the nine months to 31 March 2021 to be presented to Council for endorsement.

10.1 Financial Management Report and KPIS - Investment Returns and Balances

Details The Audit Panel discussed the continuing low returns of invested funds and noted the investment report showing yearly returns.

Action The Audit Panel noted the Investment Summary report.

13.1 Corporate Planning and Risk - Draft Proposed 2021/2022 Annual Plan and Statutory Estimates (Budget)

Details The draft Statutory Estimates, Capital Budget, Major Operational Budget and Annual Plan, which were released for public consultation and feedback by Council at its 22 April 2021 Meeting were discussed.

Action The Audit Panel noted the presented documentation.

15.1 Chief Executive Officer's Risk Certificate

Details The Chief Executive Officer's priority list of risk issues were presented and discussed.

Action The Audit Panel noted the Chief Executive Officer's Risk report dated 5 May 2021.

ECONOMIC IMPACT:

Not considered relevant to this report.

13.1 Audit Panel Meeting - 18 May 2021 ...(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.

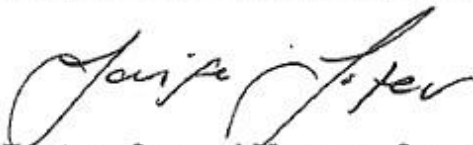
BUDGET & FINANCIAL ASPECTS:

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.



Louise Foster - General Manager Organisational Services Network

13.2 Cataract Gorge Reserve Advisory Committee Meeting - 20 April 2021**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 20 April 2021.

RECOMMENDATION:

That Council receives the report from the Cataract Gorge Reserve Advisory Committee Meeting held on 20 April 2021.

REPORT:

The Cataract Gorge Reserve Advisory Committee Meeting held on 22 April 2021 discussed the following items:

- a. Native Flora and Fauna
 - *The Committee discussed how and where original diversity of the Cataract Gorge Reserve can be achieved in landscape plantings through using more native species reflecting original diversity in areas. The First Basin and Gorge Cliff grounds are recognised as areas of heritage significance characterised by the existing deciduous and exotic plantings in contrast to the native vegetation on surrounding slopes. It was agreed that there is a need for improved signage discouraging feeding of fauna in the First Basin and Gorge Cliff grounds area.*
 - b. Proposed Developments Respect Vision and Values
 - *The Committee discussed the Council's unsolicited proposals and development application process and whether developers are able to present their proposals for the Cataract Gorge Reserve to the Committee.*
 - c. Minimal Visual Impact of Interpretation
 - *New signage has now been erected in the Reserve which shows correct directional information.*
 - d. Small, Local and Family Oriented Events - First Basin
 - *The Committee discussed the Council's event approval process and whether proposals for the Cataract Gorge Reserve are to be presented to the Committee.*
-

**13.2 Cataract Gorge Reserve Advisory Committee Meeting - 20 April 2021
...(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 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.

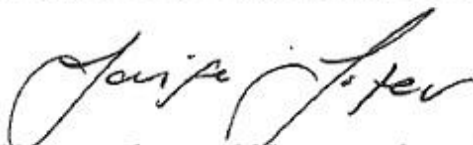
BUDGET & FINANCIAL ASPECTS:

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.



Louise Foster - General Manager Organisational Services Network

13.3 Pedestrian and Bike Committee Meeting - 29 April 2021**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 29 April 2021.

RECOMMENDATION:

That Council receives the report from the Pedestrian and Bike Committee Meeting held on 29 April 2021.

REPORT:

The Pedestrian and Bike Committee, at its Meeting on 29 April 2021, received:

- a presentation on the Trails Strategy for West Tamar Council which was presented by Anna O'Sullivan, registered landscape Architect from Fitzgerald Frisby Landscape Architecture and Tiffany van der Linde, Statutory Planner, West Tamar Council;
- an update on the Transport Strategy from Michael Newby; and
- John Ralph thanked the Council for the works, undertaken from Dover Street to the Rocherlea Old Rail Trail, which have improved accessibility.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

13.3 Pedestrian and Bike Committee Meeting - 29 April 2021 ...(Cont'd)

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

13.4 Tender Review Committee Meeting - 13 May 2021**FILE NO:** SF0100/CD.071/2020**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 TMA Australia for the Northern Inveresk Carpark Access Management System, Contract Number CD.071/2020 for \$264,450.00 (exclusive of GST).

REPORT:

The Tender Review Committee Meeting, held on 13 May 2021, determined the following:

That the sum submitted by TMA Australia for the Northern Inveresk Carpark Access Management System, Contract Number CD.071/2020 for \$264,450.00 (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.

13.4 Tender Review Committee Meeting - 13 May 2021 ...(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

14 COUNCIL WORKSHOPS

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

Workshops conducted on 27 May and 3 June 2021:

MONA FOMA 2021 Debrief

Councillors received a debrief on MONA FOMA 2021 Launceston.

Four Year Delivery Plan

Councillors received an update on the review process of the four year delivery plan.

Carr Villa Update

Councillors discussed a project update for the new ash placement area at Carr Villa Memorial Park.

2021 Election Commitments

Councillors discussed the election commitments made during the 2021 State election.

Charles Street Bridge Corridor Review Findings

Councillors were presented with the findings from the Lower Charles/Goderich Streets Corridor Review.

East Tamar Trials and Signal Upgrade Project

Councillors were presented with the outcomes of the Lindsay Street and Esplanade right turn ban trial and an update on the Traffic Signal Upgrade Project.

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

2021 Local Government Association of Tasmania Ballot

Councillors considered nominations for the Local Government Association of Tasmania's 2021 election.

Update on Draft Economic Strategy

Councillors received an update on the review of the Economic Development Strategy along with an overview of the draft of the future strategy.

Ten Days on the Island Partnership Agreement

Councillors discussed the development of a partnership agreement with the Ten Days on the Island Festival.

REPORT:

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

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.

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

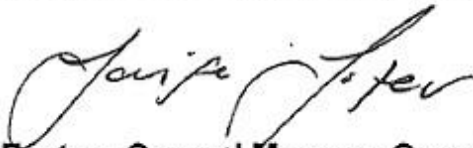
BUDGET & FINANCIAL ASPECTS:

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

15 NOTICES OF MOTION

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

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

16 COMMUNITY AND PLACE NETWORK ITEMS

16.1 Small Event Sponsorship Round 1 2021/2022

FILE NO: SF7274

AUTHOR: Stephanie Berns (Grants and Sponsorship Officer)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

To consider pre-committing event sponsorship support for Small Events (Round 1) 2021/2022.

PREVIOUS COUNCIL CONSIDERATION:

Council - 24 January 2019 - Agenda Item 15.2 - Event Sponsorship Policy Review (05-PI-012)

RECOMMENDATION:

That Council approves the following Small Event Sponsorship Applications to receive the recommended sponsorship amounts, subject to the adoption of the 2021/2022 annual estimates.

Organisation	Event	Score	\$Request	\$Assess	\$Recom
Youth Spectacular Inc	Youth Spectacular	83%	\$5,000	\$5,000	\$5,000
The Launceston Players Society Inc.	<i>Marjorie Unravelled - Tasmania's Fantabulous Edna!</i>	81%	\$5,000	\$5,000	\$5,000
Metal Minds Robotics Inc	First Lego League Regional Championship	81%	\$2,250	\$2,250	\$2,250
Launceston Festival of Dance	Launceston Festival of Dance	81%	\$5,000	\$5,000	\$5,000
Singfest	<i>Singfest</i>	74%	\$5,000	\$5,000	\$3,750
Thai Association of Tasmania Inc	Thai Food and Culture Festival 2021	74%	\$5,000	\$5,000	\$3,750

16.1 Small Event Sponsorship Round 1 2021/2022 ...(Cont'd)

Organisation	Event	Score	\$Request	\$Assess	\$Recom
Rotary Club of Launceston	Rotary Club of Launceston Car Show	74%	\$4,902	\$4,902	\$3,676
Three River Theatre Inc.	<i>Of Mice and Men</i>	72%	\$4,250	\$4,250	\$3,188
Multicultural Council of Tasmania	Multi-Launceston Festival 2021*	72%	\$17,500	\$5,000	\$3,750
Cancer Council Tasmania	Women's 5km Walk/Run	67%	\$5,000	\$5,000	\$3,750
Fresh Comedy Launceston	<i>Fresh Comedy</i> 10 Year Anniversary Showcase Event	66%	\$4,975	\$4,975	\$3,731
Clifford Craig Foundation	Run and Walk for your Heart 5K	65%	\$5,000	\$5,000	\$3,750
Tasmanian Croquet Association Inc., trading as Croquet Tasmania	Australian Golf Croquet Championships	64%	\$2,250	\$2,250	\$1,688
Launceston Walking Club Inc.	Walking Wild Tasmania	63%	\$3,000	\$3,000	\$2,250
Amanda Leigh Sutherland	<i>The Real Inspector Hound</i>	63%	\$5,000	\$5,000	\$3,750
East Launceston Bowling Club	Bill Springer Invitational <i>Mad Dog</i> Singles	61%	\$3,800	\$3,800	\$2,850
Total			\$82,927	\$70,427	\$57,133
2021/2022 Small and Celebratory Event Sponsorship Budget - Round 1					\$43,600
Balance					-\$13,533

* Applications assessed as a Small Event, not a Major Event Level 2 (\$17,500) as the Panel deemed the event to be a Small Event.

16.1 Small Event Sponsorship Round 1 2021/2022 ...(Cont'd)

REPORT:

The Events Sponsorship Assessment Panel assessed each application against the assessment criteria (detailed below) and provided the recommendations:

Assessment Criteria

Participation - Enables social connections to take place within the community, including volunteering and participation opportunities.

Creativity and Innovation - Encourages and supports creativity, innovation and local talent.

Community Spirit - Builds community spirit, fosters pride and a sense of place.

Inclusiveness - Inclusive and accessible to residents within our community.

Asset Usage - Utilisation and activation of community facilities including cultural, entertainment, sport and recreation venues, including Council owned and managed facilities.

***New Events** - Demonstrate strategies for sustainability and a vision for growth.

* *Note: to encourage new events (events that have not been held in the City of Launceston municipality previously) there will be an additional question in the application. Answers to the question will be assessed and will enable bonus points to be awarded.*

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

81-100% = 100% of requested funds

61-80% = 75% of requested funds

50-60% = 50% of requested funds

<50% = No funding provided

The Event Sponsorship Policy (05-PI-012) states that Round 1 of the Small Event Sponsorship program covers a five-month period (1 August - 31 December) and will be allocated 40% of the annual budget.

Based on the proposed 2021/2022 budget, available funds for Small Event Sponsorship Round 1 2021/2022 is \$43,600.

The total funds requested in Small Event Sponsorship Round 1 2021/2022 is \$82,927. Based on the assessment results, the recommended allocation of funds is \$57,133.

16.1 Small Event Sponsorship Round 1 2021/2022 ...(Cont'd)

ECONOMIC IMPACT:

Approval of the recommended event sponsorship will result in a positive economic impact to the Launceston community through delivering tourism and economic returns to the Launceston Community, building our profile and reputation as a great place to live, visit and invest.

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

Approval of the recommended event sponsorship will provide a number of valuable social impacts for our community through community participation, building of community spirit and inclusiveness.

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.
3. To provide an environment that is supportive to business and development within the municipality.
4. To promote tourism and the development of a quality tourism offering for Launceston.

City of Launceston Corporate Strategic Plan 2014-2024

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:

3. To promote and attract national and international events and support the sector to ensure a diverse annual events calendar.
 4. To support the central business district (CBD) and commercial areas as activity places during day and night.
-

16.1 Small Event Sponsorship Round 1 2021/2022 ...(Cont'd)

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 5: We serve and care for our community by providing equitable and efficient services that reflects needs and expectations of our community.

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

Focus Areas:

2. To define and communicate our role in promoting social inclusion and equity.
3. To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community.
5. To promote and support active and healthy lifestyles of our community.

BUDGET & FINANCIAL ASPECTS:

Event	Proposed Budget	Pre-committed	\$Recom	Balance
2021/2022 Small and Celebratory Event Sponsorship Budget - Round 1	\$43,600	\$0	-\$57,133	-\$13,533
2021/2022 Conference and Business Incentives Budget	\$31,200	-\$4,000	-\$13,533*	\$13,667

**Reallocation to the proposed 2021/2022 Small and Celebratory Event Sponsorship Budget to fund recommended shortfall.*

Proposed 2021/2022 Small and Celebratory Event Sponsorship Budget (remaining for Round 2 - 60%)	\$65,400
Proposed 2021/2022 Conference and Business Incentives Budget (remaining)	\$13,667

The proposed budget for 2021/2022 Small and Celebratory Event Sponsorship is \$43,600 for Round 1. Should the recommendation of \$57,133 for the Small Event Sponsorship Round 1 be approved, there will be a \$13,533 shortfall in the proposed 2021/2022 Small and Celebratory Event Sponsorship budget for Round 1.

It is recommended to utilise \$13,533 from the proposed 2021/2022 Conference and Business Incentives Budget to supplement the 2021/2022 Small and Celebratory Event Sponsorship budget for Round 1, resulting in sufficient funding for the recommended Small Events.

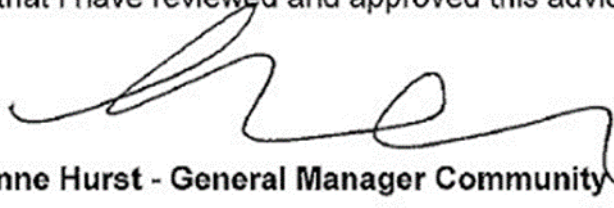
It has been recommended to use a portion of the proposed 2021/2022 Conference and Business Incentives Budget as this budget is often not fully expended and provides an opportunity for the recommended quality applications to be delivered whilst maximising the positive impacts of the Event Sponsorship program.

16.1 Small Event Sponsorship Round 1 2021/2022 ...(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

16.2 Major Event Sponsorship Round 1 2021/2022

FILE NO: SF7275

AUTHOR: Stephanie Berns (Grants and Sponsorship Officer)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

To consider pre-committing event sponsorship support for Major Events (Round 1) 2021/2022.

PREVIOUS COUNCIL CONSIDERATION:

Council - 24 January 2019 - Agenda Item 15.2 - Event Sponsorship Policy Review (05-PI-012)

RECOMMENDATION:

That Council approves the following Major Event Sponsorship Applications to receive the recommended sponsorship amounts, subject to the adoption of the 2021/2022 annual estimates.

Organisation	Event	Score	\$Request	\$Assess	\$Recom
Encore Theatre Company Inc	<i>Mamma Mia</i> (Level 2)	89%	\$15,000	\$15,000	\$15,000
FermenTasmania	AgriCULTURED (Level 1)^	81%	\$12,500	\$12,500	\$12,500
Veterans Cricket Tasmania (Inc)	Veterans Cricket Australia Over 70s National Championships (Level 1)	81%	\$11,000	\$11,000	\$11,000
Australian Institute of Architects - Tasmanian Chapter	Open House Launceston (Level 1)**	81%	\$20,000	\$12,500	\$12,500
Blooming Tasmania Association Inc.	Blooming Tasmania Flower and Garden Festival (Level 1)	74%	\$12,000	\$12,000	\$9,000
Rotary Club of Central Launceston	Tamar Valley Cycling Challenge (Level 1)^	69%	\$10,000	\$10,000	\$7,500

16.2 Major Event Sponsorship Round 1 2021/2022 ...(Cont'd)

Organisation	Event	Score	\$Request	\$Assess	\$Recom
Tamar Community Peace Trust	2021 Tamar Valley Peace Festival (Level 1)	68%	\$12,500	\$12,500	\$9,375
Launceston City Cycling Club	Launceston Christmas Carnival (Level 1)**	62%	\$15,000	\$12,500	\$9,375
Total			\$108,000	\$98,000	\$86,250
2021/2022 Major Event Sponsorship Budget - Round 1					\$84,000
Balance					-\$2,250

Note - there are two levels in this category

Level 1 - \$5,001 up to \$12,500 and Level 2 - \$12,500 up to \$20,000

^Chris Griffin (Tourism Northern Tasmania) abstained from assessment of Tamar Valley Cycle Challenge (Rotary Club of Central Launceston Incorporated) and AgriCULTURED (FermenTasmania).

^Councillor Alan Harris abstained from assessment of Tamar Valley Cycle Challenge (Rotary Club of Central Launceston Incorporated)

***Application assessed at Level 1 \$12,500, not Level 2 \$20,000 as the panel deemed the event to be a Level 1 event.*

REPORT:

The Events Sponsorship Assessment Panel assessed each application within the sponsorship levels and against the assessment criteria (detailed below) and provided the recommendations.

Sponsorship Levels

Funding is available under two levels:

- Level 1 \$5,001 up to \$12,500
- Level 2 \$12,501 up to \$20,000

Level 1 would typically be an event held in the Launceston municipality attracting audiences from local and intrastate areas.

16.2 Major Event Sponsorship Round 1 2021/2022 ...(Cont'd)

Level 2 would typically be an event held in the Launceston municipality attracting larger audiences from local, intrastate, interstate and/or international areas.

Assessment Criteria

Participation - Enables social connections to take place within the community, including volunteering and participation opportunities.

Creativity and Innovation - Encourages and supports creativity, innovation and local talent.

Community Spirit - Builds community spirit, fosters pride and a sense of place.

Economic - Demonstrates positive economic benefits through visitor spend, employment and/or investment.

Tourism and profile - Demonstrates positive tourism benefits, through the promotion of Launceston and the region, building our profile and reputation.

Asset Usage - Utilisation and activation of community facilities including cultural, entertainment, sport and recreation venues, including Council owned and managed facilities.

***New Events** - Demonstrate strategies for sustainability and a vision for growth.

**Note: To encourage new events (events that have not been held in the City of Launceston municipality previously) there will be an additional question in the application. Answers to the question will be assessed and will enable bonus points to be awarded.*

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

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

The Event Sponsorship Policy (05-PI-012) states that Round 1 of the Major Event Sponsorship program covers a five-month period (1 August - 31 December) and will be allocated 40% of the annual budget.

Based on the proposed 2021/2022 budget, available funds for Major Event Sponsorship Round 1 is \$84,000.

The total funds requested in Major Event Sponsorship Round 1 2021/2022 is \$108,000. Based on the assessment results, the recommended allocation of funds is \$86,250.

16.2 Major Event Sponsorship Round 1 2021/2022 ...(Cont'd)

ECONOMIC IMPACT:

Approval of the recommended event sponsorship will result in a positive economic impact to the Launceston community through delivering tourism and economic returns to the Launceston Community, building our profile and reputation as a great place to live, visit and invest.

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

Approval of the recommended event sponsorship will provide a number of valuable social impacts for our community through community participation, building of community spirit and inclusiveness.

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:

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:

3. To promote and attract national and international events and support the sector to ensure a diverse annual events calendar.

16.2 Major Event Sponsorship Round 1 2021/2022 ...(Cont'd)

Strategic Priority 5: We serve and care for our community by providing equitable and efficient services that reflects needs and expectations of our community.

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

Focus Areas:

4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.

BUDGET & FINANCIAL ASPECTS:

Event	Proposed Budget	Pre-committed	\$Recom	Balance
2021/2022 Major Event Sponsorship Budget - Round 1	\$84,000	\$0	-\$86,250	-\$2,250
2021/2022 Conference and Business Incentives Budget	\$31,200	-\$17,533 [^]	-\$2,250*	\$11,417

**Reallocation to the proposed 2021/2022 Major Event Sponsorship Budget to fund recommended shortfall.*

[^]Consists of recommended pre-commitments of \$4,000 and recommended reallocation of \$13,533 to the Small and Celebratory Event Sponsorship Budget.

Proposed 2021/2022 Major Event Sponsorship Budget (remaining for Round 2 - 60%)	\$126,000
Proposed 2021/2022 Conference and Business Incentives Budget (remaining)	\$11,417

The proposed budget for 2021/2022 Major Sponsorship is \$84,000 for Round 1. Should the recommendation of \$86,250 for the Major Event Sponsorship Round 1 be approved, there will be a \$2,250 shortfall in the proposed 2021/2022 Major Event Sponsorship budget for Round 1.

It is recommended to utilise \$2,250 from the proposed 2021/2022 Conference and Business Incentives Budget to supplement the 2021/2022 Major Event Sponsorship budget for Round 1, resulting in sufficient funding for the recommended Major Events.

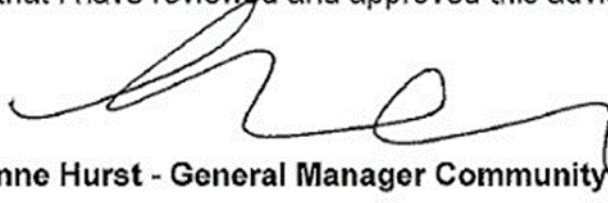
It has been recommended to use a portion of the proposed 2021/2022 Conference and Business Incentives Budget as this budget is often not fully expended and provides an opportunity for the recommended quality applications to be delivered whilst maximising the positive impacts of the Event Sponsorship program.

16.2 Major Event Sponsorship Round 1 2021/2022 ...(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

16.3 New Year's Eve Event Sponsorship 2021 - 2023

FILE NO: SF6543

AUTHOR: Stephanie Berns (Grants and Sponsorship Officer)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

To consider pre-committing triennial event sponsorship support for a New Year's Eve Event in 2021/2022, 2022/2023 and 2023/2024.

PREVIOUS COUNCIL CONSIDERATION:

Council - 24 January 2019 - Agenda Item 15.2 - Event Sponsorship Policy Review (05-PI-012)

RECOMMENDATION:

That Council approves the following New Year's Eve Sponsorship Application to receive the recommended sponsorship amount and that this amount is pre-committed from the New Year's Eve Sponsorship budget for 2021/2022, 2022/2023 and 2023/2024:

Organisation	Event	\$Request	\$Assess	\$Recom
Beerfest No1 Pty Ltd	Launceston Beerfest NYE	\$46,000	\$46,000	\$46,000
Total		\$46,000	\$46,000	\$46,000

REPORT:

The New Year's Eve Event Sponsorship Program provides support to the primary New Year's Eve event to be held in the Launceston municipality. The event will deliver an inclusive experience, encouraging community participation, creativity and will build community spirit, foster pride and a sense of place. As a major community event, it may also deliver tourism and economic returns to the Launceston community, building our profile and reputation as a great place to live, visit and invest. The event will operate under multi-year strategic and marketing plans and epitomise best practice in event delivery.

The New Year's Eve Event Sponsorship Program provides support of up to \$46,000 to the primary New Year's Eve event to be held in the Launceston municipality. As per the Events Sponsorship Policy (05-Rfx-020), a three year funding allocation is pre-committed specifically for a New Year's Eve Event commencing 2021/2022.

16.3 New Year's Eve Event Sponsorship 2021 - 2023 ...(Cont'd)

There were two applicants for the New Year's Eve Event, being Beerfest No1 Pty Ltd and Experience Rova. The Events Sponsorship Assessment Panel assessed the applications against the assessment criteria (detailed below), with the highest score being awarded the funding. The New Year's Eve Event Sponsorship Program is for the primary New Year's Eve Event.

Assessment Criteria

Participation - Enables special connections to take place within the community, including volunteering and participation opportunities

Creativity and Innovation - Encourages and supports creativity, innovation and local talent

Community Spirit - Builds community spirit, fosters pride and a sense of place.

Progressive - Demonstrates a future strategic vision for growth and continued sustainability

Asset usage - Utilisation and activation of community assets including cultural, entertainment, sport and recreation venues, including Council owned and operated assets

Potential Additional Benefits

Economic - Demonstrates positive economic benefits through visitor spend, employment and/or investment

Tourism and profile - Demonstrates positive tourism benefits, through the promotion of Launceston and the region, building our profile and reputation.

ECONOMIC IMPACT:

Approval of the recommended event sponsorship will result in a positive economic impact to the Launceston community through delivering tourism and economic returns to the Launceston Community, building our profile and reputation as a great place to live, visit and invest.

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

Approval of the recommended event sponsorship will provide a number of valuable social impacts for our community through community participation, building of community spirit and inclusiveness.

16.3 New Year's Eve Event Sponsorship 2021 - 2023 ...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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:

3. To promote and attract national and international events and support the sector to ensure a diverse annual events calendar.

Strategic Priority 5: We serve and care for our community by providing equitable and efficient services that reflects needs and expectations of our community.

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

Focus Areas:

2. To define and communicate our role in promoting social inclusion and equity.
4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.

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:

4. To promote tourism and the development of a quality tourism offering for Launceston.

BUDGET & FINANCIAL ASPECTS:

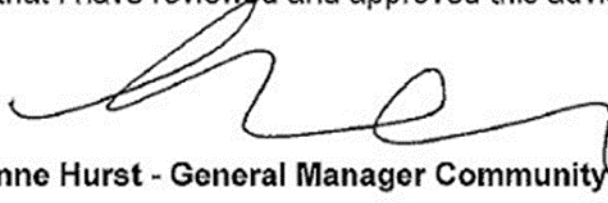
Event	\$Annual Proposed Budget	\$Annual Recom	\$Annual Balance
New Year's Eve Sponsorship Program 2021/2022 - 2023/2024	\$46,000	\$46,000	\$0

16.3 New Year's Eve Event Sponsorship 2021 - 2023 ...(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

16.4 Community Grants 2020/2021 Round 2

FILE NO: SF6941

AUTHOR: Stephanie Berns (Grants and Sponsorship Officer)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

To consider applications for Community Grants received in Round 2, 2020/2021.

PREVIOUS COUNCIL CONSIDERATION:

Council - 22 October 2019 - Agenda Item 15.2 - Community Grants (Organisations) Policy Review (05-PI-018)

Council - 22 October 2019 - Agenda Item 15.1 - Community Grants (Individuals/Teams/Groups) Policy Review (05-PI-017)

RECOMMENDATION:

That Council approves the following organisations receive the recommended grant amounts:

Organisation	Project/Activity	Score	Requested \$	Recommended \$
Good Neighbour Council Launceston Inc.	<i>Invigorate Me Exercise</i>	81%	\$2,950	\$2,950
Stompin'	<i>Primary Stompin': a non-competitive dance creation and performance project for 8-13 year olds</i>	81%	\$5,000	\$5,000
Launceston Improvised Music Association	LIMA Improvised Music Workshops	57%	\$5,000	\$2,500
TOTAL			\$12,950	\$10,450
TOTAL AVAILABLE				\$35,152
BALANCE				\$24,702

* Ella Dixon abstained from the assessment of *Invigorate Me Exercise* (Good Neighbour Council Launceston Inc.).

16.4 Community Grants 2020/2021 Round 2 ...(Cont'd)

REPORT:**Organisation Applications**

The Community Grants Assessment Panel assessed each application against the assessment criteria (detailed below):

Assessment Points

- Identifies a clear community need for the project;
- Outcomes directly benefit the Launceston Community;
- Outlines clear engagement and collaboration with the community, enabling social connections and community participation;
- Project plan demonstrates good organisational planning for the project/activity; and
- The project budget is detailed, realistic and:
 - demonstrates the applicant is co-contributing at least 20% towards the project in addition to the funding requested (co-contribution can be either in-kind or financial);
 - outlines how the City of Launceston funding will be utilised.

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

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

The total value of eligible requests received for Community Grants Round 2 2020/2021 is \$12,950. Based on the assessment results, the recommended allocation of funds for Round 2 2020/2021 is \$10,450.

Individual/Team/Group Applications

In accordance with the policy for Community Grants (Individuals/Teams/Groups) (05-PI-017), the following Community Grant (Individual/Team/Group) applications have been approved.

16.4 Community Grants 2020/2021 Round 2 ...(Cont'd)

Community Grants (Individuals/Teams/Groups) applications approved from 1 July 2020

Individual/Team/Group	Activity	\$ Approved
Northern Tasmanian Junior Soccer Association Under 13 Girls Representative Team	Gold Coast Champions Youth Cup for Girls	\$375
Individual	2021 Australian Track and Field Championships, Sydney Olympic Park	\$100
Individual	2021 Australian Track and Field Championships, Sydney Olympic Park	\$100
Individual	AusCycling Junior National Track Championships, Brisbane	\$100
Afghan Youth Team	Soccer tournament, Canberra	\$225
Northern Tasmanian Junior Soccer Association Under 16 Girls Representative Team	Gold Coast Champions Youth Cup for Girls	\$450
TOTAL REQUESTED		\$1,350
FUNDS REMAINING		\$8,650

ECONOMIC IMPACT:

Approval of the recommended grants will result in a positive economic impact for those individuals/teams/groups and organisations by enabling projects and activities to be undertaken.

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

Approval of the recommended grants will provide a number of valuable educational, social, health and lifestyle benefits to the Launceston community.

16.4 Community Grants 2020/2021 Round 2 ...(Cont'd)

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.

Strategic Priority 5: We serve and care for our community by providing equitable and efficient services that reflects needs and expectations of our community.

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

Focus Areas:

1. To plan for and provide services and facilities that recognises the changing demographics and needs of our community.
2. To define and communicate our role in promoting social inclusion and equity.4.
To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.
5. To promote and support active and healthy lifestyles of our community.

BUDGET & FINANCIAL ASPECTS:

Community Grants - Organisations	\$
Available funds for Round 2	\$35,152*
Amount recommended for Round 2	\$10,450
BALANCE	\$24,702

* Includes unallocated funds of \$152 from Community Grants (Organisations) 2020/2021 Round 1.

Community Grants - Individual/Team/Group	\$
Available Funds	\$10,000
Amount Allocated	\$1,350
BALANCE	\$8,650

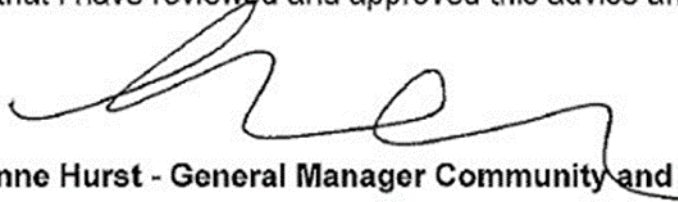
16.4 Community Grants 2020/2021 Round 2 ...(Cont'd)

The total budget for Community Grants for 2020/2021 is \$80,000. There are two funding rounds per year as per the Community Grants (Organisations) Policy (05-PI-018).

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

16.5 Draft Regional Cat Management Strategy**FILE NO:** SF0044**AUTHOR:** David Mullenger (Manager Health and Compliance)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

To consider the Draft Regional Cat Management Strategy as presented in V10.1.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 18 February 2021 - Draft Northern Regional Cat Management Strategy

RECOMMENDATION:

That Council:

1. endorses the Draft Regional Cat Management Strategy as presented in V10.1 (ECM Doc ID 4544826); and
 2. commits to reviewing opportunities for implementation as part of future annual planning and budget cycles.
-

REPORT:

The Northern Tasmania Regional Cat Management Strategy (the Strategy) provides a shared focus to coordinate priorities and actions using limited collective resources for greatest effect in the region. The main benefits of this approach are:

- a common intent across the region for strategic priorities and joint action, with flexibility for participation;
- productive use of the resources of the Council and others and aligned with state initiatives and investment ;
- the right for the Council to determine its commitment of resources to actions for priorities it shares with the region; and
- greater capacity from collaboration to address difficult cat management issues and avoid conflicting directions.

A copy of the Northern Regional Cat Management Strategy (Draft V10.1) and the Draft Northern Regional Cat Management Strategy: Summary of Development are attached (Attachments 1 and 2).

16.5 Draft Regional Cat Management Strategy ...(Cont'd)

The vision for the Tasmanian Cat Management Project is:

To see the Tasmanian community proactively and responsibly managing cats for the benefit of cat welfare, human health and well-being, native wildlife, and agriculture.

The Strategy identifies 10 strategic issues as priorities for the region, drawing on the State Cat Management Plan 2017-2022 and anticipating amendments to the *Cat Management Act 2009*:

1. de-sexing and microchipping;
2. responsible cat ownership;
3. protecting significant conservation, commercial and community assets;
4. nuisance and stray cats;
5. feral cats;
6. cat breeding and hoarding;
7. professional cat management capacity;
8. shared regional cat management facilities and resources;
9. voluntary compliance; and
10. improved knowledge to better inform cat management.

The Strategy includes directions, actions and indicators for achieving outcomes for the strategic issues above and arrangements for governance and implementation. There is flexibility for collaboration and implementation in the region. The Strategy recognises that each participating organisation has different resources and priorities, and that implementation roles need to be voluntary and flexible at the local level, while still achieving the regional vision and desired outcomes.

The Regional General Managers' Forum retains oversight of the Strategy and its implementation. The Northern Cat Management Coordinator, hosted by NRM North, will continue to support a regional Cat Management Working Group representing councils and organisations as a collaborative implementation group developing three year forward and annual action plans. The Council, and others in the region, can participate in priority actions at their discretion, according to the time and resources they have and are able to make available.

The Tasmanian Government funds three regional Cat Management Coordinators to implement its State Cat Management Plan 2017-2022. This State plan followed a review of the *Cat Management Act 2009*, with input from a state expert reference group and community consultation and submissions.

16.5 Draft Regional Cat Management Strategy ...(Cont'd)

Provisions of a subsequent *Cat Management Amendment Act 2019* have commenced early in 2021. A second round of amendments is due in early 2022. Changes to State legislation will bring more opportunity and expectations in the community for cat management. The regional strategy brings some challenges, such as raising expectations for the Council to act, the cost of actions, and continuity with state and regional partners. However, it does provide a means to cooperate regionally and use resources more efficiently and effectively. It also allows for participation according to individual capacity and priorities. Acting alone would be more costly and risky, with less benefit for people and the environment of the Launceston area.

Public consultation on the Strategy was considered, however, due to the timeframe and available resources, the decision was to produce a strategy with input from councils, key partners and industry stakeholders including:

- NRM North
- Tasmanian Cat Management Project
- RSPCA Tasmania
- Just Cats Tasmania
- Australian Veterinary Association
- Parks and Wildlife Services
- Local Government Association of Tasmania
- Tasmania Government
- Northern General Managers Group

As the Strategy is implemented, the working group will consider responses from the community that may lead to amendments and further consultation efforts.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

16.5 Draft Regional Cat Management Strategy ...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 6: We protect our environment by caring for our unique natural assets and amenity and sensitively managing future development opportunities.

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

Focus Areas:

1. To reduce our and the community's impact on the natural environment.

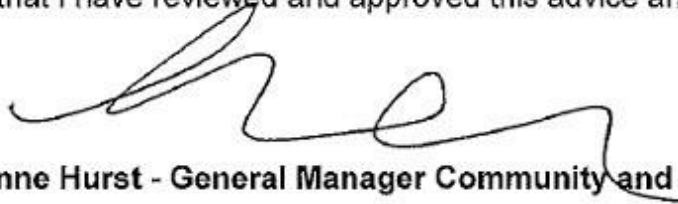
BUDGET & FINANCIAL ASPECTS:

Participation in actions to implement regional cat management priorities would be subject to funding decisions by the Council and management of the Council's operations implementing the Action Plan. Implementation arrangements in the Regional Cat Management Strategy aim to coordinate with the Council's annual planning. If the Council, at any time, chooses to take certain actions based upon the Strategy, those actions would be costed and budgeted at that time.

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. Draft Regional Cat Management Strategy - V10.1
 2. Summary Document Draft Northern Regional Cat Management Strategy DM V4
-

Attachment 1 - Draft Regional Cat Management Strategy - V10.1

**Northern Tasmania
Regional Cat Management Strategy (2020—2030)**

Working together for responsible cat management across Northern Tasmania

WORKING DRAFT DECEMBER 2020

– NOT FOR FURTHER DISTRIBUTION –

Prepared by NRM North in collaboration with the Northern Regional Cat Management Working Group (CMWG) and (list partner logos on front cover with agreement)

This report short by cited as:

NRM North (2021) *Northern Tasmania Regional Cat Management Strategy (2020—2030)*. Internal report, 21 pp.

This strategy is based on the draft facilitated and written by Terry Harper from TerraFormDesign



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1. Introduction

The *Northern Tasmania Regional Cat Management Strategy 2020-2030* (the strategy) has been developed to provide an aspirational and long-term framework within which partner organisations can voluntarily contribute, collaborate and align cat management efforts within their region, towards agreed and shared outcomes.

The strategy sought collaboration from a range of partner organisations who operate within the Northern Tasmania NRM region. Partner organisations which participated in the development of the strategy include the Tasmanian Government, City of Launceston, Meander Valley Council, Break O'Day Council, George Town Council, West Tamar Council, Northern Midlands Council, Tasmania Parks & Wildlife Service, NRM North, RSPCA Tasmania and Just Cats Tasmania.

There are ten primary cat management issues for northern Tasmania addressed by the strategy, and implementation frameworks have been designed to allow for varied local requirements and resources, whilst achieving the desired outcomes.

Key directions and major initiatives emerging from the strategy include exploring the feasibility of providing an annual cat de-sexing and microchipping program in the region, a voluntary record of cat owner's details to enable the return of lost and wandering cats, identification of priority areas to develop a pro-active approach to protect conservation, commercial and community assets from roaming cats, participation in the development and implementation of Welfare Standard for Cats and trapping of stray cats, the promotion of measures to ensure cat breeding is only by registered breeders, and the establishment of a network to support efficient operation of shared cat management facilities.

To ensure the success and delivery of this *Northern Regional Cat Management Strategy 2020-2030*, partner organisations are calling upon the support of all community members to ensure that the strategy has wide-reaching benefits sought through efficient implementation to minimize costs.

Each strategic direction has been assigned an indicative priority, with the first annual implementation plan initially focusing on those activities deemed to be deliverable now (1-2 years). Each subsequent annual implementation plan will identify projects and activities to be undertaken during the following 12-month period and outline any budget allocations, delivery responsibilities, key performance indicators and critical process improvements to strengthen the working partnership of stakeholders.

2. Rationale

Since their introduction in the early 1800's cats have become a part of daily life for many Tasmanians. An estimated one in five residents own a domestic cat and self-sustaining populations of stray and feral cats can now be found in many parts of the state. As for most of Australia, diverse community views make cat management in Tasmania a difficult and often emotive issue that requires strong collaboration and stakeholder engagement to consider the many competing issues and interests and deliver sustainable change.

The *Cat Management Act 2009* (the Act) and the *Tasmanian Cat Management Plan 2017-2022* provide a consistent state-wide framework to address growing community expectations that the rights and benefits of cat ownership are balanced with the need to manage risks and be responsible. Amendments to the *Cat Management Act 2009* will further contribute to addressing issues related to cat management throughout northern Tasmania. The main legislative changes and management principles for responsible cat ownership and management are summarised below (see text boxes).

Objectives of the *Tasmanian Cat Management Plan 2017-2022*

Objective 1	Tasmanian pet cat owners manage their cats responsibly
Objective 2	Increased community awareness, participation and commitment in cat management
Objective 3	Best practice techniques are used to guide the planning, management and control of stray and feral cats
Objective 4	Improved knowledge about feral, stray and domestic cats to better inform management
Objective 5	Minimise impacts of cats in areas with important conservation values and agricultural assets
Objective 6	Undertake legislative change to create an effective framework for managing cats and support other objectives
Objective 7	The roles and responsibilities related to cat management are clearly defined and understood by the Tasmanian community

Summary of amendments to the *Cat Management Act 2009*

- Compulsory de-sexing of cats from four months of age.
- Compulsory microchipping from four months of age.
- Removal of care agreements.
- Limiting to four, the maximum number of cats to be kept at a property without a permit.
- Increased measures to protect private land from straying and feral cats—including trapping or seizure of cats (but not destruction) on private property regardless of proximity to other residences as long as returned to owner or taken to a cat management facility.
- Commencing Section 24 of the Act that requires a cat to be microchipped and desexed before being reclaimed from a cat management facility.
- Replacing the State Government registration of cat breeders with a permit system to breed cats.

The strategy seeks to emphasise cat welfare outcomes and broader benefits for the Tasmanian community, environment and businesses. It recognises that a collaborative and pragmatic approach is required to reflect shared stakeholder priorities and build on existing capabilities and resources. Genuine engagement with government, industry and community partners and strong ownership among all stakeholders is critical for this initiative to deliver sustainable long-term change. The strategy addresses 10 primary cat management issues and adopts a proactive and pragmatic approach that integrates state-wide approaches with regional priorities and community expectations.

3. Scope

Geography

The northern Tasmanian region, for the purpose of this strategy, covers 25,200 square kilometres with eight municipalities including Break O’Day, Dorset, George Town, Launceston, Meander Valley, Northern Midlands, West Tamar, and Flinders (covering the eastern Bass Strait islands) (Figure 1).



Figure 1 Map of northern Tasmania municipalities.

More than 143,000 people live in the northern region in major urban areas around Launceston and the Tamar Valley and many smaller towns servicing a diversity of rural and coastal communities. The strategy addresses a collaborative approach to cat management in the northern region.

Research by Animal Medicines Australia (2016) found nearly three in ten households across Australia have cats (29%), with an average of 1.4 cats kept per household. With an estimated 60,000 households, this suggests there may be about 25,000 domestic cats living in the northern region. While no scientific studies have been undertaken, the region could also support a stray or feral cat population of about 25,000 animals assuming an average density of one animal per km².

4. Our vision and guiding principles

Vision

To see the Tasmanian community proactively and responsibly managing cats for the benefit of cat welfare, human health and well-being, native wildlife, and agriculture.

The Tasmania Cat Management Project (TCMP) is a state-wide initiative to engage the Tasmanian community and key stakeholders in promoting responsible cat ownership and management in line with the *Tasmanian Cat Management Plan 2017-2022* (see below for further details).

The mission of the Tasmanian Cat Management Project is *“To instil a confident and collaborative approach to managing domestic and stray cats, with a focus on building effective partnerships across local and state government, industry, and the community to support the implementation of responsible cat management”*.

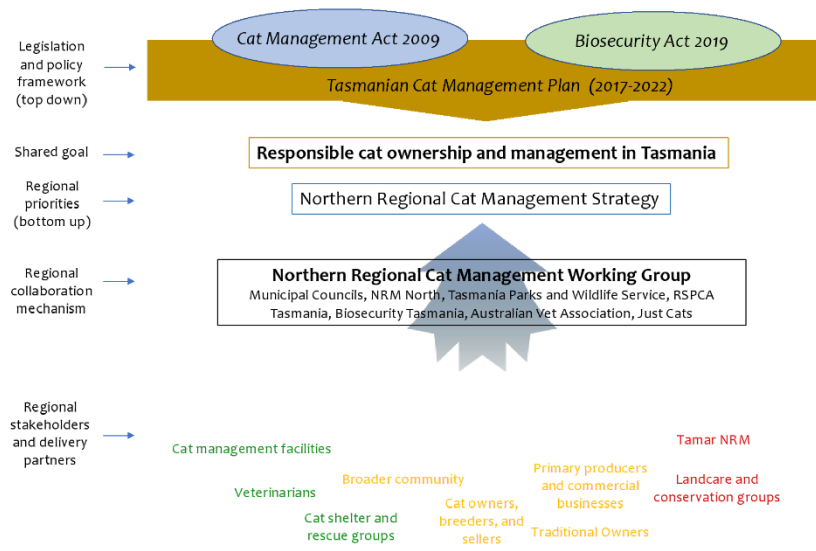
Guiding principles

- The best outcomes result from working in collaboration.
- Animal welfare is a primary management consideration.
- Domestic pet cats can contribute to the wellbeing of their owners.
- The needs of cat owners must be balanced with the needs of others.
- Responsible cat ownership is highly valued.
- Cat management and education should be proactive.
- Significant assets must be protected from potential impacts of cats.
- Everyone has a role to play in responsible cat ownership and management.

5. Collaborative approach

Managing cats is a shared responsibility across all parts of the community including individual cat owners and non-cat owners, breeders, veterinarians, state and local governments, businesses and the not-for-profit animal welfare sector and others. Everyone has a role to play and by working together in a planned way, cats can continue contributing to our quality of life with minimal impact on the environment, commercial enterprises, and others in the community.

The *Cat Management Act 2009*, *Biosecurity Act 2019* and the *Tasmanian Cat Management Plan 2017-2022* provide the legislative and policy framework to achieve the broad goal of responsible cat ownership and management in Tasmania (Figure 3). The strategy outlines priorities for the northern region that balance state-wide directions and local community expectations with the interests and capacity of regional stakeholders and potential delivery partners.



Draft 26/11/20

Figure 3 Overarching collaborative governance arrangements for cat management in the northern region

6. Governance arrangements

Governance Structure

The Tasmanian Cat Management Project is a state-wide initiative funded by the Tasmanian Government to progress the objectives of the *Tasmanian Cat Management Plan*. State government funding from 2018 to 2021 for the project includes the employment of three cat management coordinators in each of three regions in Tasmania. In the northern region, the Cat Management Coordinator position is hosted by NRM North, the regional natural resource management organisation.

A state-wide steering committee provides support and direction to the regional coordinators but does not oversee cat management activities at a regional level and has no direct role in development or implementation of the strategy (Figure 4).

As one of the objectives of the Tasmanian Cat Management Plan, a regional Cat Management Working Group (CMWG) was convened by NRM North in 2018. This group meets quarterly, providing a forum for information-sharing and strategic planning for cat management initiatives in the northern region. The Working Group is comprised of representatives from key stakeholder organisations including local government (City of Launceston, West Tamar, George Town, Northern Midlands, Meander Valley, Flinders Island, Dorset and Break O' Day), the Australian Veterinary Association, RSPCA, Just Cats, NRM North and the Tasmanian Government (represented by the Tasmanian Parks and Wildlife Service and Biosecurity Tasmania as part of the Department of Primary Industries, Parks, Water and the Environment).

General managers of local government in the northern region meet regularly to discuss a broad range of issues. It was from this forum that a request was made to NRM North in its role as a partner in the Tasmanian Cat Management Project and host of the northern region cat management coordinator, to facilitate the development of a cat management strategy for the region. It was agreed that it would be appropriate for the cat management coordinator to work with the CMWG to develop the strategy for endorsement by the participating local governments.



Figure 4 Summary of the governance structure that applies to the Northern Regional Cat Management Strategy.

Governance Responsibilities

Although implementation of the strategy will require involvement of other stakeholders, the northern region local government general manager forum, comprising general managers of participating councils, retains oversight of the strategy development and implementation process, in close consultation with NRM North. Their role includes endorsing the strategy and associated annual implementation plans, reviewing progress towards the strategy objectives, and considering policy requirements, challenges, and opportunities from a local government perspective which may influence strategy implementation. The support of the general managers’ forum is also important in terms of maintaining collaborative participation of local government representatives on the CMWG.

NRM North’s current role is coordination and facilitation of the strategy development and implementation process, undertaken through the employment of the regional cat management coordinator, the convening of the CMWG, and regular communication with the general managers forum.

The CMWG has existing terms of reference and meets, at a minimum, on a quarterly basis. The CMWG is responsible for planning and initiating activities identified in the strategy’s implementation planning process. CMWG members or the organisations they represent may be responsible for implementing actions, as identified in the implementation planning process. The terms of reference for the CMWG are consistent with a planning and implementation role for the regional strategy, with the proposed role and function of the group being as follows:

- identifying common ground and employing a collaborative approach to promote responsible cat ownership and cat management in the northern region;
- sharing information and facilitating communication between stakeholders regarding cat management, and identifying ways to ensure input from the community is incorporated in ongoing planning;
- developing annual implementation plans in collaboration with relevant stakeholders, containing practical and agreed actions to achieve the short and long-term outcomes of the strategy;

- requests to councils for activity funding in time for consideration through the council budget cycle (approximately November of each year) (refer to figure 5); and
- monitoring and reporting on strategy implementation and evaluation of progress towards the desired outcomes, with reports to be provided to participating organisations and the General managers forum, along with recommendations for review and improvement of the strategy and its implementation.

Governance Processes and Implementation

The strategy recognises that each participating organisation has different resources and priorities, and that implementation roles need to be voluntary and flexible at the local level, while still achieving the regional vision and desired outcomes.

The key mechanism proposed to achieve the outcomes of the strategy is through the development of implementation plans (see below for further detail). To provide a longer-term approach but maintain flexibility, it is proposed to develop a three-year rolling implementation plan with an annual review. Greater detail would be included for the upcoming financial year at each annual review.

The proposed annual timeline for the implementation process is provided in figure 5. The CMWG would typically commence the implementation plan development in October each year. At this stage, input from CMWG members would include both recommending the highest priority actions from the strategy that are feasible to implement, as well as indicating the capacity of their own organisation to support and participate in each activity. In this way, participating organisations will have the opportunity at an early stage to indicate the level of resources they are able to contribute to a collaborative effort.

The implementation plan iteration would be finalised by November in order for any resource requests to be considered by individual local governments (and other stakeholders) in line with their budget cycle.

Activities would commence in July each year, with an interim report on implementation progress to be provided to the general managers' forum in November each year, to facilitate consideration of the subsequent implementation plan and resource request. An annual report on activities, outcomes and expenditure will be provided to the general managers forum and stakeholders in June each year.

Reporting on the regional strategy will also be incorporated into other existing reporting cycles, including:

- NRM North annual report and yearbook content, due 30 June annually; and
- NRM North contractual reporting to the Tasmanian Government for the TCMP, due 15 September annually until 2021.

A comprehensive evaluation and review of the regional strategy is to be undertaken after three years (by June 2023).

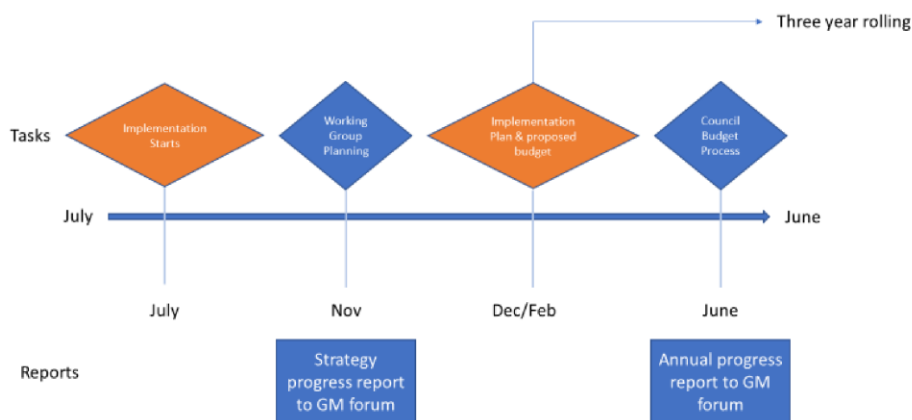


Figure 5 Annual northern regional cat management implementation planning, budgeting and reporting cycle.

Annual implementation plan

The indicative priority for each strategic direction is shown in the body of the document including now (1-2 years), next (3-5 years), and later (5-10 years). Priorities will be further refined in the annual implementation plan. For larger initiatives, a mini-project plan may be required to guide implementation efforts.

The proposed annual implementation plan will identify the:

- priority projects that will be undertaken during the next 12-month period to give effect to the broader directions outlined in the strategy;
- budget allocations and delivery responsibilities for agreed priority projects;
- key deliverable and performance indicators for implementation activities; and
- critical process improvement initiatives to further strengthen capability of the partnership.

The aim is to provide a clear whole of region perspective on all priority actions required to give effect to the broader directions outlined in the strategy. Ideally the annual implementation plan should be as big as necessary but as small as possible—it is expected to be a brief document built around a table of key tasks, lead and support responsibilities, summary budget allocation and other essential supporting information.

Implementation tools

Cat management approaches vary across communities in northern Tasmania. A consistent approach in terms of policies, agreed actions and advice is advantageous for the community and for partners contributing to this strategy.

Potential implementation tools and strategies to drive desired change in attitudes and behaviour include:

- education through information sharing and communication;
- social marketing;
- intelligent data collection and analysis;
- incentives (and disincentives);
- regulation and enforcement;
- innovation and technology; and
- partnerships and collaboration.

7. Strategic directions for cat management in northern Tasmania

The primary cat management issues for northern Tasmania to be addressed by the strategy include:

1. De-sexing and microchipping
2. Responsible cat ownership
3. Protecting significant conservation, commercial and community assets
4. Nuisance and stray cats
5. Feral cats
6. Cat breeding and hoarding (permitting and animal welfare)
7. Professional cat management capacity
8. Shared regional cat management facilities and resources
9. Voluntary compliance
10. Improved knowledge to better inform cat management

For each of the primary cat management issues the implementation framework identifies:

- essential **background** information (where are we now?)
- long-term **desired outcome** (where do we want to be?)
- **strategic directions** and potential actions to work towards achieving the desired outcome including proposed timing—including now (1-2 years), next (3-5 years) and later (5-10 years) (how are we going to get there?)
- and **success indicators** including targets and performance measures where possible (how will we know we are on track?)

7.1 De-sexing and microchipping

Background

Microchipped cats, whose owners keep their contact details current, can be easily identified and reunited with their owners. This also reduces the risk of rehoming or the possibility of euthanising an owned cat. A challenge nationally is inaccurate owner details and the lack of integration across microchip registries and data sharing. The amendments to the *Cat Management Act 2009* will require all cats to be microchipped and de-sexed; municipal councils will continue to be able to establish by-laws for an owner identification system where it is considered necessary to support local planning and improved cat management.

Unwanted litters of cats can cause overcrowding at local cat management facilities. Dumped kittens can turn into feral cats, posing a threat to local wildlife. Unless kept by a permitted breeder, all cats are required to be de-sexed from four months of age.

Desired outcome

For all domestic cats to be de-sexed and identified by microchip from four months of age, and owners to keep their contact details on microchip registries up to date.

Strategic directions

- a) Identify the potential barriers to owners voluntarily having their cats de-sexed or microchipped and explore strategies to overcome these barriers (e.g. subsidies to overcome affordability, education to address lack of awareness, and mobile programs for geographic isolation). (now)
- b) Investigate the feasibility of providing an annual subsidised cat de-sexing and microchipping program across participating municipalities in the northern region (this could include free microchip detail checks and updating of owner contact details). (now)
- c) Promote the requirement for and benefits of cat de-sexing and microchipping through a variety of media using consistent messages across all partners. (now)

- d) Investigate options for improved up to date cat ownership records in conjunction with microchip registry providers, veterinary practices, cat management facilities and potential online and third-party providers. (next)
- e) Support moves towards a nationally consistent owner identification scheme. (next)
- f) Explore options for a voluntary record of cat owners' details to assist with local planning for improved cat management and for the return of lost or wandering cats. (next)
- g) Return lost or wandering cats to identifiable owners preferably through cat management facilities working in collaboration with councils, local veterinary practices and other partners. (now)

Success indicators

- De-sexing and microchipping rates in domestic cats presenting at cat management facilities and veterinary practices.
- Improved cat owner identification system to allow return of cats presenting at cat management facilities and veterinary practices.

7.2 Responsible cat ownership

Background

Cat ownership is a right and a responsibility. A priority outcome of this strategy is to help people understand how they can be a responsible cat owner beyond simply feeding a cat. It includes:

- Making sure the cat is de-sexed and identified as a pet (by microchipping and ensuring up to date owner identification details are recorded).
- Surrendering unwanted cats and kittens to a cat management facility (not dumping them).
- Keeping cats from roaming to ensure their wellbeing and preventing them from killing native wildlife or becoming a nuisance to neighbours and other community members.
- Not feeding or making food available for stray cats.

Emergency planning for pets is also an important part of household emergency preparations to help ensure the safe care of cats in time of crisis (e.g. disaster response or family crisis situations).

Desired outcome

For all cat owners to understand and enthusiastically practice responsible cat ownership.

Strategic directions

- a) Provide advice, links and resources about responsible cat ownership on a shared website maintained over the long-term (e.g. tassiecat.com) including resources that can be easily printed if required. (now)
- b) Work with Stakeholders to develop and deliver a suite of educational materials (e.g. presentations, videos, talks, training sessions, workshops) for use in schools and the broader community to help bring about generational change in attitudes towards responsible cat ownership. (now)
- c) Identify opportunities for funding and partnerships to deliver affordable responsible pet ownership programs for the community including, where possible, support for community groups that promote responsible pet ownership. (next)
- d) Explore potential ways of recognising and celebrating responsible cat ownership, promoting proper valuing of cats as pets and the potential quality of life benefits for cat owners. (next)
- e) Educate residents about how to plan for their pets in emergencies and work with local agencies to refine a process for handling the care of pets in emergency situations. (now)
- f) Promote adoption of cat containment in the interests of cat welfare, conservation and good neighbour relations. (now)

Success indicators

- Number of reported or collected roaming and dumped cats.
- Rates of microchipping, de-sexing and up to date owner details.

- Number and frequency of unique website visits.
- Rates of voluntary containment based on community surveys and veterinarian records.

7.3 Protecting significant conservation, commercial and community assets

Background

Northern Tasmania contains many significant conservation, commercial and community assets that could be impacted by roaming cats and deserve special cat management attention. These can include:

- Areas of high environmental significance such as national parks, conservation reserves and other natural wildlife habitat in coastal areas and wetlands that are home to birds and small ground dwelling animals.
- Valuable commercial and agricultural assets such as aquaculture operations and areas with livestock that are susceptible to cat-borne disease transfer and other impacts.
- Critical community assets like built up residential areas, waste management facilities, entertainment precincts, and primary tourist attractions.

The *Cat Management Act 2009* allows for cat management actions to be undertaken in prohibited areas which include:

- any area of land that is managed by a public authority, or Agency within the meaning of the *State Service Act 2000*, and is reserved land¹; and
- private land that is reserved land.

In addition, the Act allows for local government, after consulting with its local community, to also declare an area of council-controlled land as a cat prohibited area or land within the municipal area of the council to be a cat management area. Cat management action and other measures may be undertaken by the land managers of these areas. Community-led action has a clear role in protecting significant areas.

Desired outcome

To have significant conservation, commercial and community assets identified (mapped) with appropriate strategies identified to mitigate cat related risks at priority sites.

Strategic directions

- a) Develop agreed criteria and a consistent regional approach to progressively assess the region and identify (map) significant conservation, commercial and community assets susceptible to impacts from roaming cats. (now)
- b) Identify proactive cat management and control activities for priority areas including declaring prohibited areas or cat management areas where necessary. (now)
- c) Subject to available resources, establish a proactive approach to manage risks in and adjacent to identified priority areas including potentially undertaking spot checks as part of broader patrol programs and upgrading signage where necessary to highlight the increased risks and rationale for increased cat management efforts at priority sites. (next)
- d) Use priority areas as demonstration case studies that promote best practice and encourage collaborative approaches at other sites (e.g. in conjunction with new residential development). (now and next)
- e) Explore the feasibility of volunteer cat management officers to help protect significant conservation, community and commercial assets. (next)
- f) Support landowners, managers, community and conservation organisations to actively manage cats within identified priority areas and using approved approaches. (now)

¹ Reserved land includes reserved land under the *Nature Conservation Act 2002*; land subject to a conservation covenant under part 5 of the *Nature Conservation Act 2002*; public reserves under the *Crown Lands Act 1976*; permanent timber production zone land under the *Forest Management Act 2013*; and private timber reserves under the *Forestry Practices Act 1985*.

Success indicators

- Completed maps of significant regional conservation, agricultural and community assets.
- Number of voluntary community-led cat management initiatives.
- Number of case studies published.

7.4 Nuisance and stray cats

Background

Many cats do not have an identifiable owner (but still rely on humans for most of their needs) and even those that are owned can stray onto private property and cause issues. Complaints about nuisance and stray cats can be complicated and very difficult to resolve. While potentially well intended, making food available for stray cats can increase their numbers and compound impacts on wildlife and neighbours. Stray cats will interact with and diffuse into the feral cat population. Containment to private property is expected for all other domestic pets and is considered best practice when keeping cats.

Keeping cats indoors or in an enclosed area outside is the best way to keep them safe and prevent them from wandering and causing a nuisance to neighbours. A contained cat is less likely to be hurt in fights, pick up diseases, be hit by a car or cause a nuisance or prey on native animals. A cat spraying, toileting or disrupting domestic or native animals may provoke anger from neighbours.

Desired outcome

To reduce the impact of nuisance cats by encouraging owners to contain their cats to their property, preventing the feeding of stray cats, educating the community against dumping unwanted cats, and encouraging reporting of stray cats to protect identified significant conservation, commercial and community assets.

Strategic directions

- a) Hold community education sessions for responsible cat management including the benefits of containment (and dispel the 'right to roam' ethos). (now)
- b) Promote cost effective containment options including through potential partnerships with not-for-profit community organisations (e.g. men's sheds/welfare training providers etc.). (now)
- c) Promote containment to ensure animal welfare, reduce nuisance complaints and minimise impacts on native wildlife and explore the potential need for compulsory containment in the long-term. (now)
- d) Explore options to fund and administer a region-wide cat trap loan scheme for use by property owners dealing with nuisance cats. Include advice on their safe and appropriate use to meet animal welfare and other obligations (including potentially at the point of sale, hire or loan). (now)
- e) Advocate for a consistent state-wide approach to reduce the population of stray cats. (now)
- f) Identify options for mediation and conflict resolution services where required to resolve serious neighbourhood disputes. (now)
- g) Develop targeted education and behaviour change programs to significantly reduce deliberate and unintended feeding of stray cats. (now)
- h) Explore options to establish community-based cat management areas where there are ongoing significant issues associated with stray and nuisance cats. (now and next)

Success indicators

- Number and location of complaints about nuisance and stray cats.
- Use of loan cat traps and number of cats caught.
- Reported instances of stray cat feeding.

7.5 Feral cats

Background

Feral cats can have a significant impact on native wildlife and livestock through predation, competition and disease transmission. The amendments to the *Cat Management Act 2009* will permit:

- a person to trap, seize or detain a cat on their land regardless of the proximity to other residences, provided the cat is returned to the owner if possible, or taken to a cat management facility;
- cat management action (includes trap, seize, detain, humanely destroy) that may be undertaken by primary producers.

A person will retain the right to humanely destroy a cat on their land if the cat is found more than 1km from the nearest residence. Cat prohibited areas and cat management areas will continue to allow for cat management action (trap, seize, detain, humanely destroy) to be undertaken regardless of proximity to the nearest residence.

While primarily concerned with the management of domestic and stray cats, this strategy recognises that feral cat management (e.g. on national parks) can be mutually beneficial in terms of reducing impacts on significant conservation, commercial and community assets within nearby council-controlled areas. Feral cats are found throughout the state however and continuous management effort is required to protect specific assets. Under the *Biosecurity Act 2019*, feral cats are managed as a biosecurity risk or impact and industry, landowners, community or government can develop an approved biosecurity program for their control.

This strategy recognises that a long-term, collaborative and integrated approach to cat management across the landscape is best practice and provides flexibility for individual organisations to voluntarily engage in feral cat management programs where it aligns with their organisational priorities.

Desired outcome

To ensure best practice techniques to manage feral cats are developed and implemented to support integrated cat management across all land tenures in the northern region.

Strategic directions

- a) Participate in consultation regarding state-wide (feral) cat management initiatives and, subject to available resources, participate in feral cat management where it aligns with local community priorities and integrates with complementary initiatives. (now)
- b) Consider adopting the *Model Code of Practice for the Humane Control of Feral Cats* including related standard operating procedures (Sharp and Saunders, 2012). (now and next)
- c) Participate in developing and implementing the *Welfare Standard for Cats* which includes best practice for trapping and euthanasia of stray and feral cats. (now and next)
- d) Ensure that cat control programs are coordinated strategically across different land-tenures, are integrated with local control programs of other species, complement relevant local cat management activities and are formalised under the *Biosecurity Act* where appropriate and necessary. (now and next)
- e) Support programs to educate the community about what a real feral cat is (i.e. on the far end of the wild and uncontrolled spectrum). (now)

Success indicators

- The number of feral cat management projects supported or undertaken with collaborating partners and application of best management practices.

7.6 Cat breeding and hoarding (permitting and animal welfare)

Background

The breeding of cats by unregistered breeders is an offence under the *Cat Management Act 2009*. The amendments to the Act will require a person who wishes to breed a cat to either be a member of a cat organisation or hold a permit to breed a cat. As with the *Dog Control Act 2000*, there will be a limit of four cats allowed to be kept on a property without a permit (exclusions will apply to members of a cat organisation; holders of a cat breeding permit; vet practices; cat boarding facilities; and approved cat foster carers).

Without professional management, keeping an excessive number of cats on a single property can compromise cat welfare and cause community conflict. Unless they are siblings from the same litter, keeping multiple cats can impact on their wellbeing and from a welfare perspective best practice is for households to keep only a single cat.

Cat hoarding is where individuals keep a very large number of cats as pets without the ability to properly house or care for them, while at the same time denying this inability and inadvertently compromising their welfare. Extreme situations of cat hoarding require careful management to ensure the welfare of both the cats and people involved.

This strategy recognises that achieving animal welfare objectives and responsible cat ownership is fundamental to uphold the right for cat ownership in Tasmania.

Desired outcome

For all cat breeding in the region to be only undertaken by registered or permitted breeders and animal welfare standards maintained including by discouraging the keeping of multiple cats and preventing cat hoarding.

Strategic directions

- a) Promote measures to ensure cat breeding is only by registered cat breeders and thereby stopping 'backyard breeding of cats'. (now)
- b) Develop and maintain shared publicly available listing of all registered cat breeders in the region. (now)
- c) Encourage community members to report suspected unauthorised cat breeding to ensure compliance with the *Cat Management Act 2009*. (now and next)
- d) Liaise with animal welfare organisations on suspected animal cruelty cases. (now)
- e) Provide information to the community on new legislative requirements regarding cat management including links to new legislation fact sheets and related resources. (now)
- f) Work towards developing Tasmanian cat breeding standards (Code of Practice or Welfare Standards for domestic pet ownership). (now)
- g) Explore options to develop a preventative and integrated response strategy for cat hoarding. (next and later)

Success indicators

- Number of registered and reported unregistered cat breeding cases.
- Number of reported instances of cat hoarding resolved successfully and outstanding cases.

7.7 Professional cat management capacity

Background

Responsibility for cat management in the northern region is shared across many organisations and is often undertaken as part of a broader range of responsibilities. Currently, resources for cat management in each individual organisation and local government area are very limited and a collaborative approach that makes best use of existing resources and expertise is considered essential.

Qualified and competent staff with the knowledge and tools to do a professional job will need to be developed incrementally over time to deliver the high standards of service expected by the communities of northern Tasmania.

Desired outcome

To have improved professional cat management capacity that is shared across all collaborating cat management partners in the northern region.

Strategic directions

- a) Focus on strengthening a collaborative approach across all organisations involved in cat management in the northern region to harness available resources and expertise. This could include exploring the option of introducing 'cat rangers' (or similar) that work across multiple municipalities. (next)
- b) Support development of a Welfare Standard or Code of Practice for responsible cat management to ensure consistent high professional standards are applied across the northern region. (now)
- c) Develop and deliver annual training to support implementation of the *Cat Management Act 2009* including for animal management officers regarding common law nuisance and humane cat control methods. (now)

Success indicators

- Number of "Rangers" appointed.
- Number of training sessions conducted.

7.8 Shared regional cat management facilities and resources

Background

Cat management facilities can be established to receive stray, lost and surrendered cats. Cats in their care will be scanned for microchips to establish ownership. Under the *Cat Management Act 2009* the facility is required to hold microchipped cats for five days to provide cat owners with time to look for lost pets. After this time the cat management facility may rehome, sell or euthanise the animal.

Cat management facilities are expensive to operate and not every community has access to a nearby facility. Experience elsewhere has shown that a shared facility serving multiple communities and operated by a suitable not-for-profit organisation with support from a network of voluntary temporary carers can be a viable approach. This approach could include a network of participating veterinarians, community-based organisations and councils working with volunteer carers and transporters to enable rural and remote communities to access shared regional facilities and cat management facilities. Potential collaborative cost sharing arrangements across the region are expected to make such an approach sustainable.

Many veterinarian practices receive healthy stray cats from the community which they temporarily house and attempt to find the owners. The preferred practice is for these animals to be presented directly to a cat management facility as soon as practicable.

The amendments to the Act allow cat management facilities to nominate a person, business or organisation to hold and care for cats on their behalf.

Desired outcome

To progressively develop a network of partners to enable rural and remote communities' access to shared regional resources including cat management facilities to service the northern region.

Strategic directions

- a) Work with cat management facilities to identify potential partners, locations, and arrangements for local cat management services across the region (this includes undertaking a cost benefit analysis and developing a business case for alternative delivery models). (now)
- b) Consider maintaining temporary holding facilities as a short-term alternative to impoundment. (now)
- c) Progressively establish a network of temporary holding facilities, voluntary cat foster carers and transporters to support efficient operation of the shared cat management facility. (next)
- d) Promote the use of cat management facilities through existing communication channels. (now)
- e) Develop and promote consistent cat receiving guidelines for veterinarian practices. (now)
- f) Ensure that all cats are de-sexed and microchipped prior to being released from a cat management facility. (now)
- g) Contribute where required to developing and implementing a state-wide Code of Practice for cat management facilities. (now)

Success indicators

- Access to cat management facilities, cost of operation, number of cats received and outcome trends.
- Code of Practice for cat management facilities.
- Business case and feasibility study completed.

7.9 Voluntary compliance

Background

The *Cat Management Act 2009* and Cat Management Plan identify a range of obligations for responsible cat ownership and provide the option for councils to establish additional powers where necessary to support greater compliance with community expectations. Voluntary compliance, where individual cat owners do the right thing and voluntarily meet their legal and moral obligations to care for and contain their cats, is by far the most practical and preferred approach. Stronger enforcement action (e.g. fines and prosecution) is only appropriate where there have been serious breaches of the rules (for example, deliberate, repeated failure to appropriately care for animals).

A long-term education campaign will be required to change the culture and lift the understanding and knowledge of the community of the new state-wide legislative requirements applying to cats. This approach acknowledges that some confusion continues to exist in the community, including about the difference between dog and cat management requirements.

Desired outcome

For all cat owners and community members to voluntarily comply with their legal and moral rights and obligations for responsible cat ownership and management.

Strategic directions

- a) Continue to focus on education and preventative measures to help the majority of people do the right thing most of the time to reduce the likelihood of cat related conflict and issues. (now)
- b) Use clear consistent communications across multiple channels to promote cat ownership rights and responsibilities and encourage responsible cat management by all parties and high levels of voluntary compliance with community expectations. This includes using communication networks with cat interests and local and state government communication networks. (now and next)
- c) Continue to liaise with DPIPW around compliance roles and responsibilities across all organisations involved in cat management in the northern region. (now and next)
- d) Monitor rates of voluntary compliance and consider the cost benefit analysis of implementing stronger compliance mechanisms at the regional level to address identified significant issues. (now and next)

- e) Subject to available resources, undertake proactive compliance efforts where a risk assessment has highlighted priority threats to significant conservation community and commercial assets. (next)

Success indicators

- Reported rates of non-compliance and likely reasons.
- Knowledge of cat management legislation in community improved and supported.

7.10 Improved knowledge to better inform cat management

Background

Improved knowledge about the number, distribution and behaviour of cats is essential to designing effective programs to manage and minimise their impact on highly valued conservation, community and commercial assets in the region and generally achieve responsible cat ownership and management. Existing research about cats and cat ownership in Tasmania is limited and cannot be applied to all environments and different communities (including cat owner attitudes, behaviours and barriers to behaviour change). Filling these gaps in knowledge will be a continuing challenge to ensure that available resources are directed towards the highest priorities using the most cost-effective management actions. Consistent approaches to collecting basic information across all parts of the region will be an important first step to better understand the scale of existing problems and to identify practical long-term solutions.

Desired outcome

To have cat management in the region guided by best available science and regionally relevant data to support evidence-based decision making.

Strategic directions

- Work towards standard data collection and reporting systems so that all organisations involved in cat management in the northern region have shared access to basic information (e.g. community complaints to councils, surrendered cats, microchipping rates etc.). (now)
- Identify priority knowledge gaps and pragmatic options to fill these gaps with qualitative and quantitative research and monitoring (e.g. facilitating university projects). (now)
- Where possible use monitoring strategies before, during and after any targeted cat management activity to measure impact and effectiveness. (now and next)
- Participate in state-wide and national programs to keep abreast of developments and continually improve evidence-based decision making for cat management. (now and next)
- Participate in citizen science projects for data collection related to cat home ranges and impacts in urban environments and related projects. (next)
- Promote the voluntary use of reporting portals such as *FeralCatScan* for monitoring feral and stray cats by the community. (now)

Success indicators

- Number of cat management organisations using consistent data collection processes and reporting mechanisms in northern region.
- Adequacy of information for evidence-based decision making.

8. Additional resources

For more information on responsible cat ownership and management refer to tassiecat.com and dPIPWE.tas.gov.au/invasive-species

Commonwealth of Australia (2015) *Threat abatement plan for predation by feral cats*. Department of the Environment, Canberra

DPIPWE (2017) *Tasmanian Cat Management Plan 2017-2022*. Biosecurity Tasmania. Department of Primary Industries, Parks, Water and Environment.

Sharp, T., & Saunders, G. (2012) *Model code of practice for the humane control of feral cats*. Invasive Animals Corporative Research Centre.

Attachment 2 - Summary Document Draft Northern Regional Cat Management Strategy DM V4



Draft Northern Regional Cat Management Strategy: Summary of Development

Prepared by Shane Westley, Regional Cat Management Coordinator, NRM North, Feb 2020.

Updated by Darren McPhee, Regional Cat Management Coordinator, NRM North, December 2020.

- In April 2019, there was a request to NRM North from several northern councils, via the General Managers' forum, to undertake a facilitated process with council representatives to improve domestic and stray cat management in the Northern region.
- Consequently, a subcommittee of the Northern Regional Cat Management Working Group (CMWG) was established to develop a *Northern Regional Cat Management Strategy* (the strategy).
- This activity is consistent with the *State Cat Management Plan 2017-22*, which supports regional plans and strategies to address domestic, stray and feral cat management.
- The strategy is intended as a guidance document for key partners and stakeholders, such as Cat Management Facilities, RSPCA, the Australian Veterinary Association, the Tasmanian Parks & Wildlife Service, State Government and NRM North.
- The strategy guides future cat management activities by identifying and prioritising suitable actions and providing a framework for collaboration between councils and key stakeholders.
- Public consultation on the strategy was considered, however, due to the timeframe and available resources, the decision was to produce a strategy with input from councils, key partners and industry stakeholders, and consider community consultation if appropriate for initiatives which may flow on from implementation of the strategy.
- A consultant (TerraForm Design) was engaged by NRM North to facilitate the strategy development process.
- The strategy working group is a sub-committee of the CMWG, consisting of council representatives and key stakeholder representatives who participated in three facilitated workshops and reviewed draft documents out of session.
- Throughout the process, regular updates were provided to stakeholders, and a wireframe document and draft of the strategy were circulated to the strategy working group and Council General Managers on 2 September and 17 December 2019 respectively.
- The strategy is not intended to bind stakeholders to being responsible for the activities identified, rather it is an aspirational document that provides direction for future cat management activities. It requires collaboration to implement, while retaining flexibility to enable stakeholders to engage as appropriate and where resources permit.

- The strategy document is made up of eight sections, with a focus on 10 cat management issues for northern Tasmania and the associated strategic directions which will guide implementation activities. Table 1 shows the ten issues and the desired outcomes as reflected in the draft strategy. For each of the ten issues, detailed actions are also included in the strategy.
- The strategy also refers to the development of annual implementation plans which will guide activities and assist in determining roles and resources required to implement activities over the subsequent 12 months.
- At the General Managers' meeting on 24 January 2020, it was resolved that individual participating councils would workshop the draft strategy prior to endorsement, final design and publication.
- During March and April, NRM North staff provided presentations to two councils on the draft strategy. Unfortunately, presentations to other participating councils were cancelled or postponed due to COVID-19 restrictions. Presentations have recommenced in December and are expected to be complete by March 2021.

Table 1: The ten cat management issues and corresponding desired outcomes as identified in the draft *Northern Regional Cat Management Strategy*

Cat management issue	Desired outcome of Northern Regional Cat Management Strategy implementation
1. De-sexing and microchipping	For all domestic cats to be de-sexed and identified by microchip from four months of age, and owners to keep their contact details on microchip registries up to date.
2. Responsible cat ownership	For all cat owners to understand and enthusiastically practice responsible cat ownership.
3. Protecting significant conservation, commercial and community assets	To have significant conservation, commercial and community assets identified (mapped) with appropriate strategies identified to mitigate cat related risks at priority sites
4. Nuisance and stray cats	To reduce the impact of nuisance cats by encouraging owners to contain their cats to their property, preventing the feeding of stray cats, educating the community against dumping unwanted cats, and encouraging reporting of stray cats to protect identified significant conservation, commercial and community assets.
5. Feral cats	To ensure best practice techniques to manage feral cats are developed and implemented to support integrated cat management across all land tenures in northern region.
6. Cat breeding and hoarding (permitting and animal welfare)	For all cat breeding in the region to be only undertaken by registered or permitted breeders and animal welfare standards maintained including by discouraging the keeping of multiple cats and preventing cat hoarding.

Cat management issue	Desired outcome of Northern Regional Cat Management Strategy implementation
7. Professional cat management capacity	To have improved professional cat management capacity that is shared across all collaborating cat management partners in northern region.
8. Shared regional cat management facilities and resources	To progressively develop a network of partners to enable rural and remote communities' access to shared regional resources including cat management facilities to service the northern region.
9. Voluntary compliance	For all cat owners and community members to voluntarily comply with their legal and moral rights and obligations for responsible cat ownership and management.
10. Improved knowledge to better inform cat management	To have cat management in the region guided by best available science and regionally relevant data to support evidence-based decision making.

16.6 Relbia Feasibility Study Report - Community Consultation**FILE NO:** SF6874**AUTHOR:** Claire Fawdry (Senior Planner) and Ryan Braddy (Mesh)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

To note the feedback from the Relbia community during the consultation phase of the project.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 13 August 2020 - Relbia Feasibility Study

Council - 10 December 2020 - Agenda Item 16.1 - Relbia Feasibility Study Report
Community Consultation

Workshop - 1 April 2021 - Post Consultation Briefing

RECOMMENDATION:

That Council notes:

1. the feedback from the Relbia community received during the consultation process; and
 2. the intention to prepare a final Relbia Feasibility Study report for consideration at a future Council Meeting to determine future steps.
-

REPORT:**1. Background**

Relbia is a strategically important location for the City of Launceston. It is within close proximity to the City centre and the airport, the nearby activity centres of Youngtown and Kings Meadows and the future Waverley/St Leonards growth corridor. In some respects, Relbia is in an ideal location to enable the City to consolidate its existing urban areas.

Relbia is also identified in the Regional Land Use Strategy of Northern Tasmania and the Greater Launceston Plan (GLP) as being a *Strategic Reserve Investigation Area*. That is, land which is identified for initial strategic evaluation to assess its potential contribution to the future and longer-term development of the greater Launceston urban area, generally beyond 2036.

16.6 Relbia Feasibility Study Report - Community Consultation ... (Cont'd)

The GLP recommends that the City of Launceston **undertake a comprehensive strategic review of Relbia to investigate opportunities for restructure to facilitate a diversified residential area with high levels of amenity and a village centre.**

The purpose of this report is to provide a summary of the outcomes from the community consultation that was conducted based on the draft document *Planning Together for the Future of Relbia*.

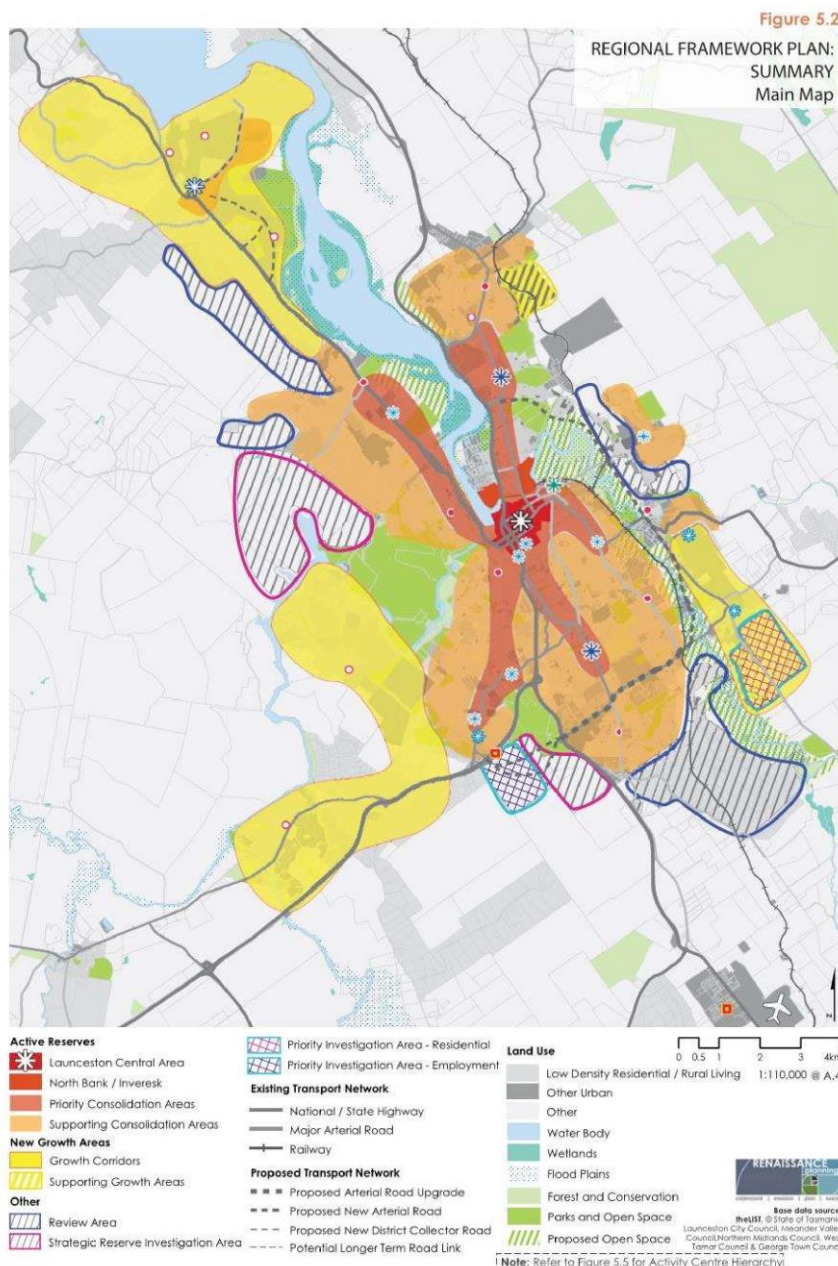


Figure 1 - Regional Framework Plan Summary (source: GLP)

16.6 Relbia Feasibility Study Report - Community Consultation ... (Cont'd)

2. Introduction

Council endorsed the *Feasibility Report* (Consultation Draft) for community consultation on 10 December 2020. The consultation period ran from 18 December 2020 to 12 February 2021. The original eight week consultation period was extended until 26 February when it was identified that the initial mail out did not reach all landowners in the Relbia study area. The extension provided procedural fairness for those individuals affected.

Prior to release of the consultation draft, three workshops were conducted with members of the Relbia community during 2019. The findings from the workshops, which included diverse views about the future of Relbia and identification of three potential growth scenarios, were used to inform preparation of the draft feasibility report.

The key finding of the feasibility report is that Relbia does not contain the necessary structural and other conditions to support its transition to a fully serviced urban area and that such a transition would compromise the existing character and quality of Relbia as a distinctive, low density/rural living based community. Notwithstanding the key finding of the report, the three potential possible growth scenarios that were identified in the 2019 consultation were assessed.

The three potential growth scenarios that were identified included - No Change, Limited Change and Substantial Change, with a modified Preferred Limited Change scenario put forward as the recommended option by Mesh:

Taking into account all of the implications of the three scenarios, a modified version of the Limited Change Scenario is recommended as it will offer an appropriate balance between allowing for some subdivision potential whilst not threatening the character of Relbia or triggering the need for funding of additional services and infrastructure except for on-going management and potentially upgrade the road network.

A modified version of the Limited Change Scenario will also allow for retention of the non-residential land uses (unless they choose to relocate) and allow for some existing residents to age in place in Relbia whilst enabling some limited subdivision potential into the future.

The modified Limited Change Scenario also accords with the expectation of the Greater Launceston Plan (GLP) to the extent that the modified Limited Change Scenario provides for some subdivision potential that will contribute, to rather than detract from, Relbia as a lower density, lifestyle based community (Mesh Feasibility Report, pp.51-52).

16.6 Relbia Feasibility Study Report - Community Consultation ... (Cont'd)

It is important to acknowledge that the No Change scenario is actually maintaining the status quo, which allows for subdivision with a minimum lot size of 4ha as allowable in the Launceston Interim Planning Scheme 2015. No Change does not mean that landowners with current subdivision capacity will not be able to subdivide, however, in some representations, landowners suggested that they were in favour of an option whereby no subdivision should be permitted.

In order to understand Relbia's capacity to accommodate change, Mesh undertook a precinct-level layered analysis taking into account the following factors and ranking them as Low, Medium and High impact:

- Visual prominence
- Fragmentation/irregular lot boundaries
- Flood/waterways
- Slope greater than 20%
- High tree cover including threatened vegetation
- Landslip risk
- Non-residential land uses
- Land use buffers/overlays/attenuation areas
- Land suitability for agricultural purposes

It is this section of the report which is most important in some respects as it provides the justification and evidence based approach to the recommended Preferred Limited Change scenario put forward by Mesh.

A summary of the layered analysis which demonstrates the relative complexity of the land form and other conditions that are present within Relbia is attached - see Figure 2.

16.6 Relbia Feasibility Study Report - Community Consultation ... (Cont'd)

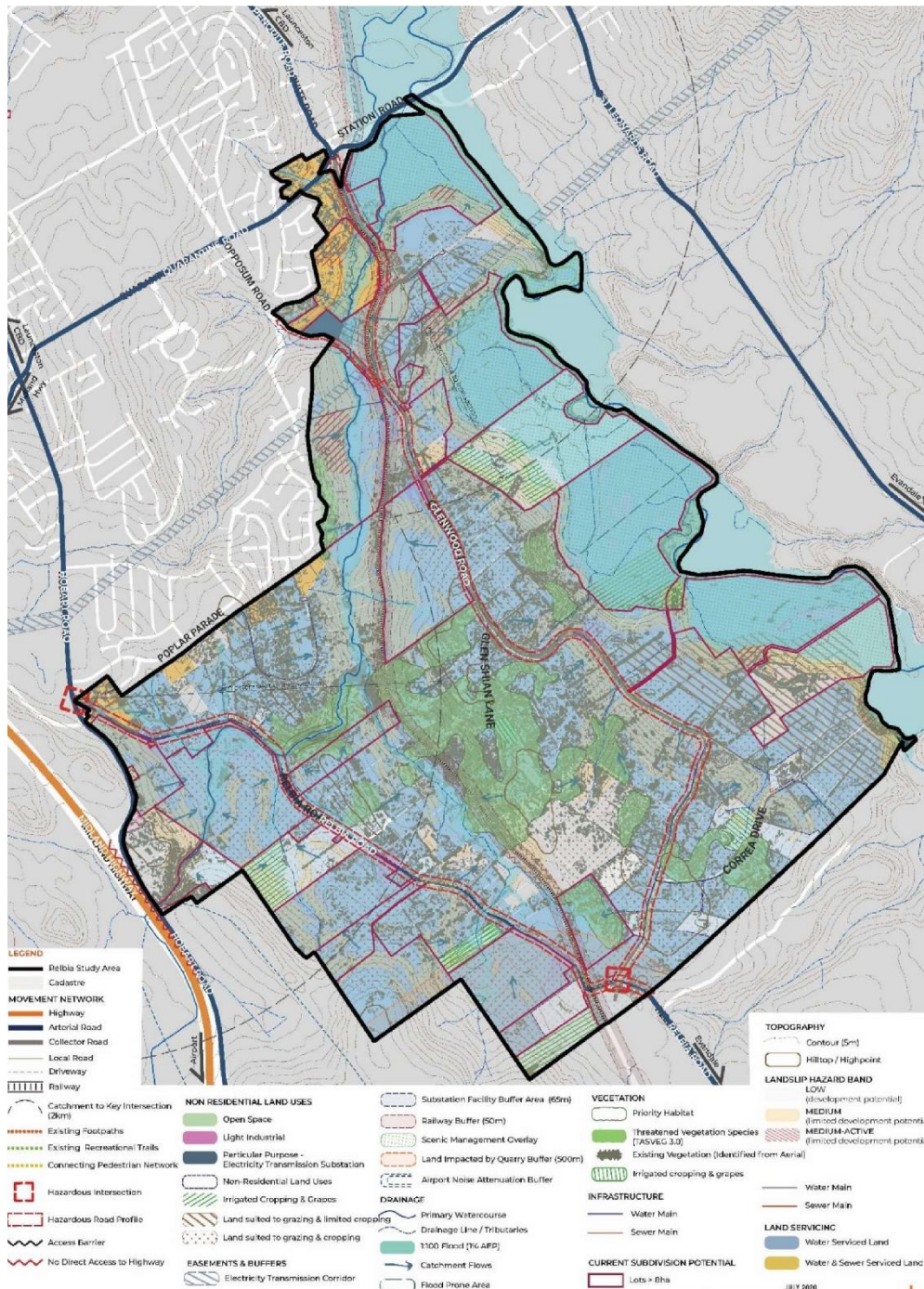


Figure 2 - Relbia Combined Site Analysis (source: Mesh 2020)

16.6 Relbia Feasibility Study Report - Community Consultation ... (Cont'd)

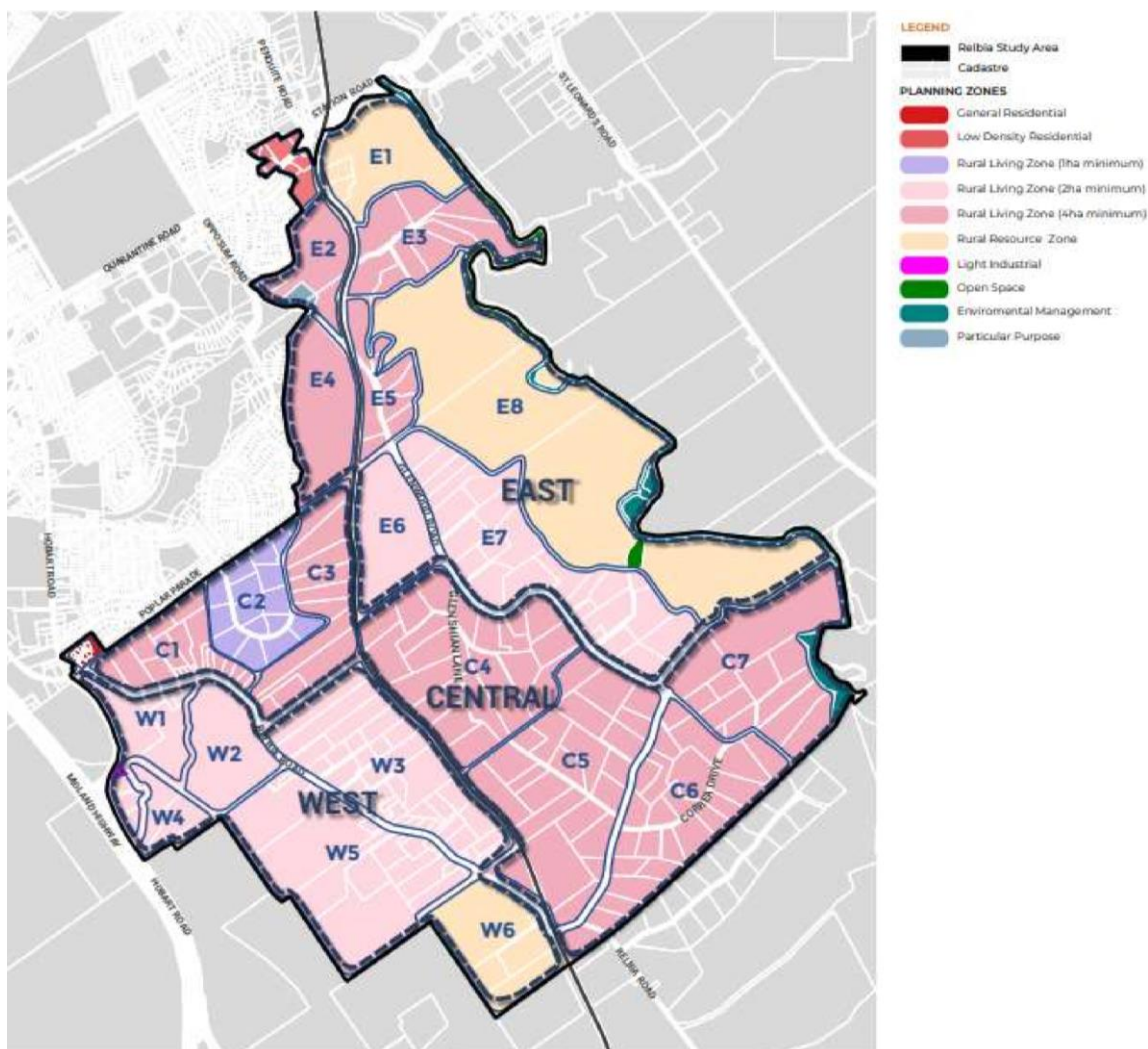


Figure 3 - Preferred Limited Change Scenario - Proposed Zoning (source: Mesh 2020)

16.6 Relbia Feasibility Study Report - Community Consultation ... (Cont'd)

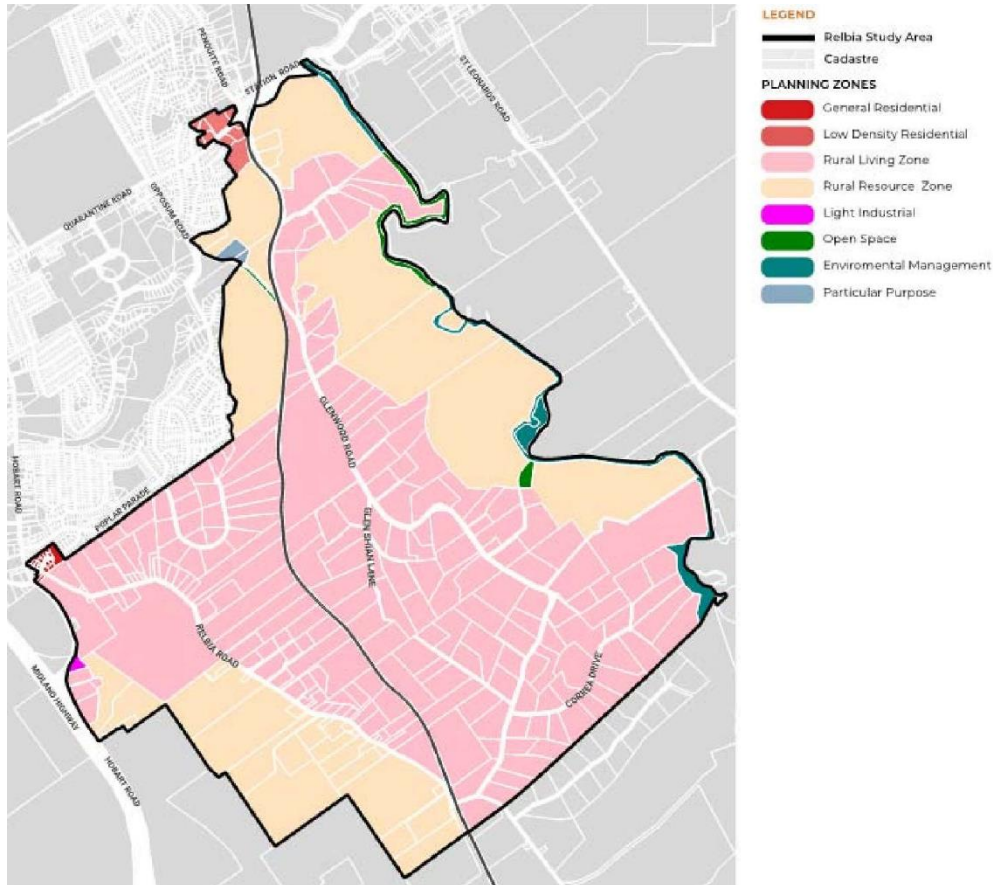


Figure 4 - Current Zoning Map (source: Mesh 2020)

It should be noted that the preferred limited change scenario provides for limited change to the current zoning pattern and existing subdivision minimums. A summary of the preferred limited change scenario is as follows:

- Retention of the Rural Resource Zone along the North Esk River (precincts E1 and E8);
- Retention of the Rural Living Zone and current 4ha subdivision minimum through the central part of Relbia (precincts C1 and C3-C7);
- Introduction of a reduced subdivision minimum of 2ha adjacent to Glenwood Drive (precincts E6 and E7);
- Rezoning of part of the Rural Resource Zone to the south of Relbia Road (precinct W5);
- Introduction of a reduced subdivision minimum of 2ha area adjacent to Relbia Road (precincts W1, W2, W3, W4 and W5);
- Rezoning of Rural Resource Zone between the railway line and Youngtown residential zone (precincts E2 and E4); and
- Introduction of a reduced subdivision minimum of 1ha along Redwood Crescent (precinct C2).

16.6 Relbia Feasibility Study Report - Community Consultation ...(Cont'd)

2.1 Timeline

The timeline below sets out the history of the project to date:



16.6 Relbia Feasibility Study Report - Community Consultation ... (Cont'd)

3. Methods of Engagement

Unlike other similar projects, community consultation in form of facilitated workshops, were conducted with the community before any technical analysis was undertaken. The workshops focussed on themes such as what do you love about Relbia, does Relbia have capacity to support change and what should the vision for Relbia be both now and into the future?

The community based workshops were followed up with other forms of engagement including:

- personally addressed letters to landowners enclosing a survey, summary brochure and a self-addressed/reply-paid envelope. Letters were lodged with Australia Post on 17 December 2020 and landowners would have begun to receive their letters the following week. It was identified in early January 2021 that an error had occurred during the mail merge process, so approximately 70 letters were resent to landowners. The resent letters were lodged with Australia Post on 14 January 2021.
- *Your Voice Your Launceston* platform - Feasibility Report, Summary Brochure, survey;
- City of Launceston Official Facebook posts on 22 December 2020 and 18 January 2021.

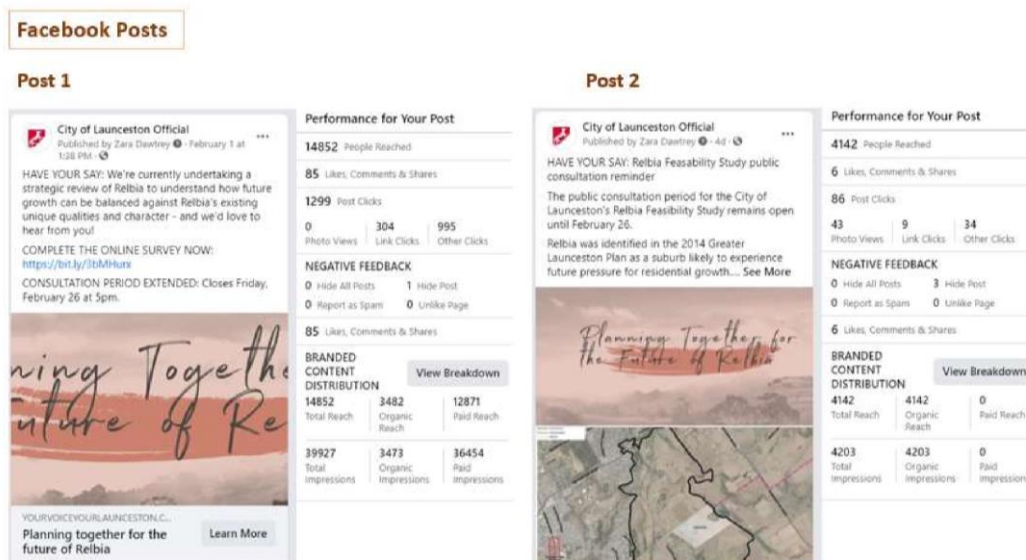


Figure 5: Facebook Posts

Figure 5 - Facebook Posts

Following the consultation process, a letter was sent to landowners in the study area including common Questions and Answers to issues raised during the consultation process. This letter was sent out from the Chief Executive Officer in early March 2021.

16.6 Relbia Feasibility Study Report - Community Consultation ...(Cont'd)

4. Community Feedback

During the consultation period it became apparent that members of the Relbia community were of the belief that the Council had a predetermined position on this project from the outset and that developer pressure was one of the main drivers for the project. This is not accurate. The consultation process that commenced with the community vision workshops, before the technical analysis had been undertaken, was an opportunity to involve the community in the conversation about the future of Relbia from the outset.

It is also important to note that the technical analysis was undertaken at two levels - firstly whole of Relbia (for example in relation to the transport network) and secondly at a more detailed precinct and sub-precinct level. The combined detailed analysis offered a very robust basis to conclude that Relbia does not have the structural and other conditions to support broad scale change and intensification and thereafter to assess the implications associated with the three growth/change scenarios.

An important observation in this context is that the *Feasibility Report* by Mesh needs to be read in its entirety to understand how the Preferred Limited Change Scenario has been developed.

The following image (see Figure 6) provides a snapshot summary of the feedback which was received.

16.6 Relbia Feasibility Study Report - Community Consultation ... (Cont'd)

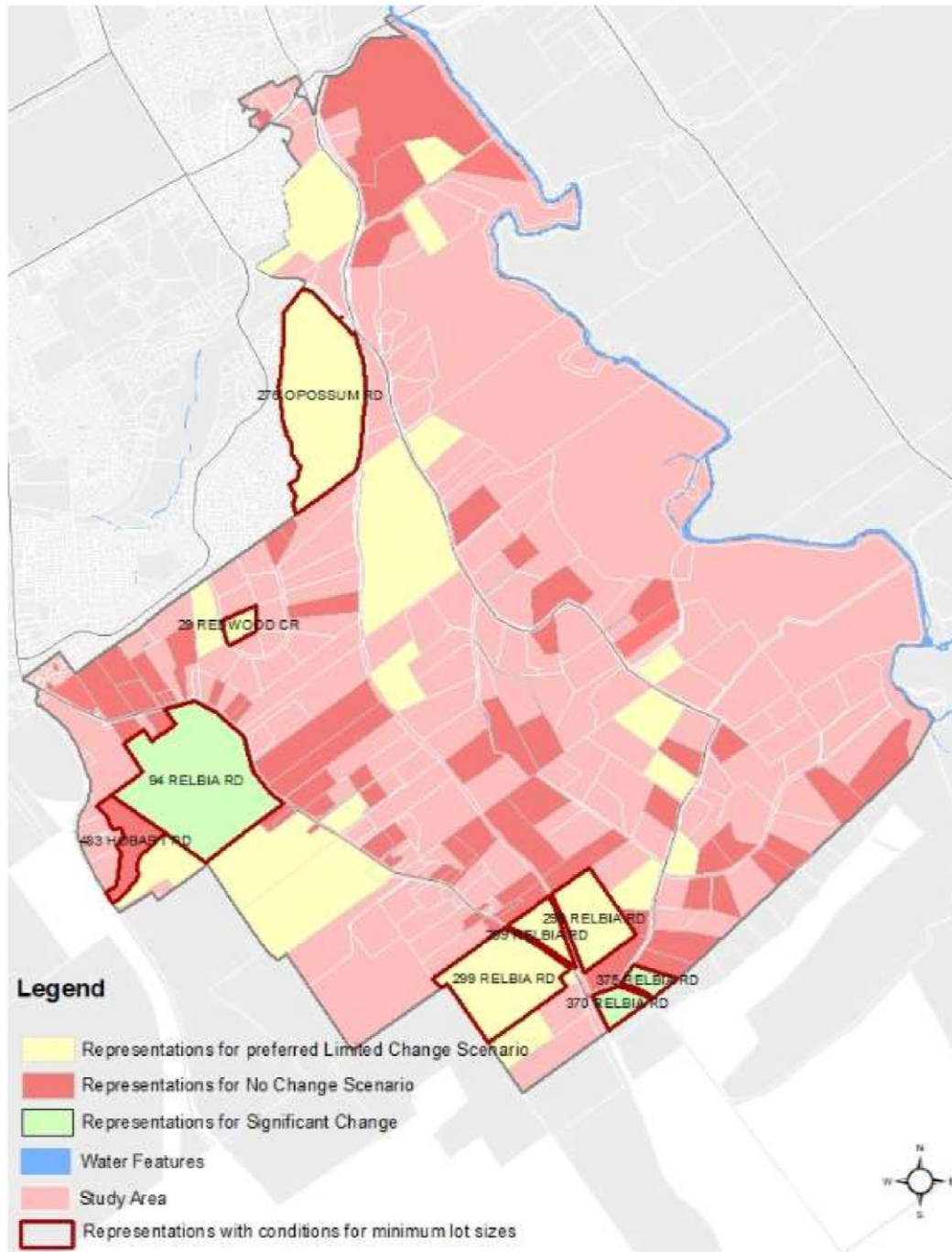
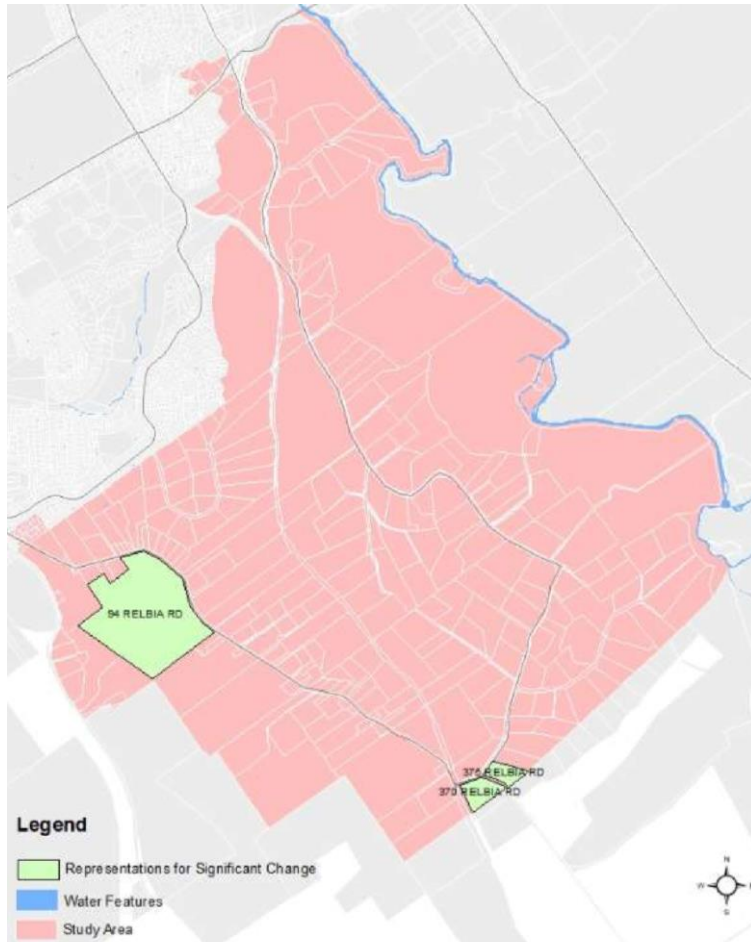
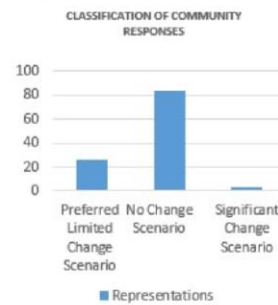


Figure 6 - Snapshot Summary of Feedback Received

16.6 Relbia Feasibility Study Report - Community Consultation ... (Cont'd)



- Total number of lots in the Planning Area – 280
- Total number of responses received – 113
 - Representations for preferred Limited Change Scenario - 26
 - Representations for No Change Scenario - 84
 - Representations for Significant Change Scenario - 3



NUMBER OF RESPONSES RECEIVED AS A PERCENTAGE OF THE TOTAL NUMBER OF UNITS

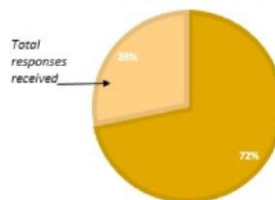


Figure 7 - Feedback Summary

16.6 Relbia Feasibility Study Report - Community Consultation ... (Cont'd)

Individual surveys and submissions have not been included as an attachment to this report due to confidentiality.

4.1 Key Issues

The feedback received identified a number of important issues that can be summarised by theme as follows:

- adverse impact on rural lifestyle and character of the area;
- traffic congestion and safety concerns;
- Preferred Limited Change Scenario would exceed the capacity of the infrastructure;
- concern about the misleading wording and presentation of No Change and Limited Change options; and
- generally not supportive of lot sizes below 4ha.

4.2 Mesh Response

Mesh was provided with the surveys and submissions for consideration at the end of the community consultation period. Considering the key issues identified, Mesh has provided the following comments in response:

Adverse impact on rural lifestyle and character of the area

Many submissions indicated concern that the growth scenarios will impact on the rural lifestyle and character of Relbia. More specifically, some of the submissions expressed concern regarding the character impacts associated with upgrading of roads to have kerb and channel and having new dwellings *too close* to existing dwellings.

A key message from the consultation workshops was the community's attachment and sentiment toward the character of Relbia. Many participants at the workshops cited maintenance of the rural character as a non-negotiable condition but equally many participants sought some limited subdivision and development potential. The detailed technical analysis that was completed by Mesh supported that general view that Relbia has some significant infrastructure capacity limitations and that significant change throughout Relbia would have a negative impact on existing character.

Beyond arriving at the general conclusion that significant change throughout Relbia would be inappropriate the Mesh analysis included detailed examination of the extent to which new dwellings could be accommodated in a site responsive way so as to not impact the rural lifestyle and character of the area.

16.6 Relbia Feasibility Study Report - Community Consultation ... (Cont'd)

The average lot size provisions and emphasis on site responsive driveway alignments and careful placement of house sites were deliberately recommended along with limited changes to the current subdivision minimums in order to enable some limited change in a way that would not impact on existing character. The preferred limited change scenario also took into account infrastructure capacity issues. Taking all of these issues into consideration, the Mesh report recommended reduction of the current 4ha subdivision minimum to 2ha in some limited locations and a very small area of 1ha minimum. A 2ha minimum lot size will provide more than adequate opportunity to locate any new dwellings such that any impact on the presence of neighbouring dwellings will be minor, when factoring in the presence of existing vegetation and the undulating landform that will contribute to screening.

It should also be noted in this context, that the vision for Relbia specifically focuses on retention of the role of Relbia as a low density, lifestyle based community:

Relbia will be retained into the future as a rural living, lifestyle community. Relbia will be differentiated from other parts of the Launceston housing framework due to the presence of natural vegetation and wildlife, scenic character and views, larger lots, and a sense of privacy. Existing and new non-residential land uses such as wineries will be encouraged to remain, and new tourism and related uses will be supported where they contribute to the character and sense of place in Relbia. Where subdivision is supported it will be site responsive and new housing will be encouraged to incorporate excellence in design and environmental sustainability.

The vision for Relbia was prepared following the community based workshops and following completion of the technical analysis. The vision confirms that Relbia has an important point of difference when viewed within the context of the broader growth areas where it is appropriate to plan for and progressively deliver a range of urban services and facilities. In Relbia by contrast the emphasis is directed toward maintenance and enhancement of the low density/semi-rural character for the majority of the land with some limited change in some discreet locations.

Traffic Congestion and Safety Concerns/Preferred Limited Change Scenario exceeding infrastructure capacity

Traffic congestion and safety concerns were raised by members of the community in the workshops. The general limitations of the existing transport network were also acknowledged during the course of undertaking the project.

A specialist traffic consultant was employed to document the existing transport in terms of road capacity, connectivity and intersection design, capacity and safety. Lack of road network and intersection capacity and potential impact on character if roads were upgraded to an urban standard were primary reasons why significant change in discreet locations or generally throughout Relbia was not supported.

16.6 Relbia Feasibility Study Report - Community Consultation ... (Cont'd)

In this context, it is noted that the preferred limited change scenario could only produce approximately 97 new dwellings (subject to assessment of site impacts, etc.) and that some of the land (precincts W4 and W5 and E6 and E7) would need to be rezoned before land could be subdivided. The Mesh report notes that any such rezoning/approvals process would provide more than adequate opportunity to assess impact on the existing road network and assessment of whether the development should be liable for contributions toward or direct upgrade of roads and/or intersections such as the intersection of Hobart and Relbia Roads.

An important point to also recognise is that the additional dwellings are unlikely to be delivered in the short term. In other words, it is more likely that the additional dwellings will be delivered incrementally following the relevant approvals process where siting, character, infrastructure impact and other issues can be actively assessed.

Misleading wording and presentation of No Change and Limited Change options

The uncertainty around use of the terms No Change and Limited Change is acknowledged.

In the Mesh report, the No Change scenario is explained as having no change to the current planning provisions, that is retention of the current 4ha subdivision minimum within the Rural Living zoned land. As some parcels have the ability to be subdivided under the current planning provisions however (ie. lots 8ha down to two 4ha lots), some subdivision/development could occur within the No Change scenario. This potential was acknowledged in the calculation of potential yield (305 Lots) for the no change scenario in the draft document however it is acknowledged that the term No Change could have caused some confusion.

The Limited Change scenario refers to no change to the current zoning, but some changes to the current minimum lot sizes are recommended (ie. reduction from 4ha down to 2ha for example) within the existing zones, although only in discreet precincts where recommended.

Not supportive of lot sizes below 4ha

Some of the submissions have expressed concern about the *density* of recommended lot sizes and in particular whether lot sizes of less than 4ha in area will cause loss of amenity.

In reviewing the submissions, it is apparent that there may be some misunderstanding about the ability of 1ha or 2ha lots to accommodate a dwelling and existing vegetation, etc. with sufficient remaining land to contribute to the semi-rural character of Relbia. At 10,000m² and 20,000m² respectively and allowing for vegetation and other site features there is a high degree of confidence that new dwellings will be able to be accommodated in a non-intrusive, site responsive way.

16.6 Relbia Feasibility Study Report - Community Consultation ... (Cont'd)

Other submitters have requested that significant change be supported in select locations. Such outcomes have not been supported in the draft document due to the likely impact on character and limited infrastructure capacity.

4.3 Summary

The feedback received illustrates that the majority of survey responses indicate a preference for the No Change scenario.

Notwithstanding, it is important to acknowledge that the individual properties which are identified to have a higher density in the Preferred Limited Change scenario in sub-precincts W4 and W5 (Rural Resource 35ha to Rural Living 2ha minimum), E2 and E4 (Rural Resource 35ha to Rural Living 4ha minimum) and C2 (Rural Living 4ha minimum to Rural Living 1ha minimum) are supportive of the report recommendations.

Other submissions sought higher yield outcomes through application of a Significant Change scenario.

5. Next Steps

The *Feasibility Report* by Mesh recommends a *Preferred Limited Change Scenario* to future residential subdivision in the study area suggesting that the current Rural Living Zone should be retained with some modification to the zone minimums and some Rural Resource zoned blocks recommended to be rezoned to Rural Living. Therefore, Relbia is proposed to remain as a Rural Living, lifestyle-based housing area, with lots ranging from between 1ha to 4ha.

It is suggested that a significant increase in density is likely to have an adverse impact on the public infrastructure capacity of the area as well as the character of Relbia. The Preferred Limited Change scenario proposed will allow for some subdivision potential without compromising on the aspects of Relbia that the community value.

Mesh will be providing a supplementary report which maps the way forward and this will form part of a further report to Council which will recommend how the project should progress.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

16.6 Relbia Feasibility Study Report - Community Consultation ...(Cont'd)

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 6: We protect our environment by caring for our unique natural assets and amenity and sensitively managing future development opportunities.

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

Focus Areas:

1. To reduce our and the community's impact on the natural environment.
2. To contribute to air and river quality improvements in Launceston.
3. To manage the risks of climate-related events, particularly in the area of stormwater management and riverine flooding.

Regional Land Use Strategy of Northern Tasmania

Greater Launceston Plan

Land Use Planning and Approvals Act 1993

Local Government Act 1993 (Tas)

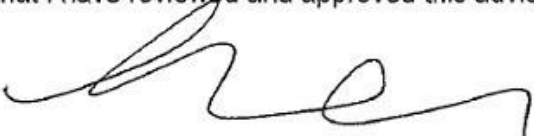
BUDGET & FINANCIAL ASPECTS:

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. *Planning Together for the Future of Relbia (Consultation Draft) by Mesh, October 2020 (electronically distributed)*
 2. *Planning Together for the Future of Relbia (Appendices) (electronically distributed)*
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17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS

No Items have been identified as part of this Agenda

18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS

No Items have been identified as part of this Agenda

19 ORGANISATIONAL SERVICES NETWORK ITEMS**19.1 Facilities and Highways By-Law Number 1 of 2021****FILE NO:** SF6763**AUTHOR:** Duncan Campbell (Team Leader Legal Services)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the making of the *Facilities and Highways By-Law Number 1 of 2021*

This decision requires an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

Council - 9 July 2020 - Agenda Item 19.2 - Intention to Make Facilities and Local Highways By-Law No 1 of 2020

RECOMMENDATION:

That Council:

1. notes its decision made on 9 July 2020 that it intended to make a new by-law.
 2. pursuant to sections 159 of the *Local Government Act 1993* (Tas) considers the one submission received in respect of the proposed by-law and endorses the assessment contained in the Agenda Item Report for this item.
 3. pursuant to section 160 and 161 of the *Local Government Act 1993* (Tas), alters the by-law as proposed on 9 July 2020 so that it is in accordance with the text below and authorises the fixing of Council's seal in order to make the *Facilities and Highways By-Law Number 1 of 2021*:
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19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

LAUNCESTON CITY COUNCIL

FACILITIES AND HIGHWAYS BY-LAW NUMBER 1 OF 2021

A by-law made under section 145 of the *Local Government Act 1993* (Tas) to control, regulate and protect facilities and local highways throughout the municipal area of the Launceston City Council.

PART 1 – PRELIMINARY

1 Short Title

- (1) This by-law may be cited as the Facilities and Highways By-Law Number 1 of 2021.

2 Application

- (1) This by-law applies to all Facilities and Local Highways in the municipal area of the Launceston City Council.

3 Interpretation

- (1) This by-law is not intended to interfere with the cultural activities of the Tasmanian Aboriginal community, nor with the cultural activities of any other peoples.
- (2) In this by-law, unless the contrary intention appears:

"Abandoned" means:

- (a) in relation to objects or material, any objects or materials that appear to an Authorised Officer to have been discarded by the owner and that, in the opinion of the Authorised Officer, have a negligible market value apart from scrap value;
- (b) in relation to a Vehicle, any Vehicle which:
- (i) has been left parked or stationary at any Facility for a period in excess of 48 hours;
 - (ii) is unreasonably obstructing the public use of a Facility; or
 - (iii) is parked or used in breach of this by-law;
-

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

"Aquatic Centre" includes Launceston Aquatic, the Lilydale District Swimming Pool, the Basin Swimming Pool, and any other swimming related facility or building controlled or managed by the Council;

"Authorised Officer" means an employee of the Council authorised in writing by the Council for the purposes of this by-law;

"CCTV" means any visual surveillance and recording technology system with the capability to monitor environments and activities;

"Chief Executive Officer" means the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas);

"Closed Area" means any closed Facility or part of a Facility that has been closed under clause 17;

"Commercial Activity" means any activity which relates to the provision of goods and services and includes:

- (a) the promotion of an undertaking that provides goods and services;
- (b) distributing or arranging to distribute or affixing to any Council property any type of advertisement, book, card, notice, pamphlet, print, paper, sign billboard or placard for any purpose;
- (c) organised instructing or coaching at an Aquatic Centre;
- (d) the placement of a skip bin;
- (e) the placement of security fencing, hoarding, shipping containers, site office or site amenities associated with the use of development of the adjacent land;

whether the person is remunerated or not;

"Council" means the Launceston City Council;

"Crossing" means a vehicular crossing or pedestrian path over a table-drain, gutter, or footpath at or opposite the entrance to land adjoining the highway that is intended primarily for ingress or egress from that land.

"Damage" includes:

- (a) to destroy, tamper with, remove, mark, write on, deface or in any other way injure;
-

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

- (b) collect or remove any wood or timber;
- (c) open or keep open an entrance to a Public Reserve; and
- (d) place or dump objects or materials;

without the permission of an Authorised Officer;

"Facility" means a Public Reserve, Aquatic Centre, or York Park Stadium;

"Fee Unit" means the sum as prescribed under the provisions of the *Fee Unit Act 1997* (Tas);

"Local Highway" has the same meaning as under the *Local Government (Highways) Act 1982* (Tas) and also includes a Mall as defined by this by-law;

"Mall" means the areas listed in Schedule 2;

"Nuisance" means:

- (a) causing Damage to a tree, shrub or any other thing;
- (b) climbing on to a roof or fence in a Facility;
- (c) lighting a fire other than in a fireplace provided by the Council for public use;

where the Council or an Authorised Officer has not given written approval for that activity to occur in a Facility or Local Highway.

"Parking Area" means an area at a Facility allocated by the Council for parking of Vehicles;

"Person" means an individual, corporation or other legal entity (other than the Crown);

"Permit" means:

- (a) a current permit or other written approval granted pursuant to this by-law; or
 - (b) any permit, licence or written approval granted pursuant to another by-law, including a by-law which has been repealed, providing that:
 - (i) if the permit, licence or written approval was issued for a certain time period, that time period has not expired; or
-

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

- (ii) if the permit, licence or written approval was issued for a certain event, that event has not yet taken place;

“Public Reserve” means a reserve, rockery, area of bushland, planted embankment, nature strip, median strip, plantation, sports ground, park, flood levee or garden usually open to the public and under the control and management of the Council;

“Polluting Substance” means in any Aquatic Centre:

- (a) blood;
- (b) faeces;
- (c) detergents;
- (d) food and beverages;
- (e) urine;
- (f) vomit; or,
- (g) any other substance deemed to be a polluting substance by an Authorised Officer.

“Skip Bin” means any container that has a capacity in excess of 240 litres that is designed primarily for the collection and removal of waste or recyclable materials.

“Vehicle” means a vehicle as defined in section 3(1) of the *Traffic Act 1925* (Tas).

“York Park Stadium” means the area within the boundaries as marked on the map in Schedule 3.

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

PART 2 - USE OF FACILITIES**4 Driving of Vehicles**

- (1) Subject to subclause (2) a person must not drive a Vehicle in a Facility.

Penalty: a fine not exceeding 5 penalty units.

- (2) A person does not commit an offence contrary to subclause (1) if a bicycle, trail bike, tricycle, skateboard, skates or other Vehicle is used:

- (a) by an emergency service;
- (b) on a road, parking space, path or track provided for such Vehicles within a Facility, unless signs or notice boards indicate that such use is not allowed; or
- (c) with the written permission of an Authorised Officer.

- (3) Subject to subclause (4) a person must not drive a Vehicle in a Mall.

Penalty: a fine not exceeding 5 penalty units.

- (4) A person does not commit an offence contrary to subclause (3) if a bicycle, trail bike, tricycle, skateboard, skates or other Vehicle is used:

- (a) by an emergency service;
- (b) in accordance with any sign or notice board allowing such use; or
- (c) with the written permission of an Authorised Officer.

5 Unsafe Driving in a Facility

- (1) Except for emergency Vehicles, a person permitted to drive a Vehicle in a Facility must:

- (a) enter or leave by an access point identified by signage, or as otherwise directed by an Authorised Officer;
 - (b) not cause the Vehicle to enter or remain in a Parking Area closed pursuant to clause 17;
 - (c) drive at a safe speed not in excess of five kilometres per hour unless otherwise authorised by an Authorised Officer; and
-

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

(d) not abandon a Vehicle.

Penalty: a fine not exceeding 5 penalty units.

6 Unauthorised Commercial Activity

- (1) A person must not engage in Commercial Activity in a Facility or on a Local Highway without a Permit or other authorisation granted by the Council.

Penalty: a fine not exceeding 10 penalty units.

7 Unauthorised objects to facilitate Commercial Activity

- (1) A person must not cause or permit the installation of any furniture, building, booth or other structure that will facilitate Commercial Activity in a Facility or on a Local Highway except under the conditions of a Permit or as otherwise authorised.

Penalty: a fine not exceeding 10 penalty units and for a continuing offence, a further daily fine not exceeding 1 penalty unit.

8 Public speaking, concerts and similar activities

- (1) In a Facility or on a Local Highway, a person must not conduct, arrange, or participate in:

- (a) subject to clause 8(2), a function, party, reception, assembly, concert or informal social gathering;
- (b) an organised sport, contest, or game;
- (c) public speaking, including preaching; or
- (d) busking, selling raffle tickets or taking up collection of money;

without a Permit.

Penalty: a fine not exceeding 5 penalty units.

- (2) Subject to clause 20, for the purpose of clause 8(1) a person may conduct, arrange or participate in a function, party, reception, assembly, concert or informal social gathering in a Public Reserve without written permission from an Authorised Officer if the gathering does not:
-

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

- (a) involve more than 50 people participating at any time;
- (b) obstruct, or interfere with the passive, incidental use and enjoyment of the Public Reserve by other members of the public;
- (c) use an area which is notified as, or indicated by signs and barriers to be, a reserved or Closed Area; and
- (d) involve the other activities referred to in clause 8(1)(b), (c) or (d).

9 Dogs and other animals

- (1) A person must not possess or have under his or her control an animal in a Facility, except:
 - (a) a dog in a Public Reserve being exercised in conformity with the *Dog Control Act 2000* (Tas);
 - (b) a horse being ridden in a Public Reserve area where Council notices or signs state that such use is allowed;
 - (c) a guide dog as defined by the *Guide Dogs and Hearing Dogs Act 1967* (Tas) or an assistance animal as defined in the *Disability Discrimination Act 1992* (Cth); or
 - (d) with the written permission of an Authorised Officer.

Penalty: a fine not exceeding 5 penalty units.

10 Nuisance

- (1) A person must not create or cause a Nuisance in a Facility or Local Highway.

Penalty: a fine not exceeding 5 penalty units.

11 Misuse of change room and public toilet

- (1) A person must not in a Facility or Local Highway, if that person is over the age of ten years, enter a change room or public toilet reserved for the use of people of the opposite sex, except to help a child under that person's care, or someone who is injured, elderly or disabled.

Penalty: a fine not exceeding 10 penalty units.

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

12 Ground Invasion

- (1) A person must not enter onto the playing arena of York Park Stadium except:
- (a) while participating in an organised activity where the Council approved event organisers have invited the person to enter the playing area;
 - (b) as part of that person's employment with the Council or an emergency service;
or
 - (c) with the written permission of an Authorised Officer.

Penalty: a fine not exceeding 20 penalty units.

13 Polluting Substance in an Aquatic Centre

- (1) A person must not put any Polluting Substance in a pool of an Aquatic Centre.

Penalty: a fine not exceeding 5 penalty units.

14 Infection or a contagious disease in an Aquatic Centre

- (1) A person who has an infection or a contagious disease or skin complaint must not enter a pool or waterslide in an Aquatic Centre.

Penalty: a fine not exceeding 5 penalty units.

15 Objects on a Local Highway or Facility

- (1) A person must not deposit or allow to be deposited on a Local Highway or Facility any:

- (a) soil, gravel or other material;
- (b) structure; or
- (c) other object,

in a manner that an Authorised Officer determines may interfere with the amenity, comfort, convenience, or safety of the public.

Penalty: a fine not exceeding 5 penalty units.

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

PART 3 - POWERS OF AUTHORISED OFFICERS AND ENFORCEMENT**16 Occupying Facility or Local Highway without a Permit**

- (1) A person must not occupy any part of a Facility or Local Highway unless the person is occupying the Local Highway in accordance with a Permit or other authorisation granted by the Council for the relevant land.

Penalty: a fine not exceeding 5 penalty units.

17 Closure of Facility

- (1) An Authorised Officer may from time to time, and for such temporary period as he or she determines, close all or any part of a Facility, to members of the public.

18 Entering or remaining in a closed Facility

- (1) A person must not enter, or remain in, any Closed Area, without the written permission of an Authorised Officer.

Penalty: a fine not exceeding 5 penalty units.

19 Making Good

- (1) An Authorised Officer may take any reasonable measure to restore a Facility or Parking Area to its original condition after a breach of this by-law including:

- (a) remove any structure, sign, notice or other object;
 - (b) require a person to undertake works to rectify any Council property which has been subject to Damage due to that person's acts or omissions; and
 - (c) if the Authorised Officer is an employee of the Council, remove any Abandoned object or materials, or Abandoned Vehicle and:
 - (i) take it to a safe place and keep it there until the penalty, removal and storage charges have been paid; and
 - (ii) if the object or material, or Vehicle has not been collected for a period of 28 days, or if the owner of the Vehicle cannot be located after a period of 28 days, the object or material, or Vehicle may be disposed of in any manner the Council sees fit.
-

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

- (2) Where in the opinion of the Authorised Officer it appears likely that an Abandoned object may have been stolen the Authorised Officer must seek to contact Tasmania Police and seek further directions prior to disposal.
- (3) The Council may use the proceeds of disposal to pay any outstanding penalty, or removal or storage costs, but if the proceeds of disposal exceed the amount of the expenses, the Council must hold those balance proceeds for a period of six months from the date of disposal and, if not claimed by the owner during that period, then dispose of the balance as the Council sees fit.
- (4) In addition to a penalty imposed or remedy granted against a person in relation to a failure to comply with this by-law, any expense incurred by the Council in consequence of that failure or contravention, including the costs of rectification work, is recoverable by the Council as a debt payable by the person in contravention.

20 Refusal of admission and removal

- (1) If a person engages in conduct which is reasonably believed by the Authorised Officer to be in breach of this by-law, or a Nuisance, an Authorised Officer may either:
 - (a) refuse to admit a person to a Facility;
 - (b) require a person to leave a Facility for a specified length of time;
 - (c) issue a prohibition notice banning a person from entering a Facility for the period of the ban; or
 - (d) if the Authorised Officer is an employee of the Council, remove any person from a Facility.
 - (2) A person who has been banned from using a Facility for a period of time must not enter that Facility during that period.

Penalty: a fine not exceeding 5 penalty units.
 - (3) A police officer may arrest without warrant a person who:
 - (a) he or she believes on reasonable grounds to have committed an offence against this by-law; and
 - (b) is on land owned by, or under control of the Council.
-

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

- (4) The Council may prosecute a person for breach of this by-law if the person does not leave a Facility after having been requested to do so.

21 Closed Circuit Television

- (1) A person who enters a Facility or Local Highway may have their image recorded and disclosed for investigatory and management purposes.

22 Assistance of Police Officers

- (1) A Police Officer is authorised to:
- (a) assist an Authorised Officer to carry out an action under clause 20(1)(d) of this by-law;
 - (b) remove any person from a Facility whom the Police Officer reasonably believes has committed or is committing an offence under this by-law; and
 - (c) arrest any person who is in a Facility whom the Police Officer reasonably believes has committed or is committing an offence under this by-law.

PART 4 - PERMITS**23 Permits**

- (1) Subject to Part 12 Division 1 of the *Local Government Act 1993* (Tas), the Chief Executive Officer may, grant, cancel or vary a Permit to temporarily occupy part or all of a Facility or Local Highway in accordance with this by-law.
- (2) A permit cannot be issued under this by-law for any permit, licence, use, activity, hiring or occupation of a Facility or Local Highway for which there is already a fee set by Council pursuant to section 205 of the *Local Government Act 1993* (Tas).
- (3) An application for a Permit for Commercial Activity for the supply of food in a Facility or on a Local Highway cannot be refused solely on the grounds that the activity will compete with existing businesses.
-

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

24 Applications

- (1) Any application for a Permit pursuant to this by-law is to be:
 - (a) in accordance with any form approved by the Chief Executive Officer;
 - (b) accompanied by the relevant prescribed fee per application set out in Schedule 4 to this by-law, if any; and
 - (c) where applicable, must be accompanied by the following:
 - (i) a statement in writing of the type of activity proposed to be undertaken by the applicant and the period in which it is proposed to be carried out;
 - (ii) a scaled drawing showing the location and extent of the proposed activity;
 - (iii) approvals from relevant authorities;
 - (iv) evidence of current public liability insurance or other relevant insurance; and
 - (v) such other information that the Chief Executive Officer may reasonably require.
 - (2) In deciding whether or not to grant a Permit pursuant to this by-law, the Chief Executive Officer may have regard to the following and any other relevant matters:
 - (a) the type of activity proposed;
 - (b) the location of that activity;
 - (c) the impact of the proposed activity on public safety, the environment and amenity; and
 - (d) any comments made by any employee of the Council or by a Police Officer in relation to the application.
 - (3) If an application for a Permit is refused, reasons are to be provided.
-

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

25 Variation of Permit conditions

- (1) The Chief Executive Officer may vary the conditions of any Permit if they consider it is appropriate to do so.
- (2) If the conditions of any Permit are varied pursuant to clause 25(1), the Chief Executive Officer must serve a notice in writing on the Permit holder stating:
 - (a) the conditions of the Permit are varied; and
 - (b) the reason or reasons for the variation of the Permit conditions.
- (3) The conditions of a Permit will be varied from the date of service of the notice of the variation.

26 Cancellation of Permits

- (1) The Council or the Chief Executive Officer may cancel any Permit if satisfied that:
 - (a) a Permit holder has breached any of Council's by-laws; or
 - (b) a Permit holder has breached a term or condition of the Permit.
- (2) If a Permit is cancelled pursuant to clause 26(1), the Chief Executive Officer must serve a notice in writing on the Permit holder stating:
 - (a) the Permit is cancelled; and
 - (b) the reason or reasons for the cancellation.
- (3) Cancellation of any Permit is effective from the date of service of the notice of the cancellation.
- (4) Nothing in this by-law is to be construed as preventing or prohibiting the Council from cancelling any Permit if required due to the exercise or intended exercise of any local government function, power, right or duty.

27 Notices

- (1) For the purposes of clauses 25(3) and 26(3), a notice may be served in any of the following ways:
 - (a) on the holder of the Permit personally;
-

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

- (b) by email or ordinary post to the last known address of the Permit holder; or
 - (c) by notice being given in the public notice section of a newspaper circulating in the Launceston City Council municipal area.
- (2) The date of service of a notice will be:
- (a) if the holder of the Permit was served by ordinary post, five business days from the date the notice was posted; or
 - (b) if the notice was given in a newspaper, the date of the publication of that newspaper; or
 - (c) if the holder of a Permit was served by email, the day after the email was sent.

PART 5 – INFRINGEMENT NOTICES

28 Infringement notices and fines

- (1) In this clause –
- "specified offence"** means an offence against a clause specified in Column 1 of Schedule 1.
- (2) An authorised officer may issue an infringement notice to a person in respect of a specified offence and the monetary penalty payable under the infringement notice for that specified offence is the applicable sum set out adjacent to the offence in Column 3 of Schedule 1 to this By-Law.
- (3) An Authorised Officer may:
- (a) issue an infringement notice to a person that the Authorised Officer has reason to believe is guilty of a specified offence;
 - (b) issue one infringement notice in respect of more than one specified offence.
- (4) The *Monetary Penalties Enforcement Act 2005* (Tas) applies to an infringement notice issued under this by-law.
- (5) In addition to any other method of service, an infringement notice alleging that a Vehicle has been used in relation to a specified offence may be served by affixing it to that Vehicle.
-

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

- (6) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
- (a) pay the monetary penalty in full to the Chief Executive Officer;
 - (b) apply to the Chief Executive Officer for withdrawal of the infringement notice;
 - (c) apply to the Chief Executive Officer for a variation of payment conditions; or
 - (d) lodge with the Chief Executive Officer a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
- (7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.
-

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

Schedule 1 Infringement Notice Offences

1: Clause	2: General Description of Offence	3: Penalty (Penalty Units)
4(1)	Driving a Vehicle in a Facility	1
4(3)	Driving a Vehicle in a Mall	1
5(1)	Unsafe Driving in a Facility	1
6(1)	Unauthorised Commercial Activity	2
7(1)	Unauthorised objects to facilitate Commercial Activity	2
8(1)	Engaging in unauthorised activity	1
9(1)	Unauthorised animals	1
10(1)	Nuisance	1
11(1)	Entering change rooms	2
12(1)	Ground Invasion	4
13(1)	Introduction of Polluting Substances into an Aquatic Centre	1
14(1)	Use of Pool with Infectious Disease	1
15(1)	Objects on a Local Highway or Facility	1
16(1)	Occupying a Local Highway or Facility without a Permit	1
18(1)	Entering or remaining in closed Facility	1
20(2)	Re-entering Facility	1

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

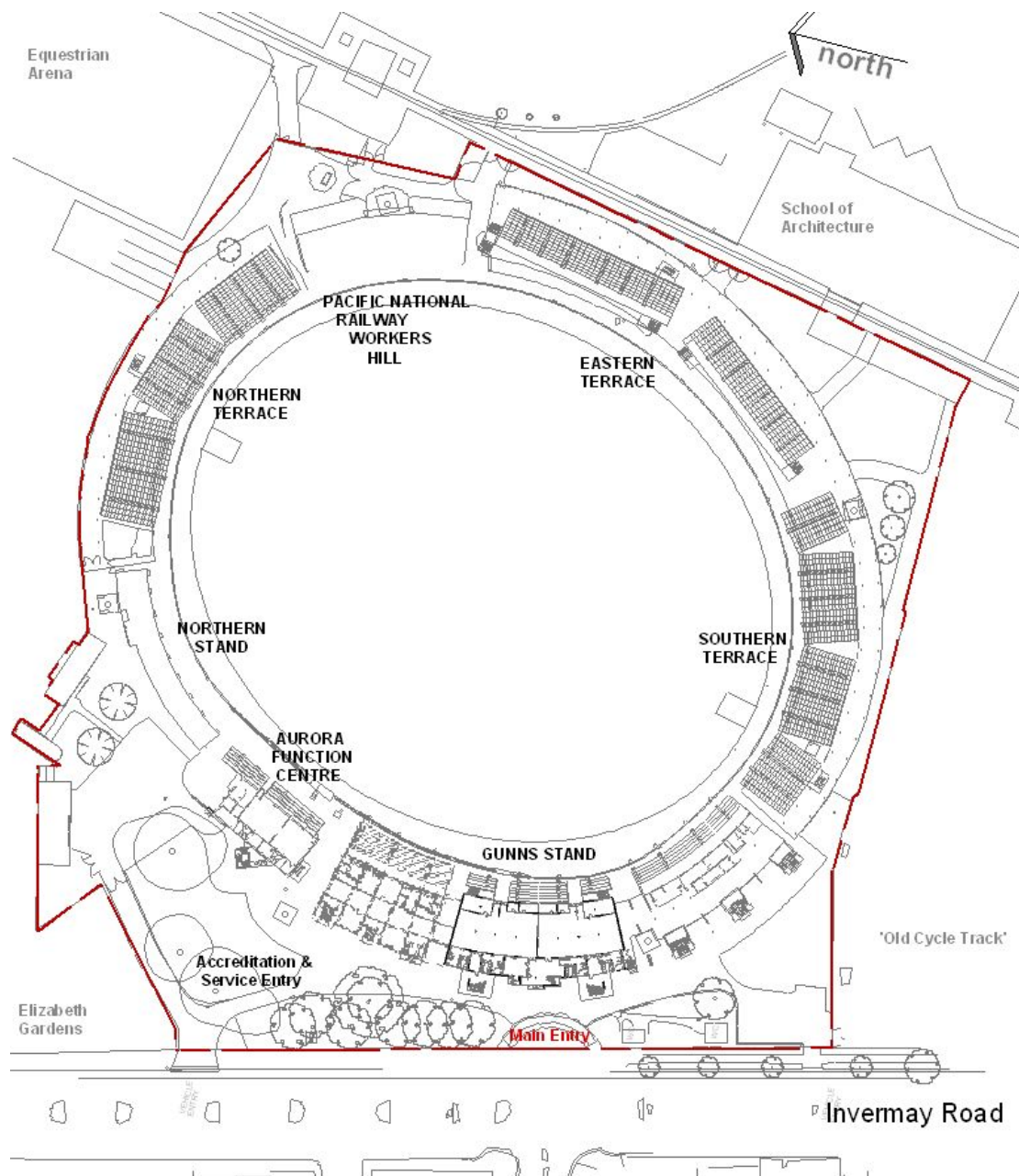
Schedule 2 - Malls in which the By-Law applies

- | | | |
|---|----------------------|---|
| 1 | Brisbane Street Mall | Between Charles and St John Streets. |
| 2 | The Quadrant Mall | The Quadrant between Brisbane Street and St John Street. |
| 3 | Civic Square | Cameron Street between Charles Street and St John Street. |
| 4 | The Avenue | The area from the shop front to the kerb edge of the widened footpath in Brisbane Street between St John Street and George Streets. |
| 5 | Charles Street | The area from the shop front to the kerb edge of the widened footpath in Charles Street between Paterson and York Streets. |
| 6 | St John Street | The area from the shop front to the kerb edge of the widened footpath in St John Street between Paterson and York Streets. |
-

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

Schedule 3

York Park Stadium



19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

Schedule 4**Prescribed Fees**

Number	Fee Name	Fee (Fee Units)

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

The Common Seal of the Launceston City Council has been placed on this document pursuant to a resolution of Council on the day of 2021 in the presence of me:

.....
Albert Van Zetten
MAYOR

Certified as being made in accordance with *Local Government Act 1993* (Tas).

.....
Michael Stretton
CHIEF EXECUTIVE OFFICER
being the General Manager as appointed by Council
pursuant to section 61 of the
Local Government Act 1993 (Tas)

Certified as being in accordance with the law.

.....
Nathan Street
LEGAL PRACTITIONER

REPORT:

On 9 July 2020, Council passed a resolution that it intended to make a new by-law generally in the terms of the draft Facilities and Local Highways By-Law No 1 of 2020. The draft by-law is found in the Recommendation of the Agenda Item passed by Council on 9 July 2020, with an extract also stored on the Council's electronic management system (Doc Set ID No 4505227).

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

Following the decision of Council, on 2 September 2020 the Minister for Local Government provided qualified approval to make the by-law pursuant as required by section 24(2)(a) of the *Launceston Flood Risk Management Act 2016* (Tas). Those qualifications related to the approval only applying to the extent that the draft substantially corresponds to the final by-law, and that any changes do not affect flood risk. The approval also required the regulatory impact statement to take into account the *Emergency Management Act 2006* (Tas) and the City of Launceston Municipal Emergency Management Plan. Finally, the approval was on the basis that the by-law would not extend beyond the Launceston municipal area. These three qualifications have been complied with and accordingly Council has the relevant ministerial approval to make the by-law.

On 20 January 2021, the Director of Local Government issued a Section 156A Certificate which certified the relevant Regulatory Impact Statement as being satisfactory and that the Council could commence the public consultation process.

On 3 February 2021, the Council commenced its public consultation process in respect of the by-law. This process involved a public notice being placed in the *Examiner* Newspaper on 3 February 2021. The notice was also on display in the Customer Service Centre until 24 May 2021. Relevant documents were made publicly available on the Council's website and on request at the Customer Service Centre.

The Council's Officers wrote to 17 identified stakeholders via email inviting them to make a submission or otherwise provide advice or feedback. Those stakeholders included Tasmania Police, The Anti-Discrimination Commission, Headspace, Migrant Resource Centre and the Tasmanian Aboriginal Centre.

Public Submission Assessment

The Council received one submission as part of the consultation process which is located at Attachment 1. In respect of each of the matters raised in that submission, the following assessment is made:

Submission: There is a discrepancy between the body of the by-law and the table as it applies to penalty units.

Response: The "discrepancy" is explained by the fact that the fine mentioned within the body of the by-law applies if the matter is prosecuted, whereas the penalty unit mentioned in Schedule 1 is the infringement notice fee that is payable if the matter is dealt with by infringement notice rather than prosecution.

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

Submission: Paragraph 9 questions whether COVID-19 should be included in the interpretation section of "polluting substance" at clause 3.

Response: Sub-clause (g) of that definition allows an authorised officer to deem a substance a polluting substance, such that a specific reference to COVID-19 in the definition is unnecessary. This sub-clause provides flexibility to respond to changes as required.

Submission: "Damage" appears in the interpretation section but not later in the by-law

Response: The definition of "nuisance" in clause 3 has been clarified to include "causing damage to a tree, shrub *or any other thing*". Accordingly, wherever nuisance is mentioned in the by-law, it will include damage to any other thing.

Submission: The Mall is not mentioned in the body of the by-law beyond clause 4(3) and should appear in similar circumstances as references to Facilities.

Response: Mall is included in the definition of Local Highway, and clause 10 has been further clarified to include a prohibition on causing a nuisance in a Local Highway.

Submission: Schedule 4 is blank (prescribed fees)

Response: Schedule 4 is intentionally blank. If Council determines to charge fees it will be necessary to amend the by-law in accordance with the legislated requirements under the *Local Government Act 1993* (Tas).

In response to the more broad concerns raised about the Council's role in moderating behaviour in the Mall and other facilities, it is noted that the by-law is deliberately tailored to the specialised needs of the Council in a way that minimises the impacts on individuals' otherwise lawful activities. The by-law is complementary to those powers that are otherwise available to the Council and other bodies under legislation including the *Local Government Act 1993* (Tas) and the *Police Offences Act 1925* (Tas).

In response to availability of guidelines, relevant supporting information will be made available following the making of the by-law.

Recommended Alterations and the By-Law Making Process

The proposed alterations included in the final version of the by-law at Recommendation 3. addresses the submission received and involves some other small grammatical and referencing changes to ensure that the by-law is fit for purpose.

The proposed alterations are identified in a marked up version of the by-law at Attachment 1. It should be noted that there are some formatting and referencing issues including those at clauses 4(3), 4(4), 8(2)(b) and the sealing page of the marked up version. Those issues have been rectified in the final version of the by-law at Recommendation 3. under consideration, but have not been tracked.

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

If Council approves the Recommendations, the Council's Officers will arrange for the Mayor to apply Council's seal to and date the by-law, after which time it will be certified as required by section 162 of the *Local Government Act 1993* (Tas).

The Council's Officers will ensure that all remaining legislative and administrative requirements are met, including publication of the by-law in the *Gazette*, the provision of relevant information to the Director of Local Government and the tabling of the by-law in both Tasmanian Houses of Parliament.

The *Facilities and Highways By-Law Number 1 of 2021* will commence on the day it is published in the *Gazette*.

ECONOMIC IMPACT:

The economic impacts of the by-law are minimal. Readers are referred to the Regulatory Impact Statement published as part of the public consultation process and available on request to the Customer Service Department.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Without the by-law there would be a net cost to the community arising from risks to health, anti-social behaviour, and loss of amenity on the Council's owned and managed facilities and local highways.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Priority Area 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 Area -

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

BUDGET & FINANCIAL ASPECTS:

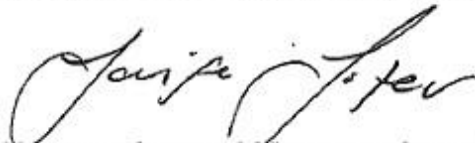
Not considered relevant to this report.

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(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. Public Submission Received
 2. Mark-up of Proposed Alterations
-

Attachment 1 - Public Submission Received

Launceston City Council
LAUNCESTON TAS 7250

26th February 2021

Dear Sir / Madam,

Submission on Proposed Facilities and Highways By-Law

Although we have a 20 year presence in the Brisbane St. Mall and perhaps well placed to provide helpful comments in respect of purely practical matters, we have no legal background.

This submission is largely confined, therefore, to general observations and questions.

I have noticed some aspects of the proposed Facilities and Highways By-Law, as I observed with the drafting of the 2010 Mall By-Law (and commented upon) with respect to anti-social behaviour in the Brisbane St. Mall, some clauses are again removed with the intention being that police under the Police Offences Act take these roles from council.

Now with the amalgamation of 4 by-laws I note a not only a diminished role for council, but less focus on a particular place leading to generalities of behaviour to be regulated.

Upon first reading the document I was impressed, but closer inspection raised the following questions which I would hope that council could explain to me please.

Throughout the document penalty units are in units of no less than 5, 10 or 20 but Schedule 1 lists a table mostly of 1 penalty unit, occasionally 2 and one 4. Why is there a discrepancy in the rate as given in the body document versus the table please?

Indeed Ground Invasion is in one place 20 penalty units and only 4 in the table schedule.

With 1 penalty unit standing today at \$172, I would have expected to see the units given in a quantum to more accurately reflect where there is a significant cost to be borne by council.

Should being infected with the illness COVID-19 not be sited in the "Interpretation" as a "Polluting Substance"?

'Damage' appears as a matter in Interpretation but I could not find where it is subsequently mentioned. Therefore, in Part 2 – USE OF FACILITIES, should "Damage" not be a subject as it is with say "10 Nuisance A person must not create or cause Damage in a Facility"?

While "Mall" is defined in the Interpretation distinctly from "Facility" being a Public Reserve, Aquatic Centre, or York Park Stadium, I could not find where 'Mall' is mentioned under Part 2 – USE OF FACILITIES excepting for a single mention in 4(3) this by-law relates only that defined as "Facility".

Should therefore, "Mall" not appear in quite a number of the circumstances more akin to where the term "Facility" is cited?

Can you assure us that this by-law will stand up and protect the enjoyment for all in the Mall in the face of the sustained preaching of a twisted version of Christianity as that befell us from Mr. [REDACTED]?

I notice that with such heavy amalgamation of past by-laws, there is now a lack of specificity.

The section 24 Applications (1)(b) talks of Schedule 4 but this document has not been published.

A 'Bookings and usage guidelines for the Brisbane St, Quadrant Mall and Civic Square' have been missing from the council's website for some time and should be available.

Yours faithfully,
Robert Smith.

Attachment 2 - Mark-up of Proposed Alterations**LAUNCESTON CITY COUNCIL****FACILITIES AND HIGHWAYS
BY-LAW NO. 1 OF 20~~0~~1**

A by-law made under section 145 of the *Local Government Act 1993* (Tas) to control, regulate and protect facilities and local highways throughout the municipal area of the Launceston City Council.

PART 1 – PRELIMINARY**1 Short Title**

- (1) This by-law may be cited as the Facilities and Highways By-Law Number 1 ~~of~~ of 2020~~0~~1.

2 Application

- (1) This by-law applies to all Facilities and Local Highways in the municipal area of the Launceston City Council.

3 Interpretation

- (1) This by-law is not intended to interfere with the cultural activities of the Tasmanian Aboriginal community, nor with the cultural activities of any other peoples.

- (2) In this by-law, unless the contrary intention appears:

"Abandoned" means:

- (a) in relation to objects or material, any objects or materials that appear to an Authorised Officer to have been discarded by the owner and that, in the opinion of the Authorised Officer, have a negligible market value apart from scrap value;
- (b) in relation to a Vehicle, any Vehicle which:
- (i) has been left parked or stationary at any Facility for a period in excess of 48 hours;
- (ii) is unreasonably obstructing the public use of a Facility; or
- (iii) is parked or used in breach of this by-law;

"Aquatic Centre" includes Launceston Aquatic, the Lilydale District Swimming Pool, the Basin Swimming Pool, and any other swimming related facility or building controlled or managed by the Council;

"Authorised Officer" means an employee of the Council authorised in writing by the Council for the purposes of this by-law;

"CCTV" means any visual surveillance and recording technology system with the capability to monitor environments and activities;

"Chief Executive Officer" means the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas);

"Closed Area" means any closed Facility or part of a Facility that has been closed under clause 17;

"Commercial Activity" means any activity which relates to the provision of goods and services and includes:

- (a) the promotion of an undertaking that provides goods and services;
- (b) distributing or arranging to distribute or affixing to any Council property any type of advertisement, book, card, notice, pamphlet, print, paper, sign billboard or placard for any purpose;
- (c) organised instructing or coaching at an Aquatic Centre;
- (d) the placement of a skip bin;
- (e) the placement of security fencing, hoarding, shipping containers, site office or site amenities associated with the use of development of the adjacent land;

whether the person is remunerated or not;

"Council" means the Launceston City Council;

"Crossing" means a vehicular crossing or pedestrian path over a table-drain, gutter, or footpath at or opposite the entrance to land adjoining the highway that is intended primarily for ingress or egress from that land.

"Damage" includes:

- (a) to destroy, tamper with, remove, mark, write on, deface or in any other way injure;
- (b) collect or remove any wood or timber;
- (c) open or keep open an entrance to a Public Reserve; and
- (d) place or dump objects or materials;

without the permission of an Authorised Officer;

"Facility" means a Public Reserve, Aquatic Centre, or York Park Stadium;

"Fee Unit" means the sum as prescribed under the provisions of the *Fee Unit Act 1997* ([Tas](#));

"Local Highway" has the same meaning as under the *Local Government (Highways) Act 1982* (Tas) and [also](#) includes a Mall as defined by this by-law;

"Mall" means the areas listed in Schedule 2;

"Nuisance" means:

- (a) causing Damage to a tree, shrub or [otherwise any other thing](#);
- (b) climbing on to a roof or fence in a Facility;
- (c) lighting a fire other than in a fireplace provided by the Council for public use;

where the Council or an Authorised Officer has not given written approval for that activity to occur in a Facility [or Local Highway](#).

"Parking Area" means an area at a Facility allocated by the Council for parking of Vehicles;

"Person" means an individual, corporation or other legal entity (other than the Crown);

"Permit" means:

- (a) a current permit or other written approval granted pursuant to this by-law; or
- (b) any permit, licence or written approval granted pursuant to another by-law, including a by-law which has been repealed, providing that:
 - (i) if the permit, licence or written approval was issued for a certain time period, that time period has not expired; or
 - (ii) if the permit, licence or written approval was issued for a certain event, that event has not yet taken place;

"Public Reserve" means a reserve, rockery, area of bushland, planted embankment, nature strip, median strip, plantation, sports ground, park, flood levee or garden usually open to the public and under the control and management of the Council;

"Polluting Substance" means in any Aquatic Centre:

- (a) blood;
-

- (b) faeces;
- (c) detergents;
- | (d) food and beverages; ~~or~~
- (e) urine;
- | (f) vomit; or,
- (g) any other substance deemed to be a polluting substance by an Authorised Officer;

"Skip Bin" means any container that has a capacity in excess of 240 litres that is designed primarily for the collection and removal of waste or recyclable materials.

"Vehicle" means a vehicle as defined in section 3(1) of the *Traffic Act 1925* (Tas);

| "~~University of Tasmania Stadium~~York Park Stadium" means the area within the boundaries as marked on the map in Schedule 3.

PART 2 - USE OF FACILITIES

4 Driving of Vehicles

- (1) Subject to subclause (2) a person must not drive a Vehicle in a Facility.
Penalty: a fine not exceeding 5 penalty units.
- (2) A person does not commit an offence contrary to subclause (1) if a bicycle, trail bike, tricycle, skateboard, skates or other Vehicle is used:
 - (a) by an emergency service;
 - (b) on a road, parking space, path or track provided for such Vehicles within a Facility, unless signs or notice boards indicate that such use is not allowed; or
 - (c) with the written permission of an Authorised Officer.
- | (3) Subject to subclause ~~(1)~~(4) a person must not drive a Vehicle in a Mall.
Penalty: a fine not exceeding 5 penalty units.
- | (4) A person does not commit an offence contrary to subclause ~~(1)~~(3) if a bicycle, trail bike, tricycle, skateboard, skates or other Vehicle is used:

- (a) by an emergency service;
- (b) in accordance with any sign or notice board allowing such use; or
- (c) with the written permission of an Authorised Officer.

| **5 Unsafe Driving in a Facility *Activity***

- (1) Except for emergency Vehicles, a person permitted to drive a Vehicle in a Facility must:
- (a) enter or leave by an access point identified by signage, or as otherwise directed by an Authorised Officer;
 - (b) not cause the Vehicle to enter or remain in a Parking Area closed pursuant to clause 17;
 - (c) drive at a safe speed not in excess of five kilometres per hour unless otherwise authorised by an Authorised Officer; and
 - (d) not abandon a Vehicle.

Penalty: a fine not exceeding 5 penalty units.

6 Unauthorised Commercial Activity

- (1) A person must not engage in Commercial Activity in a Facility or on a Local Highway without a Permit or other authorisation granted by the Council.

Penalty: a fine not exceeding 10 penalty units.

7 Unauthorised objects to facilitate Commercial Activity

- (1) A person must not cause or permit the installation of any furniture, building, booth or other structure that will facilitate Commercial Activity in a Facility or on a Local Highway except under the conditions of a Permit or as otherwise authorised.

Penalty: a fine not exceeding 10 penalty units and for a continuing offence, a further daily fine not exceeding 1 penalty unit.

8 Public speaking, concerts and similar activities

- (1) In a Facility or on a Local Highway, a person must not conduct, arrange, or participate in:
- (a) subject to clause 8(2), a function, party, reception, assembly, concert or informal social gathering;

- (b) an organised sport, contest, or game;
 - (c) public speaking, including preaching; or
 - (d) busking, selling raffle tickets or taking up collection of money;
- without a Permit.

Penalty: a fine not exceeding 5 penalty units.

- (2) Subject to clause 20, for the purpose of clause 8(1) a person may conduct, arrange or participate in a [function, party, reception, assembly, concert or a](#) informal social gathering in a Public Reserve without written permission from an Authorised Officer if the gathering does not:

- (a) involve more than 50 people participating at any time;
- (b) obstruct, or interfere with the passive, incidental use and enjoyment of the Public Reserve by other members of the public;
- (c) use an area which is notified as, or indicated by signs and barriers to be, a reserved or Closed Area; and
- (d) involve the other activities referred to in clause 8(1)(~~1(b)(b)~~, [\(1\)\(c\)\(e\)\(1\)\(d\)](#)-or-(~~d~~).

9 Dogs and other animals

- (1) A person must not possess or have under his or her control an animal in a Facility, except:
- (a) a dog in a Public Reserve being exercised in conformity with the *Dog Control Act 2000* (Tas);
 - (b) a horse being ridden in a Public Reserve area where Council notices or signs state that such use is allowed;
 - (c) a guide dog as defined by the *Guide Dogs and Hearing Dogs Act 1967* (Tas) or an assistance animal as defined in the *Disability Discrimination Act 1992* (Cth); or
 - (d) with the written permission of an Authorised Officer.

Penalty: a fine not exceeding 5 penalty units.

10 Nuisance

- (1) A person must not create or cause a Nuisance in a Facility [or Local Highway](#).

Penalty: a fine not exceeding 5 penalty units.

11 Misuse of change room and public toilet

- (1) A person must not in a Facility or Local Highway, if that person is over the age of ten years, enter a change room or public toilet reserved for the use of people of the opposite sex, except to help a child under that person's care, or someone who is injured, elderly or disabled.

Penalty: a fine not exceeding 10 penalty units.

12 Ground Invasion

- (1) A person must not enter onto the playing arena of York Park Stadium except:

(a) while participating in an organised activity where the Council approved event organisers have invited the person to enter the playing area;

(b) as part of that person's employment with [the Council](#) [or an emergency service](#); or

(c) with the written permission of an Authorised Officer.

Penalty: a fine not exceeding 20 penalty units.

13 Polluting Substance in an Aquatic Centre

- (1) A person must not put any Polluting Substance in a pool of an Aquatic Centre.

Penalty: a fine not exceeding 5 penalty units.

14 Infection or a contagious disease in an Aquatic Centre

- (1) A person who has an infection or a contagious disease or skin complaint must not enter a pool or waterslide in an Aquatic Centre.

Penalty: a fine not exceeding 5 penalty units.

15 Objects on a Local Highway or Facility

- (1) A person must not deposit or allow to be deposited on a Local Highway or Facility any:

(a) soil, gravel or other material;

(b) structure; or

(c) other object,

in a manner that an Authorised Officer determines may interfere with the amenity, comfort, convenience, or safety of the public.

Penalty: a fine not exceeding 5 penalty units.

PART 3 - POWERS OF AUTHORISED OFFICERS AND ENFORCEMENT

16 Occupying Facility or Local Highway without a Permit

- (1) A person must not occupy any part of a Facility or Local Highway unless the person is occupying the Local Highway in accordance with [a](#) Permit or other authorisation granted by the Council for the relevant land.

Penalty: a fine not exceeding 5 penalty units.

17 Closure of Facility

- (1) An Authorised Officer may from time to time, and for such temporary period as he or she determines, close all or any part of a Facility, to members of the public.

18 Entering or remaining in a closed Facility

- (1) A person must not enter, or remain in, any Closed Area, without the written permission of an Authorised Officer.

Penalty: a fine not exceeding 5 penalty units.

19 Making Good

- (1) An Authorised Officer may take any reasonable measure to restore a Facility or Parking Area to its original condition after a breach of this by-law including:

- (a) remove any structure, sign, notice or other object;
- (b) require a person to undertake works to rectify any Council property which has been subject to Damage due to that person's acts or omissions; and
- (c) if the Authorised Officer is an employee of the Council, remove any Abandoned object or materials, or Abandoned Vehicle and:
 - (i) take it to a safe place and keep it there until the penalty, removal and storage charges have been paid; and
 - (ii) if the object or material, or Vehicle has not been collected for a period of 28 days, or if the owner of the Vehicle cannot be located after a period of 28 days, the object or material, or Vehicle may be disposed of in any manner the Council sees fit.

- (2) Where in the opinion of the Authorised Officer it appears likely that an Abandoned object may have been stolen the Authorised Officer must seek to contact Tasmania Police and seek further directions prior to disposal.
- (3) The Council may use the proceeds of disposal to pay any outstanding penalty, or removal or storage costs, but if the proceeds of disposal exceed the amount of the expenses, the Council must hold those balance proceeds for a period of six months from the date of disposal and, if not claimed by the owner during that period, then dispose of the balance as the Council sees fit.
- (4) In addition to a penalty imposed or remedy granted against a person in relation to a failure to comply with this by-law, any expense incurred by [the](#) Council in consequence of that failure or contravention, including the costs of rectification work, is recoverable by [the](#) Council as a debt payable by the person in contravention.

20 Refusal of admission and removal

- (1) If a person engages in conduct which is reasonably believed by the Authorised Officer to be in breach of this by-law, or a Nuisance, an Authorised Officer may either:
 - (a) refuse to admit a person to a Facility;
 - (b) require a person to leave a Facility for a specified length of time;
 - (c) issue a prohibition notice banning a person from entering a Facility for the period of the ban; or
 - (d) if the Authorised Officer is an employee of the Council, remove any person from a Facility.
- (2) A person who has been banned from using a Facility for a period of time must not enter that Facility during that period.

Penalty: a fine not exceeding 5 penalty units.
- (3) A police officer may arrest without warrant a person who:
 - (a) he or she believes on reasonable grounds to have committed an offence against this by-law; and
 - (b) is on land owned by, or under control of the Council.
- (4) The Council may prosecute a person for breach of this by-law if the person does not leave a Facility after having been requested to do so.

21 Closed Circuit Television

- (1) A person who enters a Facility or Local Highway may have their image recorded and disclosed for investigatory and management purposes.

22 Assistance of police officers

- (1) A Police Officer is authorised to:
- (a) assist an Authorised Officer to carry out an action under clause 20(1)(d) of this by-law;
 - (b) remove any person from a Facility whom the police officer reasonably believes has committed or is committing an offence under this by-law; and
 - (c) arrest any person who is in a Facility whom the police officer reasonably believes has committed or is committing an offence under this by-law.

PART 4 - PERMITS

23 Permits

- (1) Subject to Part 12 Division 1 of the *Local Government Act 1993* (Tas), the Chief Executive Officer may, grant, cancel or vary a Permit to temporarily occupy part ~~of or~~ all of a Facility or Local Highway in accordance with this by-law, on any terms and conditions that they may see fit to impose.
- (2) A permit cannot be issued under this by-law for any permit, licence, use, activity, hiring or occupation of a Facility or Local Highway for which there is already a fee set by Council pursuant to section 205 of the *Local Government Act 1993* (Tas).
- (3) An application for a Permit for Commercial Activity for the supply of food in a Facility or on a Local Highway cannot be refused solely on the grounds that the activity will compete with existing businesses.

24 Applications

- (1) Any application for a Permit pursuant to this by-law is to be:
- (a) in accordance with any form approved by the Chief Executive Officer;
 - (b) accompanied by the relevant prescribed fee per application; ~~if any,~~ set out in Schedule 4 to this by-law, if any; and
 - (c) where applicable, must be accompanied by the following:
 - (i) a statement in writing of the type of activity proposed to be undertaken by the applicant and the period in which it is proposed to be carried out;

- (ii) a scaled drawing showing the location and extent of the proposed activity;
 - (iii) approvals from relevant authorities;
 - (iv) evidence of current public liability insurance or other relevant insurance; and
 - (v) such other information that the Chief Executive Officer may reasonably require.
- (2) In deciding whether or not to grant a Permit pursuant to this by-law, the Chief Executive Officer may have regard to the following and any other relevant matters:
 - (a) the type of activity proposed;
 - (b) the location of that activity;
 - (c) the impact of the proposed activity on public safety, the environment and amenity; and
 - (d) any comments made by any employee of the Council or by a Police Officer in relation to the application.
- (3) If an application for a Permit is refused, reasons are to be provided.

25 Variation of Permit conditions

- (1) The Chief Executive Officer may vary the conditions of any Permit if they consider it is appropriate to do so.
- (2) If the conditions of any Permit are varied pursuant to clause 25(1), the Chief Executive Officer must serve a notice in writing on the Permit holder stating:
 - (a) the conditions of the Permit are varied; and
 - (b) the reason or reasons for the variation of the Permit conditions.
- (3) The conditions of a Permit will be varied from the date of service of the notice of the variation.

26 Cancellation of Permits

- (1) The Council or the Chief Executive Officer may cancel any Permit if satisfied that:
 - (a) a Permit holder has breached any of Council's by-laws; or
-

- (b) a Permit holder has breached a term or condition of the Permit.
- (2) If a Permit is cancelled pursuant to clause 26(1), the Chief Executive Officer must serve a notice in writing on the Permit holder stating:
 - (a) the Permit is cancelled; and
 - (b) the reason or reasons for the cancellation.
- (3) Cancellation of any Permit is effective from the date of service of the notice of the cancellation.
- (4) Nothing in this by-law is to be construed as preventing or prohibiting the Council from cancelling any Permit if required due to the exercise or intended exercise of any local government function, power, right or duty.

27 Notices

- (1) For the purposes of clauses 25(3) and 26(3), a notice may be served in any of the following ways:
 - (a) on the holder of the Permit personally;
 - (b) by [email or](#) ordinary post to the last known address of the Permit holder; or
 - (c) by notice being given in the public notice section of a newspaper circulating in the Launceston City Council municipal area.
- (2) The date of service of a notice will be:
 - (a) if the holder of the Permit was served by ordinary post, five business days from the date the notice was posted; or
 - (b) if the notice was given in a newspaper, the date of the publication of that newspaper; or
 - (c) if the holder of a Permit was served by email, the day after the email was sent.

PART 5 – INFRINGEMENT NOTICES

28 Infringement notices and fines

- (1) In this clause –
"specified offence" means an offence against a clause specified in Column 1 of Schedule 1.
-

~~(2)~~ An authorised officer may issue an infringement notice to a person in respect of a specified offence and the monetary penalty payable under the infringement notice for that specified offence is the applicable sum set out adjacent to the offence in Column 3 of Schedule 1 to this By-Law.

~~(2)~~(3) An Authorised Officer may:

(a) issue an infringement notice to a person that the Authorised Officer has reason to believe is guilty of a specified offence;

~~(b)~~ issue one infringement notice in respect of more than one specified offence;

~~(4)~~ The Monetary Penalties Enforcement Act 2005 (Tas) applies to an infringement notice issued under this by-law.

~~(5)~~ In addition to any other method of service, an infringement notice alleging that a Vehicle has been used in relation to a specified offence may be served by affixing it to that Vehicle.

~~_____ impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.~~

~~Infringement notices may be issued in respect of the offences specified in Column 1 of Schedule 1 to this by-law and the penalty specified in Column 3 opposite the offence is the penalty payable under an infringement notice issued in respect of that offence, unless otherwise specified.~~

~~(6)~~ A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:

~~(a)~~ pay the monetary penalty in full to the Chief Executive Officer;

~~(b)~~ apply to the Chief Executive Officer for withdrawal of the infringement notice;

~~(c)~~ apply to the Chief Executive Officer for a variation of payment conditions;
or

~~(d)~~ lodge with the Chief Executive Officer a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.

~~In order to avoid the infringement notice being referred to the Director Monetary Penalties Enforcement Service for enforcement action, the person issued with an infringement notice must either:~~

~~pay the total amount of the monetary penalty stated on the infringement notice to; or~~

~~lodge a notice of election to have the offence heard by a Court with;~~

~~the Chief Executive Officer at the Town Hall, St John St Launceston within 28 days of the date of service of the notice.~~

~~An infringement notice alleging that a Vehicle has been used in relation to a prescribed offence may be served by affixing it to that Vehicle.~~

~~(7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.~~

~~(3) The Monetary Penalties Enforcement Act 2005 (Tas) applies to an infringement notice issued under this by-law.~~

Schedule 1 Infringement Notice Offences

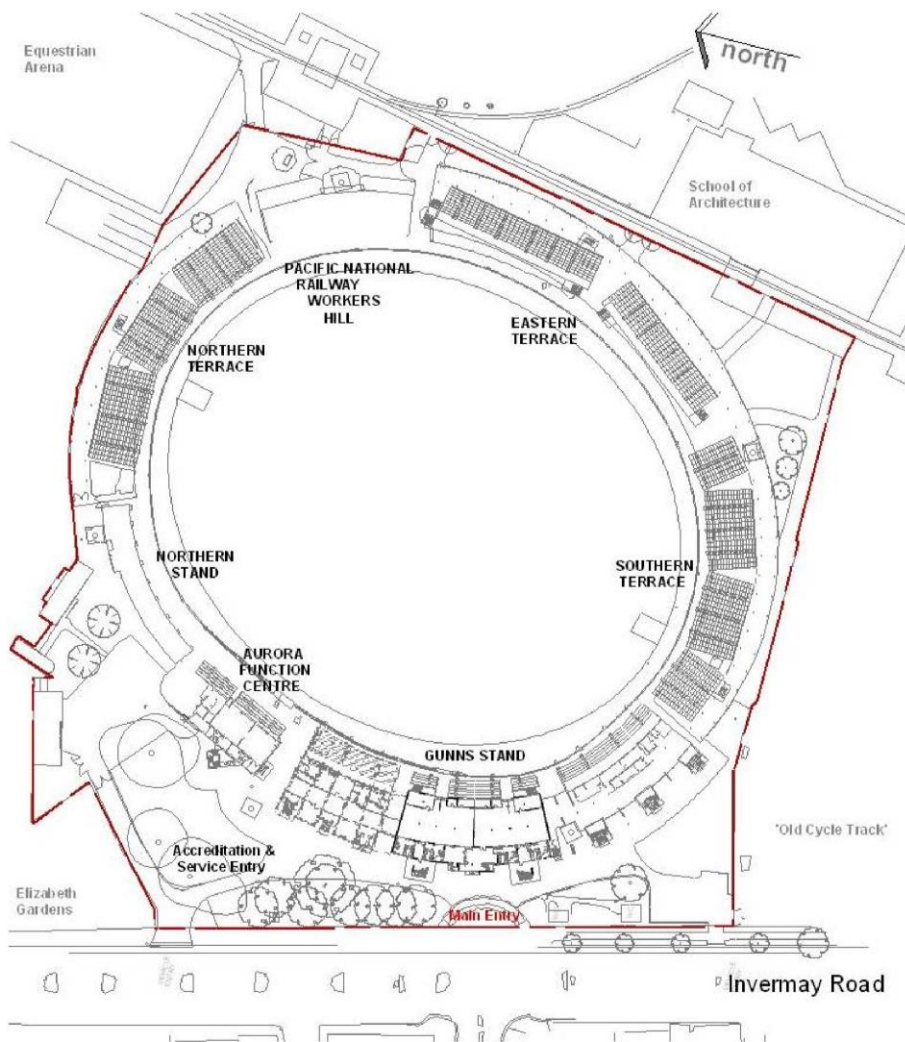
1: Clause	2: General Description of Offence	3: Penalty (Penalty Units)
4(1)	Driving a Vehicle in a Facility	1
4(3)	Driving a Vehicle in a Mall	1
5(1)	Unsafe Driving in a Facility	1
6(1)	Unauthorised Commercial Activity	2
7(1)	Unauthorised objects to facilitate Commercial Activity	2
8(1)	Engaging in unauthorised activity	1
9(1)	Unauthorised animals	1
10(1)	Nuisance	1
11(1)	Entering change rooms	2
12(1)	Ground Invasion	4
13(1)	Introduction of Polluting Substances into an Aquatic Centre	1
14(1)	Use of Pool with Infectious Disease	1
15(1)	Objects on a Local Highway or Facility	1
16(1)	Occupying a Local Highway or Facility without a Permit	1
18(1)	Entering or remaining in closed Facility	1
20(2)	Re-entering Facility	1

Schedule 2 - Malls in which the By-Law applies

- | | | |
|---|----------------------|---|
| 1 | Brisbane Street Mall | Between Charles and St John Streets. |
| 2 | The Quadrant Mall | The Quadrant between Brisbane Street and St John Street. |
| 3 | Civic Square | Cameron Street between Charles Street and St John Street. |
| 4 | The Avenue | The area from the shop front to the kerb edge of the widened footpath in Brisbane Street between St John Street and George Streets. |
| 5 | Charles Street | The area from the shop front to the kerb edge of the widened footpath in Charles Street between Paterson and York Streets. |
| 6 | St John Street | The area from the shop front to the kerb edge of the widened footpath in St John Street between Paterson and York Streets. |
-

Schedule 3

University of Tasmania York Park Stadium



Schedule 4

Prescribed Fees

Number	Fee Name	Fee (Fee Units)

The Common Seal of the Launceston City Council has been placed on this document pursuant to a resolution of Council on the xxx day of xxx 2020 in the presence of us:

.....
Albert Van Zetten
MAYOR

Certified as being made in accordance with *Local Government Act 1993* (Tas).

.....
Michael Stretton
CHIEF EXECUTIVE OFFICER
being the General Manager as appointed by Council
pursuant to section 61 of the
Local Government Act 1993 (Tas)

Certified as being in accordance with the law.

|
.....
~~XXXXXXXXXX~~ Nathan Street
LEGAL PRACTITIONER

19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street, Mowbray**FILE NO:** C105060/DA0093/2009/SF1442**AUTHOR:** Robert Bujnowski (Properties and Legal Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the disposal of an interest in land comprising of a Right of Way easement located at 73 Foch Street, Mowbray.

This decision requires absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

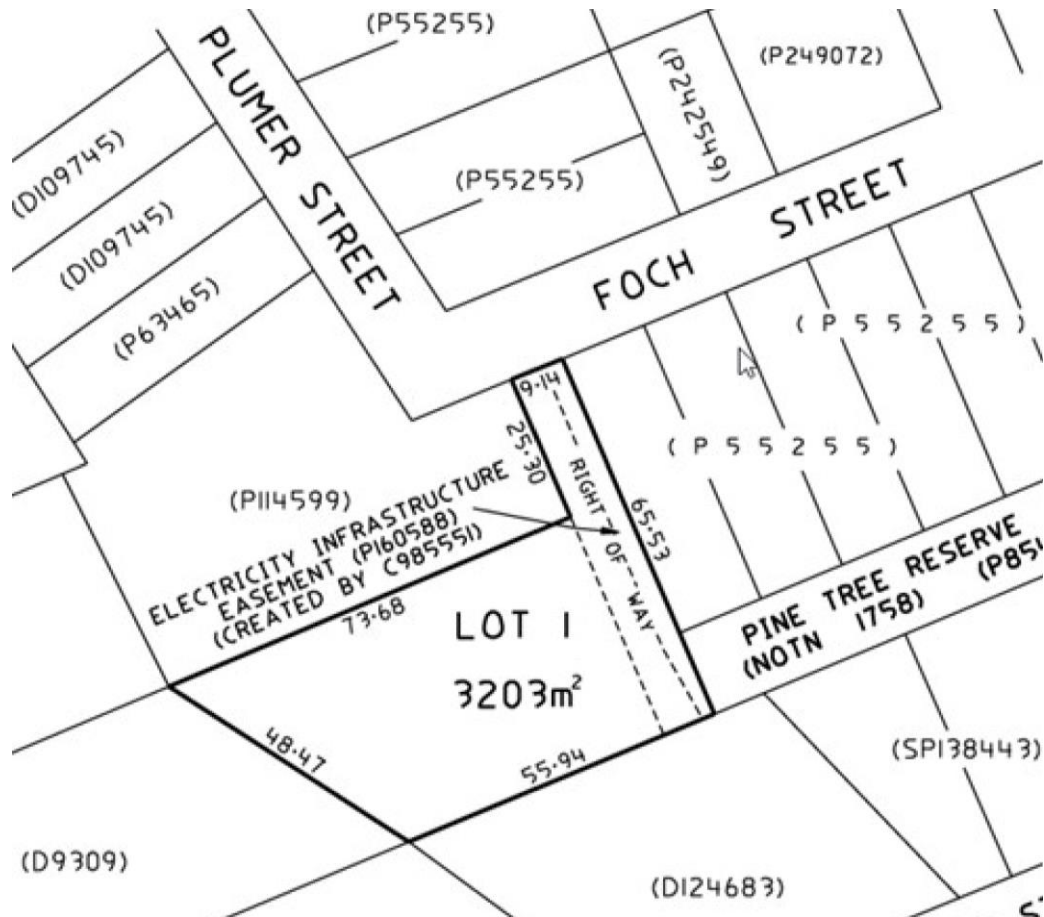
Council - 18 May 2009 - Agenda Item 10.2 - Development Application DA0093/2009 (Amended) - Date Reissued 21/5/2011 - Date Amended 21/02/2012 - Date Amended 01/10/2012 - Date Amended 11/06/2013

RECOMMENDATION:

That Council:

1. notes the valuation advice (ECM Doc Set ID 4464427) concerning the value of the Right of Way easement on Plan 151667.
 2. decides, by absolute majority pursuant to section 177 of the *Local Government Act 1993* (Tas), to dispose of an interest in land comprising a Right of Way interest in Plan 151667.
 3. requests the Chief Executive Officer to do all things and exercise all functions and/or powers necessary to:
 - (a) remove the Right of Way from Plan 151667 and from the folio text of all 14 lots within Strata Plan 165582; and
 - (b) amend unregistered Sealed Plan 165393 by replacing the notation for Lot 2 from *Public Open Space* to *Footway*.
 4. makes Recommendations 2. and 3. conditional upon the property owner paying to the Council:
 - (a) \$1,650.00 plus GST for the cost of obtaining the required valuation report; and
 - (b) \$860.00 plus GST for the disposal of Council's interest in the Right of Way.
-

19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street, Mowbray ...(Cont'd)



- notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).

REPORT:

The Right of Way at 73 Foch Street, Mowbray dates back to 1912 where it appears on historical Plan 55255.

19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street, Mowbray ...(Cont'd)

An extract of historical Plan 55255 highlighting the location of the Right of Way is shown below:

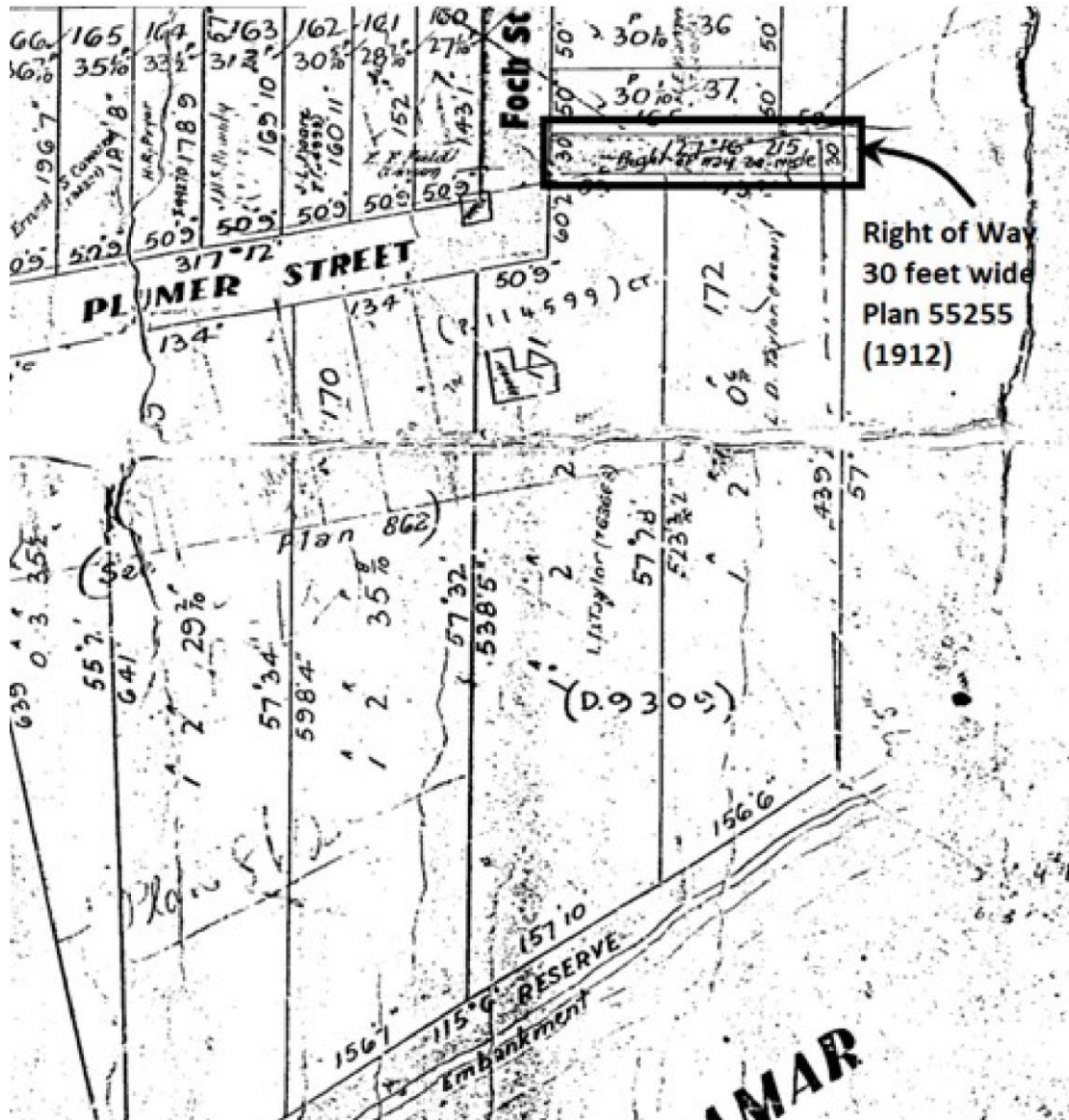


Figure 1 - Historical Plan 55255

19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street, Mowbray ...(Cont'd)

Later in 2007, the Right of Way became part of Lot 1 on Plan 151667. An extract of Plan 151667 is shown below:

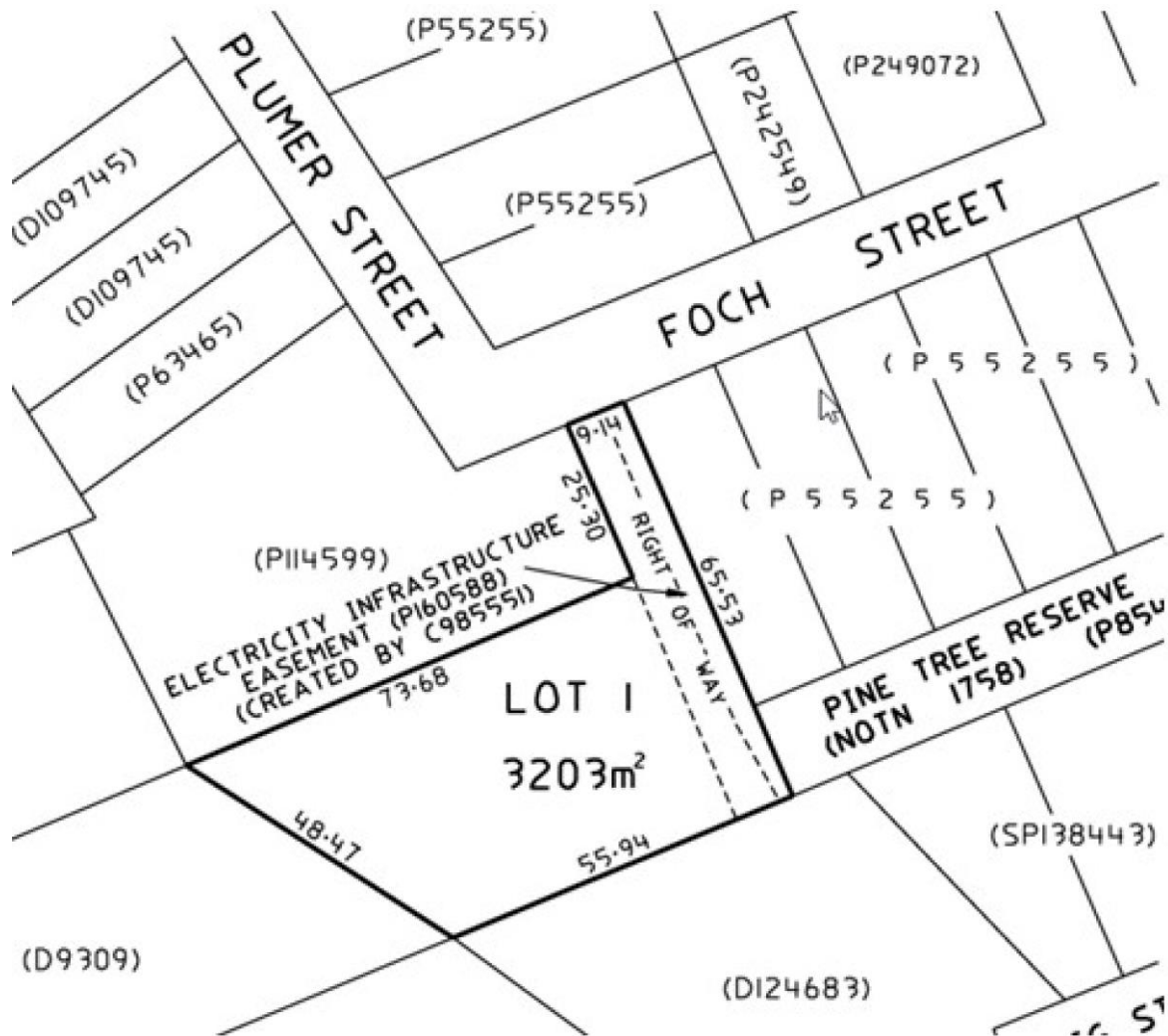


Figure 2 - Plan 151667

The Schedule of Easements for Plan 151667 describes the Right of Way as being in favour of the owners of the lots on historical plan numbers 815, 55255, 862 and 868. Upon examination of those historical plans, the Right of Way exists for the benefit of approximately 148 properties in the Right of Way's vicinity. Of those 148 properties, the Council owns three properties as shown below. This effectively gives the Council 3/148's interest in the Right of Way.

19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street, Mowbray ...(Cont'd)



1	Title Reference	100925/1
	Authority	Subdivision Road
	Owner Name(s)	LAUNCESTON CITY COUNCIL
2	Title Reference	124683/2
	Authority	Subdivision Road
	Owner Name(s)	LAUNCESTON CITY COUNCIL
	Note	This title boundary terminates at Esperey Street.
3	Property Address	'PINE TREE RESERVE' - HAIG ST MOWBRAY
	Title Reference	124683/1
	Owner Name(s)	LAUNCESTON CITY COUNCIL
	Property Address	'PINE TREE RESERVE' - HAIG ST MOWBRAY Property ID: 6559761 Owner: Launceston City Council

Figure 3 - Council Land

In 2009, the Council issued Development Permit DA0093/2009 for 14 units to be constructed at 73 Foch Street, Mowbray. In or around 2013, construction of the 14 unit development was completed and the developer registered Strata Plan 165582 as shown below:

19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street, Mowbray ...(Cont'd)

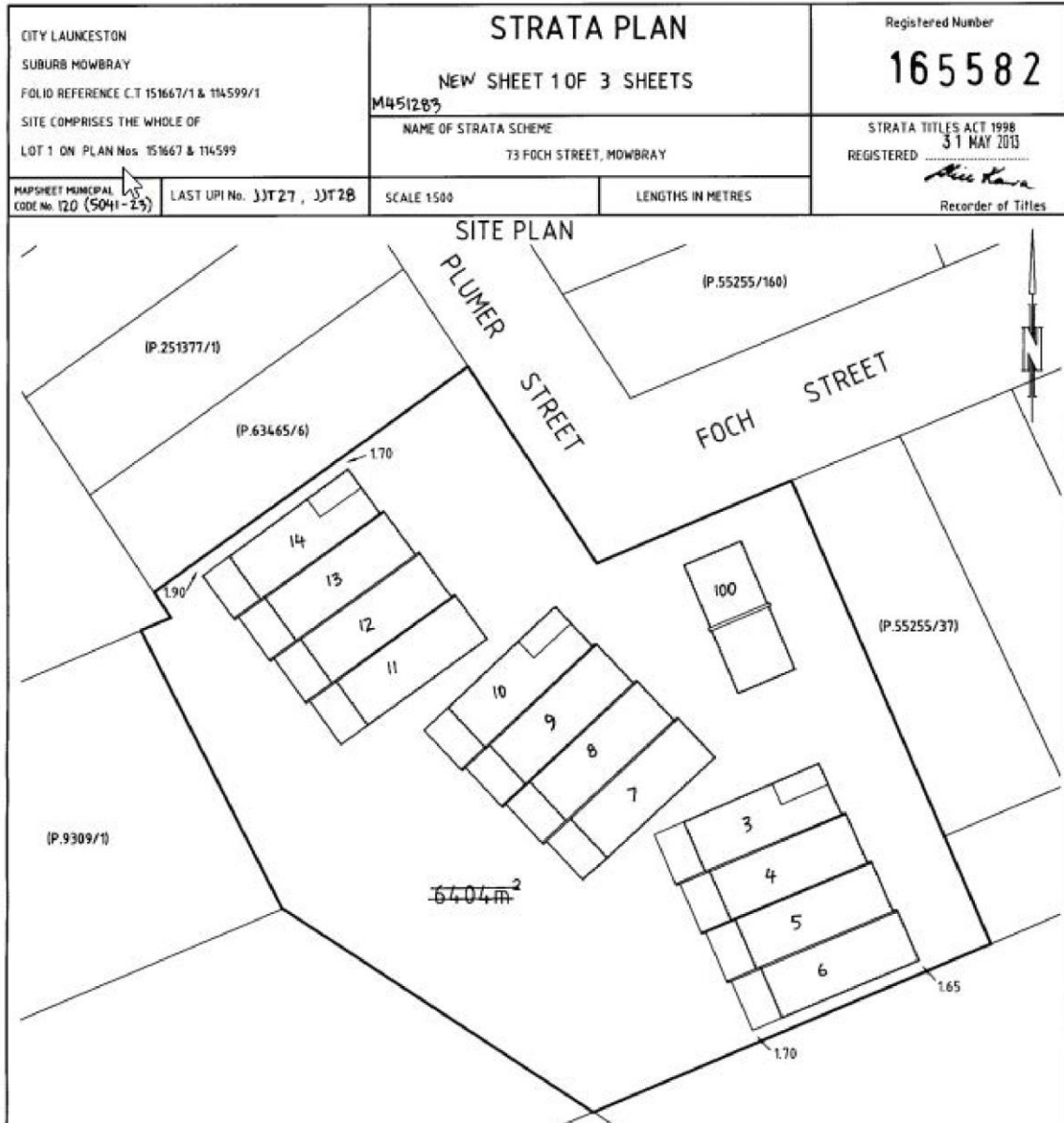


Figure 4 - Strata Plan 165582

Originally, the developer had intended to have two driveways to service the 14 unit development. One of those driveways had been proposed to be built over the Right of Way. A sketch of the original proposal with two driveways [highlights added] is shown below:

19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street, Mowbray ...(Cont'd)



Figure 5 - Earlier Design

Unbeknown to the developer at the time of commencing construction, an electricity pole was installed by TasNetworks on the nature strip directly in front of that part of the Right of Way where a driveway had been proposed.

As the electricity pole had impacted upon the Right of Way's accessibility from Foch Street, permission was given for part of the Right of Way to be fenced off. The following image shows the positioning of the electricity pole:

19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street, Mowbray ...(Cont'd)



Figure 6 - Existing Right-of-Way

The developer subsequently created Sealed Plan 165393 so that:

- A. Part of the Right of Way would become a Right of Way (Private) for the benefit of the residents within the development; and
- B. The other part of the Right of Way would become a new *Lot 2* noted as Public Open Space to be transferred to the Council to ensure public footway access remains.

19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street, Mowbray ...(Cont'd)

A copy of that unregistered Sealed Plan is below:

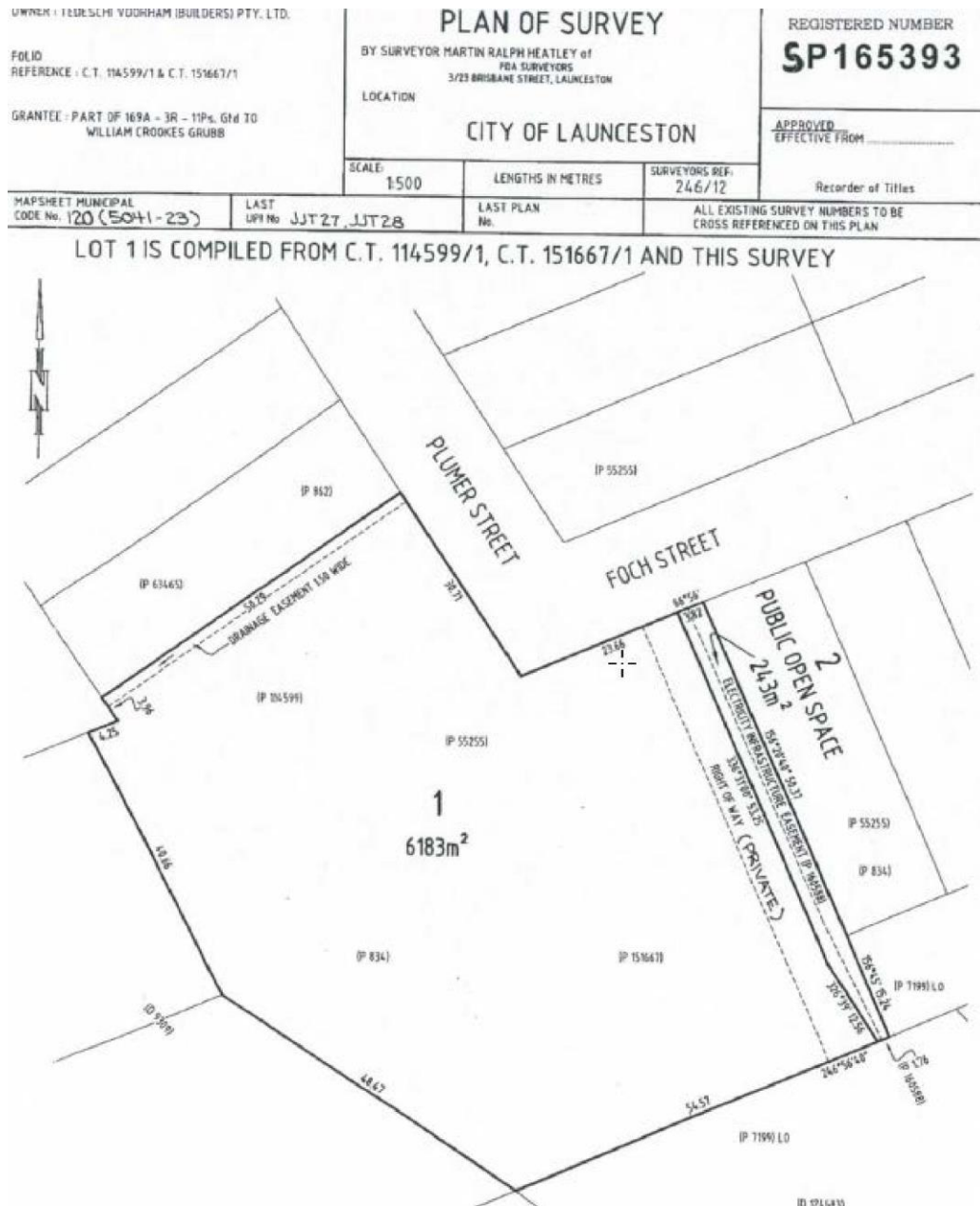


Figure 7 - Unregistered Sealed Plan 165393

At the time when Sealed Plan 165393 was lodged with the Land Titles Office, the Council received the following response from the Recorder of Titles on the 19 February 2013 regarding the Public Open Space notation:

19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street, Mowbray ...(Cont'd)

Public Open Space is defined in section of the Local Government (Building and Miscellaneous Provisions) Act 1993 as:

public open space means space for public recreation or public gardens or for similar purposes.

It is considered that the definition of public open space would preclude a right of carriage way passing land as public open space.

Please advise.

The above request by the Recorder of Titles does not appear to have been investigated at that time. As such Sealed Plan 165393 has remained unregistered until the present.

The Council's officers are of the view that the notation *footway* is considered to be more appropriate than *Public Open Space* for ensuring public footway access between Foch Street and Pine Tree Reserve. Such a notation will result in the footway becoming a category of highway pursuant to section 95 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (Tas). This will ensure that the public maintains a right to use the footway into the future. A photograph of the footway is shown below:



Figure 8 - Footway

19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street, Mowbray ...(Cont'd)

Given that Sealed Plan 165393 remains unregistered, the Strata Titles for the 14 units continue to be subject to the burden of the full 9.14m wide Right of Way, only part of which now remains open to the public. A sketch of the portion of the Right of Way which is no longer open to the public, and which the developer seeks to remove, is depicted below:



Figure 9 - Right of Way

Right of Way - Mechanism for Removal

The developer has advised the Council that it intends to make an application to the Recorder of Titles pursuant to section 84C of the *Conveyancing and Properties Act 1884* (Tas) to have the burden of the Right of Way removed from Plan Number 151667 as well as the folio text of all 14 lots within Strata Plan 165582. The ultimate decision with regards to the developer's section 84C application is a matter for the office of Recorder of Titles. This process requires that the property owners who have the benefit of Right of Way be notified of that application. The Council's officers note that such a notification has not yet been made.

19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street, Mowbray ...(Cont'd)

Valuation Amount

If the Council is to give written consent to the Right of Way's removal, the Council is effectively disposing of an interest in land. As such, the Council must obtain valuation advice to comply with Section 177 of the *Local Government Act 1993* (Tas).

Given that the Council will retain 243m² of the original Right of Way, the part of the Right of Way that is to be surrendered is 356m². The Council's valuation report indicates that the value of the Council's interest in the Right of Way being surrendered is \$860.00 plus GST. The cost of obtaining the valuation report was \$1,650.00 plus GST.

The powers exercisable by the Chief Executive Officer in respect of the recommendations may include but are not limited to those powers existing under:

1. *Land Titles Act 1980* (Tas); and
2. *Local Government (Building and Miscellaneous Provisions) Act 1993* (Tas).

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 7: We are a City planning for our future by ensuring our approach to strategic land-use, development and infrastructure is coordinated, progressive and sustainable.

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

Focus Areas:

1. To ensure that our application of the land-use planning system at a local and regional level is effective and efficient.
 2. To take a strategic approach to development sites and infrastructure investment within the municipality to maximise public benefit and encourage development and investment.
-

**19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street,
Mowbray ...(Cont'd)**

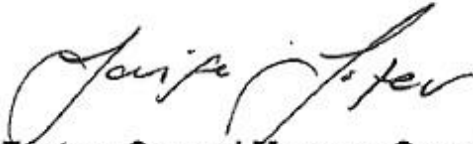
BUDGET & FINANCIAL ASPECTS:

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

ATTACHMENTS:

1. Valuation Report by LG Valuations (ECM Doc Set ID 4464427)
-

Attachment 1 - Valuation Report by LG Valuations



VALUATION REPORT

Property Address: Land at 73 Foch Street – Right of Way

Our Reference: LG20/1451

Date of Valuation: 2nd November 2020



Aerial Photograph



Location Map

Title:

The land which forms the subject of this valuation advice is contained within Strata Plan 165582.

Ownership:

Strata Corporation Number 165582

Purpose of Valuation:

The purpose of this valuation is to assess the value of the interest held by City of Launceston in the Right of Way easement contained within Strata Plan 165582, for potential disposal purposes.

We have been advised by the Council that *“The folio text of the common property of Strata Plan 165582/0 indicates the site is encumbered by an easement of Right of Way benefiting plans 815 (now 55757 & 55756), 55255, 862 (now 63465) and 868 (now 55655). The ... right of way encumbering the site is not illustrated on the folio plan of the strata plan.”*

Launceston City Council is the owner of 3 Certificates of Title which are located in proximity to the above Strata Title, these being CT144357/1, CT 55756/63 and CT 55756/77. Each of these lots has the benefit of right of way over the subject easement.

City of Launceston Council Land at 73 Foch Street – Right of Way	LG Valuation Services Pty Ltd LG20/1451
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In addition to the lots owned by the Council, our instructions state that there are a further 145 lots that also have the benefit of right of way over the subject easement, these lots being in various private ownership.

On this basis, it has been agreed with the Council's representative that the interest to be valued on behalf of the Council is a 3/148th share in the benefiting easement over the subject Right of Way contained in Strata Plan 165582, for potential disposal purposes.

Land Area:

The overall area of the land containing the strata title complex of which the subject Right of Way easement forms a part is approximately 6,183 square metres (sqm) according to Title Plan 165393 provided by the Council.

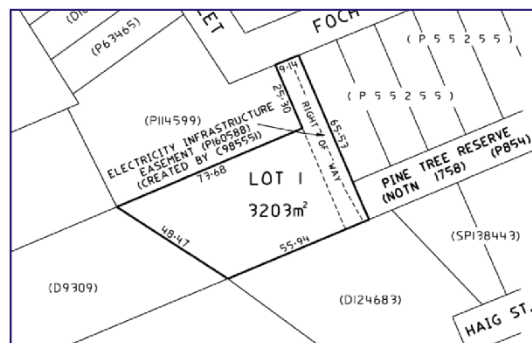
The dimensions of the subject Right of Way easement are delineated in the extract from Folio Plan 151667/1 as provided below. According to the dimensions annotated on the Plan the subject Right of Way easement has a land area of 598.94 sqm.

Encumbrances:

In addition to the subject Right of Way easement, our perusal of the Title Plans indicate that the subject land is subject to the following easements and/or encumbrances:

- CT 165582/0 is subject to an Electricity Infrastructure Easement (delineated on Folio Plan 151667/1).

The easements outlined above are annotated in the extract from Folio Plan 151667/1 below -



It was noted during our on-site inspection of the subject Right of Way easement, that the residential building constructed on Strata Title 165582 Flat 100 may encroach on to the area of the Right of Way as delineated on the extract from CT 151667/1 above. We advise that as we are not qualified land surveyors, we are unable to confirm whether any encroachment exists, however would recommend that the Council seek further investigation and clarification of this potential encroachment by a qualified surveyor should this be considered necessary.

Our valuation has been assessed on the assumption that the subject land is not affected by any other encumbrances and/or encroachments. We have not searched with other Government or relevant entities to ascertain whether any easements or encumbrances exist over the subject property.

City of Launceston Council Land at 73 Foch Street – Right of Way	LG Valuation Services Pty Ltd LG20/1451
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Identification Source:

The property has been identified by reference to the Title Plans and Cadastral Map, as well as being confirmed from our visual on-site inspection.

Location:

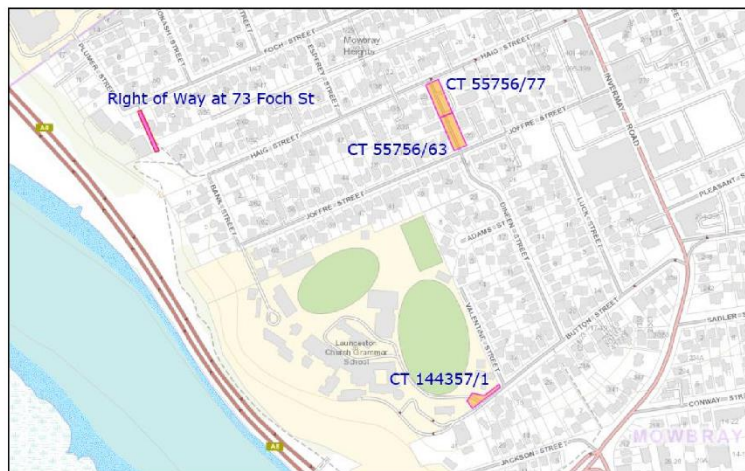
The subject land is located within an inner suburb of northern Launceston, in proximity to the eastern bank of the River Tamar and East Tamar Highway.

The suburb of Mowbray comprises a mixed-use locality which incorporates a range of residential and commercial properties, as well as the Newnham campus of the University of Tasmania which is situated a short distance to the north of the subject land.

Other development in the vicinity includes the Launceston Church Grammar School, and predominantly older style freestanding dwellings of a generally modest nature. Mowbray benefits from an established commercial centre providing local neighbourhood shopping facilities, service industrial properties and a variety of hospitality premises.

Location Map:

The location of the subject land at 73 Foch Street is annotated on the map extract below, together with the respective locations of the various titles which are in the ownership of Launceston City Council -



Source: theLIST (www.thelist.tas.gov.au) @ State of Tasmania

Land Description:

As at the date of inspection the subject land comprises the common lot of a strata titled residential unit complex incorporating car park and vehicle access, and a sealed asphalt based footpath which traverses along the eastern boundary of the site. The footpath provides pedestrian access between Foch Street and Haig Street.

City of Launceston Council Land at 73 Foch Street – Right of Way	LG Valuation Services Pty Ltd LG20/1451
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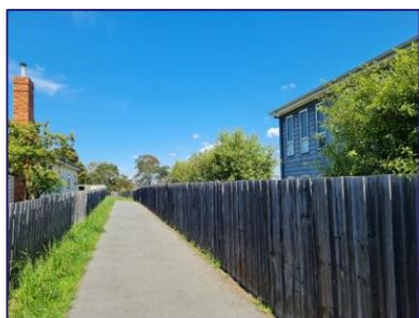
Zoning:

The subject land is currently zoned “11.0 Inner Residential” under the prevailing Launceston Interim Planning Scheme 2015.

The majority of the land parcel containing the subject right of way easement has been developed to provide a strata titled residential unit complex, whilst part of the land to the eastern boundary remains in use as a pedestrian walkway between Foch Street and Haig Street.

Notwithstanding the current development that has occurred on the subject land, in assessing our opinion of value for the subject easement we have had regard to the value of the overall land parcel as an englobo site; that is, undeveloped land that whilst zoned to allow for subdivision into smaller parcels or as a strata site, is taken to be substantially undeveloped as at the date of valuation.

Photographs:



Overview of easement – view north to south



Overview of easement – view south to north

Market Sales:

In establishing applicable valuation parameters for the subject property, we have examined market activity within the locality over recent years and have analysed relevant sales for comparison purposes.

Our research revealed that there have been few sales of vacant land within the immediate locality of Mowbray over recent years, and accordingly it has been necessary to extend our search for market sales evidence of englobo and development land sales to other comparable suburban localities around Launceston to assess applicable market parameters.

A selection of market sales transactions which are considered relevant in determining market parameters for the subject land are summarised in the table below:

Address	Sale Date	Sale Price	Land Area (m ²)	Rate \$/m ²
50 McKellar Road, Newstead	9/08/2018	\$891,000	15,060	\$59.16
1 Bushland Grove, Kings Meadows	18/02/2020	\$189,000	2,307	\$81.92
376 St Leonards Road, St Leonards	20/08/2019	\$80,000	1,182	\$67.68
10 Senator Court, Newnham	18/02/2020	\$242,000	1,267	\$191.00

City of Launceston Council Land at 73 Foch Street – Right of Way	LG Valuation Services Pty Ltd LG20/1451
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Valuation Considerations:

Having regard to the available sales evidence, prevailing market conditions, and the particular attributes and characteristics of the subject land, we consider an appropriate range of value for the subject land would be between \$75 and \$90 per square metre.

We have been instructed to provide our assessment of the value of the interest held by City of Launceston in the subject right of way easement, as distinct from the unencumbered market value of the freehold land.

In arriving at our assessment of value it is noted that the Council shares the benefit of the Right of Way easement with other private Title holders in the locality, with such shared interest dating back to the historic subdivision of the estate many years ago.

It is assumed for the purposes of the valuation as assessed herein, that all relevant Title holders including the Council interests have the benefit of an equal share in the value attributable to the Right of way easement. Accordingly, the Council's interest is assessed at 3/148th share in the benefit of the subject Right of Way.

It is acknowledged that the benefitting Title holders' interest in the easement constitutes a lesser interest than that of the freehold title holder, and accordingly we have adopted a lower proportional rate to reflect the Title holders' (and relevant Council interest) in our valuation calculations below.

The value of the land has also been discounted to reflect the encumbrance of an electricity infrastructure easement over the subject portion of the land area.

Land Description	Land Area	Value Range	\$/sqm Land	Total Value
Strata Plan 165582				
Subject Land (area of R.o.W. easement only)	598.94 m2	Low	75.00	\$44,921
	598.94 m2	High	90.00	\$53,905
Core Land Value			82.50	\$49,413
Adjust for:				
Electricity Infrastructure easement		-20%		-\$10,781
Encumbered Land Value				\$38,632
Owner Interest		-50%		-\$19,316
Balance Interest				\$19,316
Proportional Interest - Council Share	3/148	4.44%		\$858
Value of Council Interest				\$858
Rounded for Valuation Purposes				\$860

City of Launceston Council Land at 73 Foch Street – Right of Way	LG Valuation Services Pty Ltd LG20/1451
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Valuation Conclusion:

Our assessment of the value of the interest held by City of Launceston in the subject Right of Way easement is:

\$860

(EIGHT HUNDRED & SIXTY DOLLARS)

This valuation is exclusive of GST if applicable.

Date of Valuation: 2nd November 2020

Signed:



Richard Carhart
MRICS AAPI CPV
Senior Valuer
LG Valuation Services Pty Ltd

7th December 2020

Part of HMC Property Group
PO Box 1470 Launceston TAS 7250
Phone (Mobile): 0408 141 030
E-mail: richard@hmv.com.au

City of Launceston Council Land at 73 Foch Street – Right of Way	LG Valuation Services Pty Ltd LG20/1451
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Definitions

Compliance:

Our valuation has been prepared in accordance with the Australian Property Institute Practice Standards and Guidance Notes.

Market Change:

Due to the possible changes in market forces and circumstances in relation to the subject property, the report can only be regarded as representing our opinion of the value of the property as at the Date of Valuation.

Coronavirus Disease 2020 (COVID-19):

The coronavirus (COVID-19) is currently disrupting world economies and while clear property impacts at a local level are not yet observable, it is prudent to acknowledge this situation and continue to monitor on an ongoing basis. The International Monetary Fund is forecasting a global recession for 2020 and most Australian economists are predicting that Australia will also succumb to recession domestically, despite recent Government stimulus efforts designed to support the economy and employment.

Whilst the current observable market trajectory has been seemingly steady to this point, caution is necessary given that most property classes have benefited from a prolonged cyclical upswing in levels of value. In terms of cyclical positioning, the market is now generally viewed as being at or near the 'top of cycle'. There are additional economic challenges emerging in the market which have the potential to create significant downward pressure on market values. These challenges include the availability of property finance, headwinds facing the broader property market, very low inflation and a current environment characterised by increasing unemployment and concerning government budgetary positions and economic forecasts.

Currency of Valuation:

This valuation is current as at the Date of Valuation only.

Reliance on Valuation:

We do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of the Period of Valuation Reliance identified below, from the Date of Valuation, or such earlier date if you become aware of any factors that have any effect on the valuation. We recommend the valuation be reviewed at regular intervals.

Period of Valuation Reliance:

The Period of Valuation Reliance for this report is 3 months. Without limiting the generality of the above, we do not assume responsibility or accept any liability where the valuation is relied upon after the expiration of three months from the date of the valuation.

City of Launceston Council Land at 73 Foch Street – Right of Way

LG Valuation Services Pty Ltd LG20/1451
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Environmental Issues:


This valuation has been assessed on the assumption that the property is free from elevated levels of contaminants and is not impacted by any environmental issues that may affect the marketability and/or value of the property. It should be noted that such environmental matters are outside our area of expertise and that the valuation contained herein has been prepared without the benefit of soil tests or external environmental impact reports.

Should any environmental issues subsequently become apparent that may impact on the marketability and/or value of the property then this valuation is not to be relied upon and the report should be returned to the valuer for review and potential revision.

City of Launceston Council Land at 73 Foch Street – Right of Way	LG Valuation Services Pty Ltd LG20/1451
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Appendix 1:

Supporting Plans provided by Launceston City Council



the list

RESULT OF SEARCH
RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980



Tasmanian Government

SEARCH DATE : 13-Oct-2020
SEARCH TIME : 03.51 PM

DESCRIPTION OF LAND

City of LAUNCESTON
The Common Property for Strata Scheme 165582
Derivation : Part of 169A-3R-11P Gtd to W.C. Grubb.
Prior CTs 151667/1 and 114599/1

SCHEDULE 1

STRATA CORPORATION NUMBER 165582, 73 FOCH STREET, MOWBRAY

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

BENEFITING EASEMENT a right of carriageway over the roads or streets on P. 55255

BURDENING EASEMENT as to the Right of Way passing through the said land within described to the rights of carriageway as transferred to the owners of the lots on Plan Nos. 815, 55255, 862 and 868 and already transferred to the purchasers thereof (or some of them) as such easements are described in the several transfers of such lots

C985551 BURDENING ELECTRICITY INFRASTRUCTURE EASEMENT with the benefit of a restriction as to user of land in favour of Aurora Energy Pty Ltd over the land marked Electricity Infrastructure Easement shown on P.151667 (Subject to Provisions) Registered 08-Mar-2011 at noon

86931 BOUNDARY FENCES AND OTHER CONDITIONS in Transfer (as relates to the land formerly comprised in Folio of the Register Volume 151667 Folio 1)

D72146 APPLICATION for registration of a staged development scheme Registered 31-May-2013 at noon

M451283 APPLICATION by lot owners to amend Strata Plan by amending Lot 100, creating Lots 7-14 and common property and adjusting unit entitlements Registered 28-Feb-2014 at noon

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
165582	0
EDITION	DATE OF ISSUE
1	31-May-2013

Department of Primary Industries, Parks, Water and Environment

Page 1 of 2
www.thelist.tas.gov.au

City of Launceston Council
Land at 73 Foch Street – Right of Way

LG Valuation Services Pty Ltd
LG20/1451



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



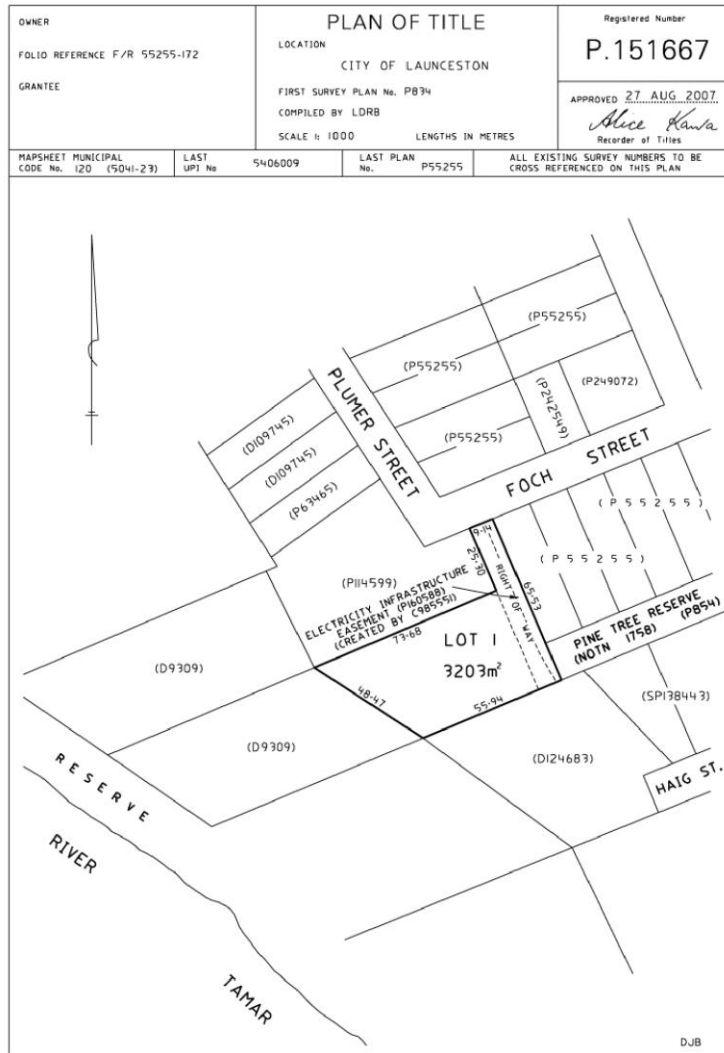
UNREGISTERED DEALINGS AND NOTATIONS

165393 SEALED PLAN (Final) Lodged by RAE & PARTNERS (L) on
01-Feb-2013 BP: 165393
E2845 TRANSFER to LAUNCESTON CITY COUNCIL Lodged by RAE &
PARTNERS (L) on 28-Jul-2015 BP: M521812
M521812 APPLICATION for registration of stage of staged dev.
scheme Lodged by RAE & PARTNERS (L) on 28-Jul-2015
BP: M521812

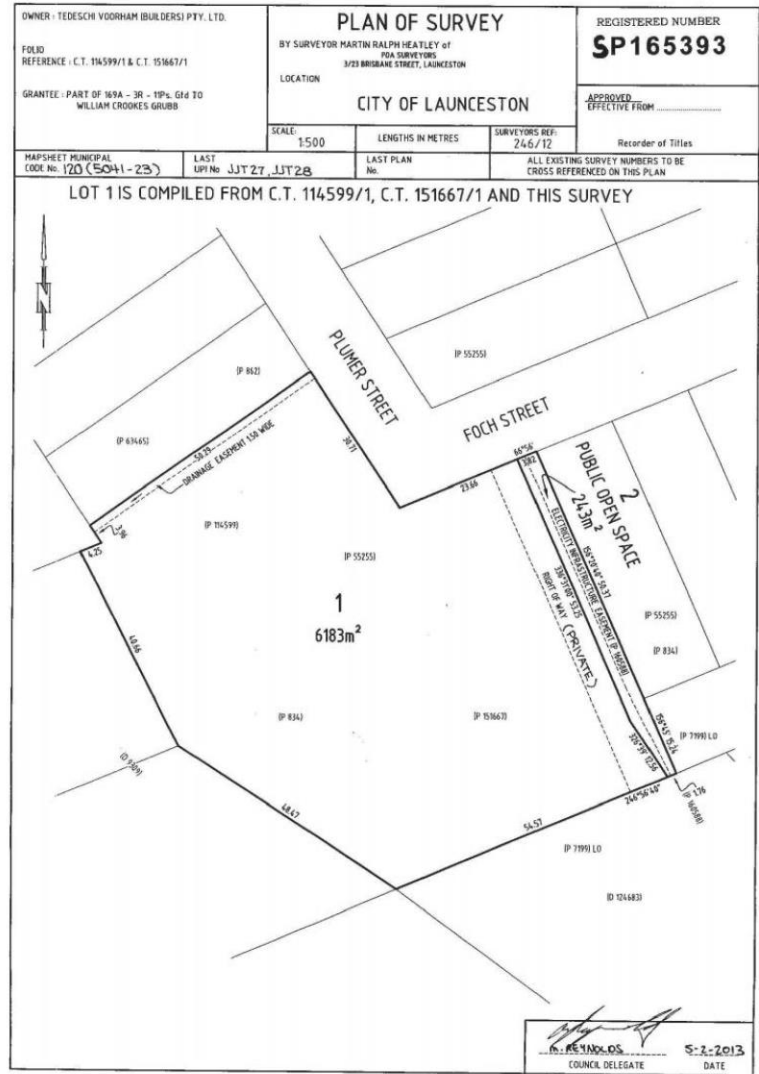
City of Launceston Council Land at 73 Foch Street – Right of Way	LG Valuation Services Pty Ltd LG20/1451
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FOLIO PLAN
RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980



City of Launceston Council Land at 73 Foch Street – Right of Way	LG Valuation Services Pty Ltd LG20/1451
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Document Set ID: 4464427
Version: 1, Version Date: 09/12/2020

19.3 Disposal of Interest in Land - 275 Vermont Road, Mowbray

FILE NO: SF2107

AUTHOR: Robert Bujnowski (Properties and Legal Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

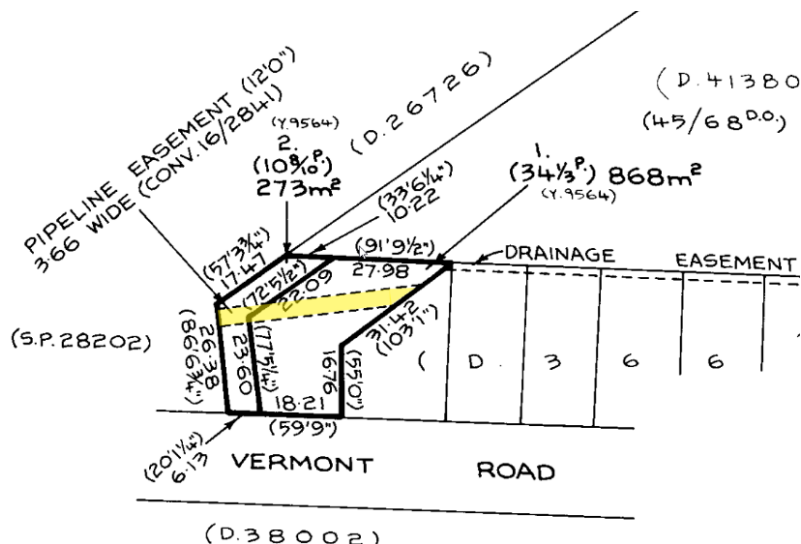
To consider the disposal of the Council's interest in an abandoned easement at 275 Vermont Road, Mowbray.

This decision is required to be made by absolute majority according to section 177 of the Local Government Act 1993 (Tas).

RECOMMENDATION:

That Council:

1. notes the valuation advice of LG Valuation Services Pty Ltd (ECM Doc Set ID 4526162) relating to the pipeline easement at 275 Vermont Road, Mowbray existing within Certificates of Title: Volume 38003 Folio 1; and Volume 38003 Folio 2 (Pipeline Easement).
2. decides, by absolute majority pursuant to section 177 of the *Local Government Act 1993 (Tas)*, to dispose of an interest in land comprising of the Pipeline Easement.
3. requests the Chief Executive Officer exercise all functions and/or powers necessary to enable a consequent amendment to Plan D38003 to allow for the Pipeline Easement's removal. An extract of that plan is shown below:



19.3 Disposal of Interest in Land - 275 Vermont Road, Mowbray ...(Cont'd)

4. makes Recommendations 2. and 3. conditional upon the property owner paying to the Council the cost of obtaining a valuation report for the Pipeline Easement which totals \$1,000 plus GST, as well as an additional \$1 plus any GST for the Pipeline Easement (if demanded).
 5. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
-

REPORT:

The Pipeline Easement at 275 Vermont Road, Mowbray has a combined area of 145m² and exists across the following two Certificates of Title:

1. Volume 38003 Folio 1; and
2. Volume 38003 Folio 2.

Both of the above titles are owned by the same owner.

Background

In 2009, the *Water and Sewerage Industry Act 2008* (Tas) transferred the responsibility for potable water from local councils and vested those responsibilities in three regional water and sewerage corporations which subsequently amalgamated into TasWater. This asset transfer involved a compulsory acquisition of the related water assets by TasWater.

Earlier in 2021, the Council's officers contacted TasWater's officers to determine whether TasWater maintains any interest in this particular Pipeline Easement. TasWater's response was that, at the time of the broader asset transfer in 2009, this asset was listed as decommissioned, hence not transferred to TasWater. It is noted that this Pipeline Easement has been abandoned for more than 20 years.

The current owner of 275 Vermont Road, Mowbray now wishes to submit a development application to the Council in order to subdivide the property. To facilitate a potential subdivision, the owner wishes to remove the Pipeline Easement that exists on the property.

Survey Drawing

The Council's surveyor has conducted a survey of 275 Vermont Road, Mowbray and has determined that an abandoned underground water pipe exists in close proximity to the Pipeline Easement, but not within the Pipeline Easement itself.

19.3 Disposal of Interest in Land - 275 Vermont Road, Mowbray ...(Cont'd)

The following survey drawing shows the approximate location of the abandoned water pipe in relation to the Pipeline Easement:



Figure 1

It is noted that, in the event that the property owner wishes to remove the abandoned water pipe, such costs will need to be borne by the property owner.

Payment Amount

Notwithstanding the valuation advice which valued the Pipeline Easement at \$6,000, it is recommended that this Pipeline Easement is disposed of for nil or \$1 consideration for the following reasons:

- there is no infrastructure within the Pipeline Easement and the Council has no intention for using the easement for the purpose it has been designated for.
- engineering advice from the Council's Infrastructure and Assets Network is that the Council's drainage needs are otherwise met with the remaining easements in the area.
- the Pipeline Easement is redundant, and accordingly the Council loses no practical benefit in disposing of its relevant interest.
- it is not justifiable to charge for disposal in the circumstances, given that the easement is not being used and has no identified future use.

19.3 Disposal of Interest in Land - 275 Vermont Road, Mowbray ...(Cont'd)

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

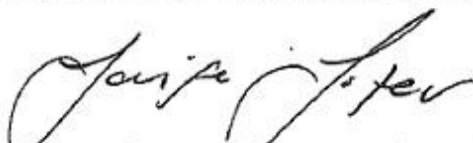
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

ATTACHMENTS:

1. Valuation Report (ECM Doc Set ID 4526162)

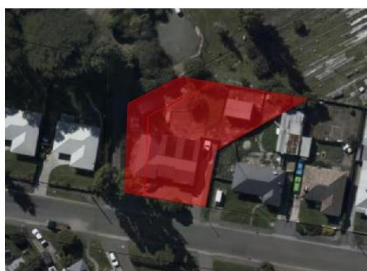


VALUATION REPORT

Property Address: Land at 275 Vermont Road, Mowbray TAS 7248

Our Reference: LG20/1496

Date of Valuation: 1st April 2021



Aerial Photograph



Location map

Title:

The land which forms the subject of this valuation advice is contained within the following contiguous Certificates of Title:

- Volume 38003, Folio 1
- Volume 38003, Folio 2

Ownership:

Tamika Maree Greaves

Purpose of Valuation:

To assess the value of the interest held by City of Launceston in the Pipeline easement appurtenant to the land comprised in the above certificates of title for potential disposal/extinguishment purposes, as indicated on the survey sketch provided by Council outlined below and copy of the title plan appended to this report.

Subject Land Area:

The overall land parcel of which the subject easements form a part has a total area of 1,141 square metres (sqm), contained within the respective certificates of title as follows –

- CT 38003 / 1: 868 sqm
- CT 38003 / 2: 273 sqm

City of Launceston Council Land at 275 Vermont Road Mowbray	LG Valuation Services Pty Ltd LG21/1496
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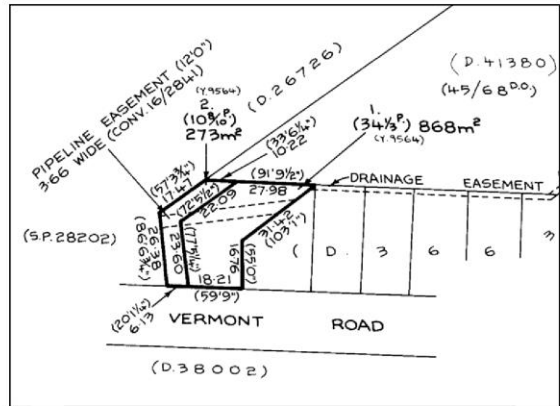
The position of the Pipeline easement is delineated on the extracts from the title plan and survey sketch below.

We have not been provided with detailed measurements or a formal survey of the land area affected by the pipeline easement, notwithstanding the width of the easement is annotated on the plans as being 3.66 metres.

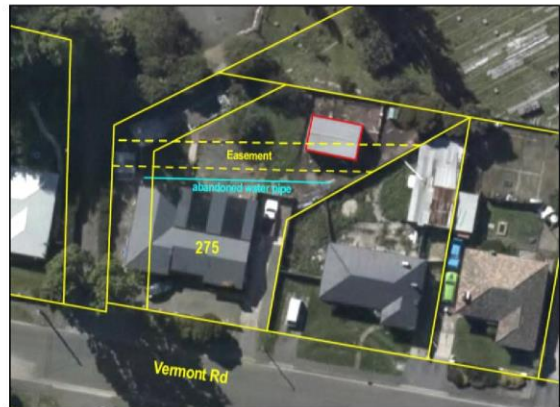
Accordingly, our assessment of the value of the Council’s interest in the affected land is based on our estimate of the linear length of the easement derived from spatial mapping (LIST), title plans provided, and our own on-site observations.

The estimated area of the easement on the above basis is +/- 145 sqm. We reserve the right to review our assessment of value should a formal survey of the easement indicate areas that differ significantly from the affected land area as outlined above.

Title Plan:



Survey Sketch:



City of Launceston Council
Land at 275 Vermont Road Mowbray

LG Valuation Services Pty Ltd
LG21/1496

Location:

The subject land is situated in an outer suburban locality between the residential areas of Mowbray and Ravenswood, approximately 4 kilometres to the north east of Launceston's Central Business District (CBD).

The subject parcel of land is contained in two adjoining titles which both have street frontage to Vermont Road, which is a residential street of predominantly freestanding dwellings of varying styles and construction era.

Land Description:

The subject titles together comprise an irregular shaped parcel of land which is broadly level in contour.

The subject land is improved with a single level dwelling and a freestanding shed situated to the rear (north) of the residence.

According to the survey sketch provided to us by the Council, the shed has been constructed over part of the pipeline easement, notwithstanding the physical location of the redundant water pipe falls outside of the easement as annotated on the title plan.

Existing improvements have not been taken into account in our assessment of the value of the Council's interest in the subject easement, which is predicated on the basis of the underlying land value only exclusive of surface improvements.

Photographs:



Frontage of land to Vermont Road



Overview of easement – view West to East



Overview of easement – view East to West



View across easement – view North to South



Planning:

The subject land is currently zoned “10.0 General Residential” under the prevailing Launceston Interim Planning Scheme 2015.

Under the current zoning classification, it is noted that the minimum lot size for subdivision is 500 sqm and that each lot must be able to contain a rectangle measuring 10 m by 15 m.

Given the total land area of 1,141 sqm and the configuration of the site, it appears that the overall land parcel is capable of two developable lots, notwithstanding this is likely to require boundary adjustment or subdivision approval given the respective sizes of the existing titles.

Market Sales:

In establishing applicable valuation parameters for the subject property, we have examined market activity within the locality over recent years and have analysed relevant sales for comparison purposes.

Our research revealed that there have been few sales of vacant land within the immediate locality of Mowbray over recent years, and accordingly it has been necessary to extend our search for market sales evidence to other similar residential areas around Launceston’s eastern suburbs to assess applicable market parameters.

A selection of market sales transactions which are considered relevant in determining market parameters for the subject land are summarised in the table below:

Address	Sale Date	Sale Price	Land Area (m2)	Rate \$/m2
30 Leeander Crescent, Ravenswood	5/03/2020	\$89,000	654	\$136.09
14 Rosny Street, Ravenswood	11/02/2021	\$72,500	629	\$115.26
13 Waterloo Street, Ravenswood	23/02/2021	\$80,000	620	\$129.03
30 Audrey Avenue, St Leonards	1/07/2020	\$208,000	1,501	\$138.57
3 Tenzing Drive, St Leonards	5/06/2020	\$187,500	1,564	\$119.88

Valuation Considerations:

Having regard to the available sales evidence, prevailing market conditions, and the particular attributes and characteristics of the subject land, we consider an appropriate range of value for the subject land would be between \$125 and \$150 per square metre.

Whilst these parameters are towards the higher end of the range outlined in the table above this is considered to be reflective of the particular attributes of the subject land. These attributes include the land being contained within two Titles, notwithstanding that given the current configuration of the titles boundary adjustments would be required for both lots to be developed separately.

We have been instructed to provide our assessment of the value of the interest held by City of Launceston in the subject easements, as distinct from the unencumbered market value of the freehold land.

City of Launceston Council Land at 275 Vermont Road Mowbray	LG Valuation Services Pty Ltd LG21/1496
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It is acknowledged that the Council's interest in the easement constitutes a lesser interest than that of the freehold title holder, and accordingly we have adopted a lower proportional rate to reflect the Council's interest in our valuation calculations below.

Land Description	Land Area	Value Range	\$/sqm Land	Total Value
CT 38003 / 1-2				
Subject Land (area of easements only)	145.00 m2	Low	125.00	\$18,125
	145.00 m2	High	150.00	\$21,750
Core Land Value			137.50	\$19,938
Adjust for:				
Proportional Interest - Council		30%		\$5,981
Value of Council Interest				\$5,981
Rounded for Valuation Purposes				\$6,000

Valuation Conclusion:

Our assessment of the value of the interest held by City of Launceston in the subject easement is:

\$6,000
(SIX THOUSAND DOLLARS)

This valuation is exclusive of GST if applicable.

Date of Valuation: 1st April 2021

Signed:



Richard Carhart
MRICS AAPI CPV
Senior Valuer
LG Valuation Services Pty Ltd

16th April 2021

Part of HMC Property Group
PO Box 1470 Launceston TAS 7250
Phone (Mobile): 0408 141 030
E-mail: richard@hmval.com.au

City of Launceston Council Land at 275 Vermont Road Mowbray	LG Valuation Services Pty Ltd LG21/1496
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Definitions

Compliance:

Our valuation has been prepared in accordance with the Australian Property Institute Practice Standards and Guidance Notes.

Market Change:

Due to the possible changes in market forces and circumstances in relation to the subject property, the report can only be regarded as representing our opinion of the value of the property as at the Date of Valuation.

Coronavirus Disease 2020 (COVID-19):

The coronavirus (COVID-19) is currently disrupting world economies and while clear property impacts at a local level are not yet observable, it is prudent to acknowledge this situation and continue to monitor on an ongoing basis. The International Monetary Fund is forecasting a global recession for 2020 and most Australian economists are predicting that Australia will also succumb to recession domestically, despite recent Government stimulus efforts designed to support the economy and employment.

Whilst the current observable market trajectory has been seemingly steady to this point, caution is necessary given that most property classes have benefited from a prolonged cyclical upswing in levels of value. In terms of cyclical positioning, the market is now generally viewed as being at or near the 'top of cycle'. There are additional economic challenges emerging in the market which have the potential to create significant downward pressure on market values. These challenges include the availability of property finance, headwinds facing the broader property market, very low inflation and a current environment characterised by increasing unemployment and concerning government budgetary positions and economic forecasts.

Currency of Valuation:

This valuation is current as at the Date of Valuation only.

Reliance on Valuation:

We do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of the Period of Valuation Reliance identified below, from the Date of Valuation, or such earlier date if you become aware of any factors that have any effect on the valuation. We recommend the valuation be reviewed at regular intervals.

Period of Valuation Reliance:

The Period of Valuation Reliance for this report is 3 months. Without limiting the generality of the above, we do not assume responsibility or accept any liability where the valuation is relied upon after the expiration of three months from the date of the valuation.

City of Launceston Council Land at 275 Vermont Road Mowbray
--

LG Valuation Services Pty Ltd LG21/1496
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Environmental Issues:

This valuation has been assessed on the assumption that the property is free from elevated levels of contaminants and is not impacted by any environmental issues that may affect the marketability and/or value of the property. It should be noted that such environmental matters are outside our area of expertise and that the valuation contained herein has been prepared without the benefit of soil tests or external environmental impact reports.


Should any environmental issues subsequently become apparent that may impact on the marketability and/or value of the property then this valuation is not to be relied upon and the report should be returned to the valuer for review and potential revision.

City of Launceston Council Land at 275 Vermont Road Mowbray	LG Valuation Services Pty Ltd LG21/1496
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Appendix 1:

the List

FOLIO PLAN
RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980

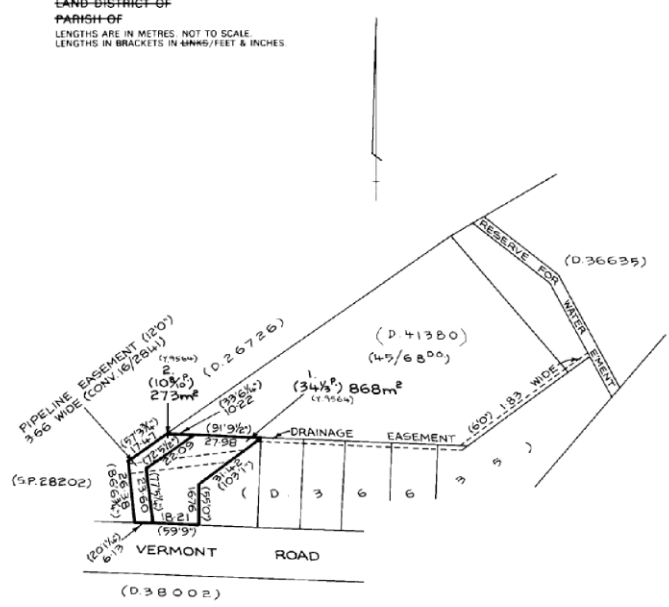


Tasmanian
Government

<p>APPROVED</p>  <p>RECORDER OF TITLES</p>	<p>CONVERSION PLAN</p> <p>CONVERTED FROM 64/1164</p>	<p>REGISTERED NUMBER</p> <p style="font-size: 1.5em; font-weight: bold;">D. 38003</p>
<p>FILE NUMBER Y.9564.</p>	<p>GRANTEE PART OF 53.0.0 CHARLES FLETCHER HOWARD.</p>	<p>DRAWN B. HILL. 13.12.88</p>

SKETCH BY WAY OF ILLUSTRATION ONLY

CITY/TOWN OF LAUNCESTON.
LAND-DISTRICT-OF
PARISH-OF
LENGTHS ARE IN METRES. NOT TO SCALE.
LENGTHS IN BRACKETS IN MM/FEET & INCHES



Search Date: 01 Mar 2021 Search Time: 03:58 PM Volume Number: 38003 Revision Number: 01 Page 1 of 1
 Department of Primary Industries, Parks, Water and Environment www.thelist.tas.gov.au

19.4 Financial Report to Council - 31 March 2021**FILE NO:** SF3611**AUTHOR:** Nathan Williams (Manager Finance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the Council's financial performance for the period ended 31 March 2021.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 18 May 2021 - Agenda Item 9.4 - Financial Statements (Analysis and Commentary)

RECOMMENDATION:

That Council adopts the financial report for the period ended 31 March 2021 and notes the report discloses an underlying deficit of \$3.544 million, of which \$2.263 million relates to a timing variance of receipt of a Financial Assistance Grant.

REPORT:

The report discloses an underlying deficit of \$3.544m against a budgeted underlying deficit of \$8.133m to the period ended 31 March 2021. This includes a \$2.263m unfavourable variance due to a timing difference in receiving 2020/2021 Financial Assistance Grants (FAGs) in advance in the prior financial year. Assuming that 2021/2022 FAGs will be received in June 2021, this would result in a favourable underlying result variance of \$1.281m to 31 March 2021.

Rates revenue is favourable due to the high number of supplementary valuations completed throughout the year, and is testament to the increased activity in the construction sector. Due to the high value of rates income, 1/12th of annual rates revenue is recognised as income on a monthly basis, with the annual budget phased in a corresponding manner.

Budgeted income for Fees and Charges were reduced significantly in preparing the 2020/2021 budgets in response to the COVID-19 pandemic and included significant reductions in budgeted income for Parking, Launceston Aquatic, City Development, QVMAG and Building Surveying. The Waste Centre Budget was reduced in consideration of a decrease in construction. The favourable variance is reflective of most the Council's facilities and sites being able to operate in a relatively normal manner so far this financial year.

19.4 Financial Report to Council - 31 March 2021 ...(Cont'd)

The Employee Benefits favourable variance is due to vacancies across the organisation and a decrease in staff travel from previous years due to travel restrictions. It is anticipated that Council's service cost contribution to the Defined Benefits Fund will reduce this favourable variance by \$1.0m - \$1.5m.

Materials and Services favourable variance is due to a range of factors. These include savings in electricity, fuel, water and gas costs, Land Tax COVID-19 remissions and insurance premium cost reductions.

The other major variance is depreciation and the unfavourable variance relates mainly to roads and waste centre assets. Waste centre assets were revalued since the 2020/2021 budget was formulated which has increased the annual depreciation cost and the road depreciation increase has occurred mainly due to strategic asset swaps with State Growth where the value of roads received was of significantly more value than what the Council transferred.

19.4 Financial Report to Council - 31 March 2021 ...(Cont'd)

CITY OF LAUNCESTON			
Statement of Comprehensive Income For Year to Date 31 March 2021	2020/21 YTD \$ Actual	2020/21 YTD \$ Budget	Variance YTD \$ Fav/(Unfav)
REVENUES FROM ORDINARY ACTIVITIES			
Rates	53,784,895	53,203,653	581,242
Fees and Charges	19,227,671	14,564,090	4,663,581
Revenue Grants			
Financial Assistance	1,646,837	3,913,866	(2,267,028)
Other Grants	3,163,328	2,973,066	190,262
Interest	466,101	555,570	(89,469)
Interest Committed	-	-	-
Investment Revenue	681,000	681,000	-
Bequests	55,055	60,000	(4,945)
Other Income	1,703,413	1,416,793	286,619
	<u>80,728,299</u>	<u>77,368,037</u>	<u>3,360,262</u>
EXPENSES FROM ORDINARY ACTIVITIES			
Maintenance of Facilities and Provision of Services			
Employee Benefits	31,020,621	32,664,162	1,643,541
Materials and Services	25,704,787	26,639,064	934,277
Impairment of Debts	10,843	19,125	8,282
Finance Costs			
Interest on Loans	238,465	285,566	47,101
Provision for Rehabilitation	37,500	37,500	-
Change in Rehabilitation Provision	-	-	-
Depreciation	17,534,040	16,565,110	(968,930)
State Government Fire Service Levy	6,232,291	6,232,291	0
Rate Remissions and Abatements	2,928,895	2,909,070	(19,825)
Write Down of Assets Held For Sale	-	-	-
	<u>83,707,443</u>	<u>85,351,888</u>	<u>1,644,445</u>
OPERATING SURPLUS / (DEFICIT)	(2,979,144)	(7,983,851)	5,004,707
Capital Grants	2,762,720	2,386,079	376,641
Infrastructure Take Up	-	-	-
Other Comprehensive Income	-	-	-
	<u>2,762,720</u>	<u>2,386,079</u>	<u>376,641</u>
Non-Operating Expenses			
Loss on Disposal of Fixed Assets	565,277	150,000	(415,277)
Comprehensive Result	<u>(781,701)</u>	<u>(5,747,772)</u>	<u>4,966,071</u>
Underlying Result (excl Capital Grants)	<u>(3,544,421)</u>	<u>(8,133,851)</u>	<u>4,589,430</u>

19.4 Financial Report to Council - 31 March 2021 ...(Cont'd)

**CITY OF LAUNCESTON
STATEMENT OF FINANCIAL POSITION
As at 31 March 2021**

	2020/21 YTD \$	2019/20 YTD \$	2018/19 YTD \$
EQUITY			
Capital Reserves	216,781,254	213,757,950	199,658,861
Revenue Reserves	1,031,679,000	1,020,966,286	1,017,401,548
Asset Revaluation Reserves	686,351,864	655,175,927	663,164,898
Investment Reserves	(44,150,425)	19,084,960	(15,478,099)
Trusts and Bequests	2,362,739	2,356,681	2,196,206
Operating Surplus	(781,701)	(398,101)	11,058,560
TOTAL EQUITY	1,892,242,732	1,910,943,702	1,878,001,974
Represented by:-			
CURRENT ASSETS			
Cash at Bank and on Hand	22,792,397	592,170	2,910,143
Rates and Sundry Receivables	15,152,717	20,487,222	19,679,253
Less Rates not yet Recognised	(17,782,388)	(17,530,503)	(16,866,202)
Short Term Investments	62,623,682	63,371,078	71,558,091
Inventories	708,553	731,194	695,146
Assets Held for Sale	3,401,885	3,401,885	4,242,217
	<u>86,896,846</u>	<u>71,053,046</u>	<u>82,218,649</u>
NON-CURRENT ASSETS			
Deferred Receivables	257,556	257,556	257,556
Investments	208,956,687	272,195,078	237,631,020
Superannuation Surplus	-	-	622,000
Intangibles	4,809,861	4,778,982	4,585,256
Infrastructure and Other Assets	1,407,329,099	1,341,468,352	1,350,049,901
Right of Use Assets	258,413	-	-
Museum Collection	240,800,370	257,630,036	237,624,029
	<u>1,862,411,985</u>	<u>1,876,330,004</u>	<u>1,830,769,761</u>
TOTAL ASSETS	1,949,308,831	1,947,383,050	1,912,988,410
CURRENT LIABILITIES			
Deposits and Prepayments	579,724	578,853	596,020
Employee Provisions	7,664,542	7,009,032	6,755,570
Rehabilitation Provision	-	-	-
Interest-bearing Liabilities	-	-	390,467
Lease Liabilities	26,586	-	-
Sundry Payables and Accruals	4,818,259	6,556,352	9,354,381
	<u>13,089,110</u>	<u>14,144,236</u>	<u>17,096,437</u>
NON-CURRENT LIABILITIES			
Employee Provisions Non Current	942,964	790,709	919,357
Superannuation Obligation	2,906,000	1,814,000	-
Interest-bearing Liabilities Non Current	25,000,000	9,000,000	9,000,000
Lease Liabilities	263,497	-	-
Rehabilitation Provision	14,864,528	10,690,403	7,970,643
	<u>43,976,989</u>	<u>22,295,112</u>	<u>17,889,999</u>
TOTAL LIABILITIES	57,066,099	36,439,348	34,986,436
NET ASSETS	1,892,242,732	1,910,943,702	1,878,001,974

19.4 Financial Report to Council - 31 March 2021 ...(Cont'd)

Loan Balances

The loan balance as at 31 March 2021 is \$15m (interest free). This is comprised of \$9.0m borrowed in 2016/2017 for the CH Smith Car Park project (due to be repaid in February 2022) and \$6m borrowed in 2019/2020 for the Paterson Street Central Carpark Development/Bus Interchange (due to be repaid in 2025).

The Council has approval to borrow an additional \$20m on interest free terms, repayable in three years as a result of the Tasmania Government's Local Government loans COVID-19 Pandemic Stimulus Package. The funds will be used on both capital and operational expenditure. \$10m of this approved funding was drawn on in January 2021, with the balance to be drawn this financial year.

The Council has sufficient cash reserves to repay loans as they fall due.

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:

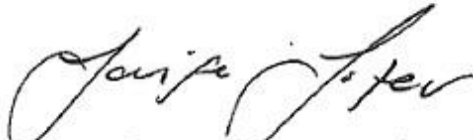
As per the report.

19.4 Financial Report to Council - 31 March 2021 ...(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 Proposed Budget 2021/2022 Consultation Responses**FILE NO:** SF6817/SF5669**AUTHOR:** Nathan Williams (Manager Finance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the 2021/2022 budget public consultation process and the responses submitted.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 20 May 2021 - 2021/2022 Rates Modelling and Consideration of Public Feedback - 2021/2022 Budget and Annual Plan.

Considered annually.

RECOMMENDATION:

That Council:

1. receives the submissions from:
 - (a) Karen Gardner
 - (b) Brian
2. notes that the Council Meeting of 17 June 2021 is the intended date on which the budget will be adopted and the rate will be set.

REPORT:

On 22 April 2021 Council approved the release of the Proposed 2021/2022 Annual Plan, Proposed Statutory Estimates including the Capital Program and Major Operational Projects.

Council invited submissions from the community on the 2021/2022 Proposed Annual Plan and Budget. The submissions period closed at 5.00pm on Friday, 7 May 2021. The City of Launceston issued a specific media release regarding the submission period and uploaded the documents to the Council's website.

19.5 Proposed Budget 2021/2022 Consultation Responses ...(Cont'd)

Two submissions were received - they are attached for information.

Submission 1 - Karen Gardner

In summary, the submission proposes an upgrade for the Packham Street Park. The writer notes she has lived in Newnham for over 10 years and has never seen any work or upgrades done to this Park in that time which is very disappointing considering the amount of children we have in the Northern Suburbs and the amount we pay in rates compared to Ravenswood and Rocherlea, which have had parks close to them upgraded in the past five years. It's very disappointing to see all the kids in our streets gather at the end of the cul-de-sac with their Scooters, bikes, roller skates Scooter ramp and footballs to either kick the footy on the road and move when a car comes, or using the drain as a ramp for either a scooter or roller skates.

A park in Hobart Geilston Bay was amazing, in walking distance of where the writer was staying, set out perfectly and not a huge space either, not like Packham Street, there is even a swing for children in wheel chairs! There are a lot of parents that don't have licences and can't simply drive to a nice park, it would be nice to be able to walk to our local park with our dogs and be able to sit and watch our kids play, and cook a snag if we feel like it.

This space even has bbq facilities for family's and Packham Street could even fit a space for kids to ride their Scooters, skates, bikes and kick a footy, shoot some hoops, the ideas are endless.

The writer notes she is sure Launceston City Council has just a good as Landscape Design Officer. The importance of this park is great, it would give families and older kids somewhere to hang out, not on the streets. I know certain older kids like to ruin it for young ones every now and then but if we Design it right the first time with solar lights and maybe a camera or two it might deter them.

Please give this park serious consideration for developing as part of your budget as the Northern Suburbs community would be truly grateful.

City of Launceston Response

There are 63 play spaces in the City of Launceston. Together they represent a major investment by the Council in assets for use by the community as well as visitors.

The Council asset records show the Mt Stuart Park playground which is a local neighbourhood park was last replaced in 2010. It is a 15 year asset so the earliest budgeted renewal would be 2025/26 as listed in the Strategic Asset Management Plan.

19.5 Proposed Budget 2021/2022 Consultation Responses ...(Cont'd)

Whilst specific features and design treatments may change over time, the Council's long term financial plan provides for renewal of assets to a similar standard and cost. The Newnham area offers a number of local parks and open space with maintained grass areas and whilst not specific sports facilities offer sites for kids ball sports play with some off road paths.

The Council's Play Spaces Strategy outlines a key play space principle planning for fewer playgrounds that are higher quality, in larger hubs.

Rather than providing play spaces as single-purpose spaces just for young children, the Council is aiming to migrate play spaces into social/family recreation spaces that cater for people from a wider range of age groups, including teenagers. Examples of this approach include the recent projects in the Ravenswood and Rocherlea area, as well as Riverbend Park.

Launceston's Riverbend Park, along with Clarence City Council's Simmons Park in Lindisfarne Bay and the Bellerive Beach Park, are examples of strategic investment by Tasmanian Councils in 'regional/destination playgrounds'.

A destination play space is a high quality play space with associated family facilities that attract local residents and also act as destinations for visitors from further afield. Destination playgrounds cater for all-abilities access, barbecue facilities and plenty of exciting play equipment and the level of maintenance is also high. Such an investment must be carefully managed to ensure that it does meet the needs of the community and that it offers the best value for the available resources. In addition to the assets themselves, this resource includes a significant investment by the Council in management to ensure continued quality, play value, safety and amenity.

Submission 2 - Brian

In summary, the submission notes proposed expenditure of \$1.9 million on car park systems, signage and parking meters. Insane amount of money that council will use to justify high car parking rates.

How is spending \$900,000 on signs and 'access systems' going to deliver value for money for ratepayers? What is the current cost of how the system is operating now and negative impacts on operations?

Last time I used a parking meter and the EasyPark app it worked seamlessly. How could a \$1 million spend in this area be justified? The parking managers have lost the plot.

19.5 Proposed Budget 2021/2022 Consultation Responses ...(Cont'd)

City of Launceston Response

The current parking meters within the City are ageing and at the end of life for service. The Council can no longer purchase spare parts for the machines and it has become challenging to maintain operational service. The new meters will provide more options for the public to pay for parking within the City as we see the use of coins decline. Credit card payments will be available on the new machines.

The on street signage proposal is to assist with the public locating suitable car parking options within the City and providing them with vacancy numbers prior to making a decision on the travel path to their location and suitable car park. The signage located on the outside of the multistorey carparks will provide greater clarity to the public on available spaces within the chosen car parks prior to the public entering. The car park signage will assist in identifying the under-utilised/car parks with more vacancies and this will minimise vehicle queuing on street when the car parks are full. The multistorey carparks are proposing to move towards a more reliable access system with the use of licence plate recognition (LPR) and this will assist with the efficient management of our multistorey parking options. The LPR system will minimise ongoing costs with the reduction of tickets and maintenance of outdated equipment. The new systems will not require tickets to be issued as proof of parking as all entries and exits will be identified via number plates. This will in turn minimise any current issues with lost tickets and the associated charges.

We have had a remarkable uptake on the EasyPark app and it has been a success, however, this method of payment accounts for only 30% of payments through the City of Launceston's meters and car parks. As mentioned, the current fleet of parking meters are moving towards the end of life service and are in need of replacement. The ability to provide further options to the public to make payments is a progressive step forward. The Council has a meter maintenance budget of around \$200,000 to maintain the current fleet of meters. With access to parts, support from suppliers and the meters being well beyond their useful life this number will continue to go up and the service to the community will continue to drop as more meters fail. With a life expectancy of these meters being 10 years the financial benefit gained by the organisation/community makes the investment justifiable. The Council will not be seeking to move fees to excessive levels as a justification for the budget allocations as the new systems will provide greater assistance to the general public and the tourists who visit our municipality.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

19.5 Proposed Budget 2021/2022 Consultation Responses ...(Cont'd)

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

3. To ensure decisions are made on the basis of accurate and relevant information.
4. To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains and adopting technological and other process innovations.
5. To maintain a financially sustainable organisation.

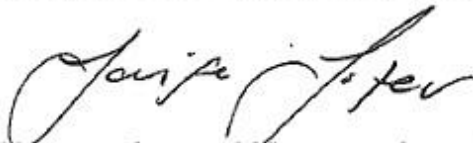
BUDGET & FINANCIAL ASPECTS:

Feedback from community consultation informs the Council's ongoing budget processes.

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. Budget Submission From Karen Gardner
 2. Budget Submission From Brian
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Attachment 1 - Budget Submission From Karen Gardner

Subject: Packham St Newnham Park Upgrade
Date: Thursday, 22 April 2021 10:12:15 AM

Good morning,

I would like to propose a submission as a rate payer and a mum of young children, for the Packham St Park. I've lived in Newnham for over ten years and I have never seen any work or upgrades done to this Park in that time which is very disappointing considering the amount of Children we have in the Northern Suburbs, and the amount we pay in rates compared to Ravenswood and Rocherlea, which have had parks close to them upgraded in the past five years. Its very disappointing to see all the kids in our streets gather at the end of the cul-de-sac with their Scooters, bikes, roller skates Scooter ramp and footballs to either kick the footy on the road and move when a car comes, OR using the drain as a ramp for either a scooter or roller skates.

I was visiting my Sister in Hobart Geilston Bay and walked to the park close by with my kids and by God the park was amazing, set out perfectly and not a huge space either, not like Packham St, there is even a swing for children in wheel chairs! This park is not near a million dollar hotel, but it should be, Clarence City Council care about the residents not just the tourists. There are alot of parents that don't have licences and can't simply drive to a nice park, it would be nice to be able to walk to our local park with our dogs and be able to sit and watch our kids play, and cook a snag if we feel like it.

I've included some pictures that Chris from Clarence City Council was kind enough to send to me so I could actually let you see how amazing it is, this space even has bbq facilities for family's and Packham St could even fit a space for kids to ride their Scooters, skates, bikes and kick a footy, shoot some hoops, the ideas are endless.

I'm sure Launceaton City Council has just as good as Landscape Design Officer and I'm sure Chris wouldn't mind offering help if need be. The importance of this park is great, it would give families and older kids somewhere to hang out, not on the streets. I know certain older kids like to ruin it for young ones every now and then but if we Design it right the first time with solar lights and maybe a camera or two it might deter them.

Please give this park serious consideration for developing as part of your budget as the Northern Suburbs community would be truly grateful.

Sincerely

Attachment 2 - Budget Submission From Brian

To: ProposedBudget2022
Subject: car parking
Date: Tuesday, 27 April 2021 9:06:03 AM

\$1.9 million on car park systems, signage and parking meters. Insane amount of money that council will use to justify high car parking rates.

How is spending \$900,000 on signs and "access systems" going to deliver value for money for ratepayers? What is the current cost of how the system is operating now and negative impacts on operations.

Last time I used a parking meter and the easypark app it worked seamlessly. How could a \$1 million spend in this area be justified. The parking managers have lost the plot.

Sent from [Outlook](#)

20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS

No Items have been identified as part of this Agenda

21 CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

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

21.1 Confirmation of the Minutes

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

21.2 Annual Write Off of Non-Recoverable, Non-Rating Debts 30 June 2021

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

- (j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

21.3 Local Government Association of Tasmania - 2021 Elections

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

- (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

21.4 End of Closed Session

To be determined in Closed Council.

22 MEETING CLOSURE

UNCLASSIFIED AGENDA ITEMS:
