



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 10 MARCH 2022
1.00pm**

City of Launceston

COUNCIL AGENDA

Thursday 10 March 2022

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

Date: 10 March 2022

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 .

The following information was provided to members of the public in respect of attendance at the Council Meeting.

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.

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 attending 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.

10 January 2022

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

Dear Michael

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 council; and
(b) a special meeting of council.

I request that you make necessary arrangements for the Ordinary Meetings of Council to be convened on the following dates for 2022:

27 January	10 February	24 February	10 March	24 March
7 April	21 April	5 May	19 May	2 June
16 June	30 June	14 July	28 July	11 August
25 August	8 September	22 September	5 October	20 October
3 November	17 November	1 December	15 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 24 February 2022 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 Ms Georgia Axton and Mr Tim Wedlock (Peeps Youth Workers and Adventure Play Across the Northern Suburbs Project Officers) - Northern Suburbs Community Centre Inc.

Ms Axton and Mr Wedlock will provide Council with an outline of the *Adventure Play Across the Northern Suburbs* and its future.

8 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1 Public Questions on Notice

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

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

8.1.1 Public Questions on Notice - Mr Ray Norman - 11 February 2022**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following questions, submitted to in writing to the Council on 8 February 2022 by Mr Ray Norman, were answered by the Mayor, Councillor A M van Zetten on 11 February 2022.

Questions:

1. Is it the case that the General Manager/Chief Executive Officer can, under Section 62 of the Act or any other provision, modify the records of an open council meeting to expunge a record of a Councillor asking a question without notice?

Response:

No. Under Regulation 29(6) of the Local Government (Meeting Procedures) Regulations 2015, questions Without Notice from a Councillor, and any answers to those questions, are not required to be recorded in the Minutes of the Meeting. Questions Without Notice, and any answers to those questions are included in the audio recording of an open council meeting.

2. Is it also the case that the General Manager/Chief Executive Officer can defer a Councillor's question to a closed Meeting for the provision of a response?

Response:

Under Regulation 29(4) of the Local Government (Meeting Procedures) Regulations 2015, the chairperson, councillor or general manager who is asked a Question Without Notice at a meeting may decline to answer the question. If a question related to a matter which is the subject of a closed meeting, then a question may be asked in a closed meeting. I draw your attention to section 338A of the Local Government Act 1993 (Tas) as it applies to disclosure of information relating to a closed meeting.

8.1.1 Public Questions on Notice - Mr Ray Norman - 11 February 2022 ...(Cont'd)

3. Is it also the case that a Councillor asked a question relative to returning drought funding to the Federal Government on the grounds that it was never justified and indeed was received to advance a development on land that did not own and has been unsuccessful in acquiring in any event?

Response:

Yes.

4. Is it also the case that the General Manager/Chief Executive Officer has authorised expenditure to fund planning for the said project and funding reportedly in the order of \$1m?

Response:

No. There has been expenditure on the planning for a new bus interchange on the Paterson Street site which has been authorised by a decision of Council. The amount is around \$50,000.

5. Is it also the case that the General Manager/Chief Executive Officer is stifling open critical discourse and deliberation around the table at the City of Launceston's public meetings.

Response:

No. The Council is complying with its obligations under the Local Government Act 1993 (Tas) and regulations made thereunder.

ATTACHMENTS:

1. Public Questions on Notice - Mr Ray Norman - 8 February 2022
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Attachment 1 - Public Questions on Notice - Mr Ray Norman - 8 February 2022

QUESTION TO CITY OF LAUNCESTON COUNCIL

Given questions clients pose to me I need to pose a question to Council in order that I can provide adequate answers given the circumstances:

- Is it the case that the GM/CEO can under **SECTION 62/2** of the Act, or any other provision, modify the records of an open council meeting to expunge a record of a Councillor asking a question without notice?
- Is it also the case that the GM/CEO can defer a Councillor's question to closed council for the provision of a response?
- Is it also the case that a Councillor asked a question relative to returning '**drought funding**' to the Federal Government on the grounds that it was never justified and indeed was received to advance a development on land didn't own and has been unsuccessful in acquiring in any event?
- Is it also the case that the GM/CEO has authorised expenditure to fund planning for the said project and funding reportedly in the order of \$1 Million?
- Is it also the case that GM/CEO is stifling open critical discourse and deliberation around the table at the City of Launceston' public meetings?

Ray Norman

8.1.2 Public Questions on Notice - Mr Ray Norman - 26 February 2022**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 the Council on 26 February 2022 by Mr Ray Norman, have been answered by Mr Michael Stretton (Chief Executive Officer).

Questions:

1. Given that, as the Queen Victoria Museum and Art Gallery's (QVMAG) default Trustees, it appears that you have not received a formal Performance Report on the record from either Council's Chief Executive Officer or the General Manager of the QVMAG since Council's Annual General Meeting November 2021, is this indeed the case?

Response:

There has not been a formal QVMAG update provide at a Council Meeting as there has been an extended period of an Acting General Manager Creative Arts and Culture and the appointment of the current General Manager, Mr Shane Fitzgerald, who commenced (in person) at the QVMAG on 15 November 2021. Mr Fitzgerald has utilised his first few months of his tenure to assess the operation of the QVMAG and he is scheduled to present his observations to a Workshop in March. A formal QVMAG update will be provided following this Workshop.

2. If this is not so, where can such report be found and where can the QVMAG's constituency acquire a copy?

Response:

Please refer to the response to the previous question.

8.1.2 Public Questions on Notice - Mr Ray Norman - 26 February 2022 ...(Cont'd)

3. If this is so, why is it the case and are the Councillors entirely satisfied with the Council's management performance and accountability in this instance?

Response:

Please refer to the response to the first question.

4. If it is a fact that you as Councillors/Trustees have not received such a Performance Report for the last quarter of 2021, how can this be explained?

Response:

Please refer to the response to the first question.

5. Further to this, what Key Performance Indicators (KPIs) have you as Councillors and as the institution's Default Trustees put in place, and if there are any, where can the institution's constituency gain access to a copy of such QVMAG KPIs?

Response:

The Council has been working on a QVMAG Future Direction Plan which will be formally considered at a Council Meeting in the next couple of months.

6. Furthermore, the Tasmanian Ministry for the Arts in the life of this Council, invoked KPIs that the Council is required to meet in order to maintain Tasmanian Government funding to the QVMAG - a \$1Million plus of taxpayer monies - where can the City of Launceston's and the QVMAG's constituency gain access to a copy of these KPIs in accord with accountability and transparency protocols?

Response:

The Council's funding agreement with the State Government is proposed to include a set of Key Performance Indicators which are to be delivered by the QVMAG. The funding agreement is currently under negotiation with Arts Tasmania. Adoption of the funding agreement will be considered by Council in due course.

8.1.2 Public Questions on Notice - Mr Ray Norman - 26 February 2022 ...(Cont'd)

7. Moreover, when did the QVMAG's Advisory Board last meet and report to you as Councillors/Trustees and where is this event recorded?

Response:

The last meeting of the QVMAG Museum Governance Advisory Board Meeting (MGAB) occurred on Wednesday, 9 February 2022. A copy of the Minutes have been provided to all Board members.

8. Further to that, where can a copy of this body's last report to you as Councillors/Trustees be accessed?

Response:

The Minutes of QVMAG Museum Governance Advisory Board Meetings are not currently made available to the public. This approach is under review.

9. Moreover, given that the QVMAG claims to be Australia's largest and most significant Regional Gallery/Museum, are you as Councillors/Trustees entirely satisfied with the institution's output in a 21stC context given that it may well be the most generously funded institutions of its kind in anywhere Australia? NB: All the QVMAG's recurrent funding comes uncompetitively and reliably from Tasmania's tax and rate payers.

Response:

The Council's position on this question will be provided with the release of the QVMAG Future Direction Plan.

10. In context with all the above, during the life of the Council that proceeded your tenure, and for the life of this Council, you have been tentatively and variously indicating that you are disposed to putting in place a standalone expert body/board/institute to govern the QVMAG, when now do you consider it appropriate and prudent to act proactively and expeditiously on such an initiative?

Response:

The Council's position on this question will be provided with the release of the QVMAG Future Direction Plan.

8.1.2 Public Questions on Notice - Mr Ray Norman - 26 February 2022 ...(Cont'd)

11. Moreover, given that the QVMAG relies almost entirely on the public purse for its recurrent funding, when can the QVMAG's constituency, sponsors and donors, Community of Ownership and Interest come stakeholders expect you as Councillors/Trustees to be proactive in regard to the QVMAG's, as an institution, accountable - like public are in Tasmania and nationally - while being effectively governed and consequently effectively managed in a 21stC context given institution's dependence on the public purse?

Response:

The Council's position on this question will be provided with the release of the QVMAG Future Direction Plan.

ATTACHMENTS:

1. Public Questions on Notice - Mr Ray Norman - 26 February 2022
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Attachment 1 - Public Questions on Notice - Mr Ray Norman - 26 February 2022

QUESTIONS

- Given that as the Queen Victoria Museum & Art Gallery's (QVMAG) '**Default Trustees**' it appears that as such you have **NOT** received a formal '**Performance Report**' (QVMAG/PR) on the record from either Council's GM/CEO or the GM/QVMAG since Council's AGM Nov 2021, is this indeed the case?
- **IF** this is **NOT** so, where can such report be found and where can the QVMAG's constituency acquire a copy?
- **IF** this is **IN FACT** so, why is it the case and are Councillors entirely satisfied with Council management's performance and accountability in this instance?
- **IF** it is **A FACT** that you as Councillor/Trustees have **NOT** received such a '**Performance Report**' (QVMAG/PR) for the last quarter of 2021/22 how can this be explained?
- Further to this, what '**Key Performance Indicators**' (QVMAG/KPI) have you as Councillor and as the institution's '**Default Trustees**' put in place, and **IF** there are any, where can the institutions '**constituency**' gain access to a copy of such QVMAG/KPIs?
- Furthermore, the **Tasmanian Ministry for the Arts** in the life of this Council invoked KPIs that Council is required to meet in order to maintain Tasmanian Government funding to the QVMAG – *a \$1 Million plus of taxpayer monies* – where can the City of Launceston's and the QVMAG's constituency gain access to a copy of these QVMAG/KPI in accord with accountability and transparency protocols?
- Moreover, when did the **QVMAG's Advisory Board** last meet and report to you as Councillors/Trustees and where is this event recorded?
- Further to that, where can a copy of this body's **last report** to you as Councillors/Trustees be accessed?
- Moreover, given that the QVMAG claims to be **Australia's largest** and most significant '**Regional Gallery/Museum**', are you as Councillors/Trustees entirely satisfied with the institution's output in a 21st C context given that it may well be the most generously funded institutions of its kind in anywhere Australia? **NB: All the QVMAG's recurrent funding comes uncompetitively and reliably from Tasmania's tax & rate payers**
- In context with all the above, during the life of the Council that preceded your tenure, and for the life of this Council, you have been tentatively and variously indicating that you are disposed to putting in place a standalone expert body/board/institute to '**govern**' the QVMAG, when **NOW** do you consider it appropriate and prudent to act proactively and expeditiously on such an initiative?
- Moreover, given that the QVMAG relies almost entirely on the '**public purse**' for its recurrent funding, when can the QVMAG's constituency, sponsors & donors, Community of Ownership & Interest cum stakeholders expect you as '**Councillors/Trustees**' to be proactive in regard to the QVMAG's, as an institution, accountable – *like public are in Tasmania and nationally* – while being effectively '**governed**' and consequently effectively managed in a 21st C context given institution's dependence on the '**public purse**'?

8.1.3 Public Questions on Notice - Mr Ray Norman - 25 February 2022**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 the Council on 25 February 2022 by Mr Ray Norman, have been answered by Mr Michael Stretton (Chief Executive Officer).

Questions:

1. Is, as is being reported to be the case, that that the Chief Executive Officer is quite unaware of the method of disposal of toxic waste removed from Launceston's York Park precinct indeed the case?

Response:

The Council is not aware of any toxic waste being removed from the York Park precinct. It is assumed that this question relates to contaminated soil which has been removed from the Inveresk Precinct as part of the University of Tasmania's (UTAS) Northern Transformation Project. As verbally advised by the Chief Executive Officer at the last Council meeting, the various Planning Permits that have been issued by the Council for this project have included conditions which provide direction in respect to the appropriate management and disposal of contaminated soil from the former industrial precinct. These conditions require that potentially contaminated soils needed to be stored on-site, analysed and directed to an appropriate waste disposal site depending upon the analysis results. The disposal of the soil is the responsibility of UTAS.

2. Further to that, is there any possibility that the said toxic waste has been removed to Hobart at the cost of \$14k per load?

Response:

This question needs to be directed to UTAS as the Council is not responsible for the management and disposal of the contaminated soil.

8.1.3 Public Questions on Notice - Mr Ray Norman - 25 February 2022 ...(Cont'd)

3. Further to that, at whose expense was this toxic waste removed if indeed such waste has been exported from Launceston/Tasmania?

Response:

As previously advised, all costs have been borne by UTAS.

4. Further to that, how many loads of such toxic waste has been removed from the precinct, to what destination in fact and what was the rationale for the selection of that destination?

Response:

This question needs to be directed to UTAS as the Council is not responsible for the management and disposal of the contaminated soil.

5. Further to that, what in fact constitutes this waste and what is its level of toxicity in fact?

Response:

This question needs to be directed to UTAS as the Council is not responsible for the management and disposal of the contaminated soil.

6. Further to that who was/is responsible for the decision making in this instance?

Response:

UTAS.

7. Further to that, has this matter ever been referred to Councillors at any time and if not, why not?

Response:

Acting as Planning Authority, the Council has approved the Planning Permits which have been issued for the project which included conditions in relation to the appropriate management and disposal of contaminated soil from the Inveresk precinct. UTAS has provided the Council with regular updates on the project both to the City of Launceston/UTAS Working Group and the full Council.

8.1.3 Public Questions on Notice - Mr Ray Norman - 25 February 2022 ...(Cont'd)

8. Moreover, the citizenry of Launceston, indeed Tasmania, looks forward with great interest to Council's answers to an explanation here and if for any reason the matter is regarded as *confidential* on what grounds might that be the case?

Response:

The Council does not possess this information and, therefore, any decision on the release of information in respect to the management and disposal of contaminated soil from the Inveresk precinct will need to be made by UTAS.

9. Moreover, will the citizens seeking answers here ultimately need to refer this matter to the Ombudsman in order to get a satisfactory answer?

Response:

Refer the response to the previous question.

ATTACHMENTS:

1. Public Questions on Notice - Mr Ray Norman - 25 February 2022
-

Attachment 1 - Public Questions on Notice - Mr Ray Norman - 25 February 2022

From: Ray Norman

Sent: Fri, 25 Feb 2022 12:36:24 +1100

To: Contact Us; Mayor; Michael Stretton; Councillor Danny Gibson

Cc: Examiner Editor; Local Government Division; Ferguson, Michael; Premier Gutwein; White, Rebecca; Cassy O'Connor

Subject: QUESTIONS TO CITY OF LAUNCESTON COUNCIL FOR COUNCILS NEXT MEETING AND ON THE RECORD QUESTIONS

- Is as is being reported to be the case, that that the GM/CEO is quite unaware of the method of disposal of toxic waste removed from Launceston's York Park precinct indeed the case?
- Further to that, is there any possibility that the said toxic waste has been removed to Hobart at the cost of \$14K per load?
- Further to that, at whose expense was this toxic waste removed if indeed such waste has been exported from Launceston/Tasmania?
- Further to that, how many loads of such toxic waste has been removed from the precinct, to what destination in fact and what was the rationale for the selection of that destination?
- Further to that, what in fact constitutes this waste and what is it level of toxicity in fact?
- Further to that who was/is responsible for the decision making in this instance?
- AND further to that, has this matter ever been referred to Councillors at any time and IF not, why not?
- AND moreover, the citizenry of Launceston, indeed Tasmania, looks forward with great interest to Council's answers to an explanation here and if for any reason the matter is regarded as 'confidential' on what grounds might that be the case?
- Moreover, will the citizens seeking answers here ultimately need to refer this matter to the Ombudsman in order to get a satisfactory answer?

Ray Norman

8.1.4 Public Questions on Notice - Mr Ray Norman - 2 March 2022**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 the Council on 2 March 2022 by Mr Ray Norman, have been answered by Mr Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Given the increasingly evident impacts that climate change and the ongoing climate emergency and their unanticipated consequences upon the sustainability and viability of urban cultural landscapes, not to mention civic planning and urban livelihoods, will the Council now move proactively and expeditiously towards a total reworking of its current planning and approvals processes aimed at putting in place a fundamental change in priorities with identified and targeted achievement indicators relative to upgrading the City's urban canopy cover?
 2. Moreover, against the background of the City of Launceston's colonial histories and their aftermath, will the Council now be proactive in regard to putting in place cultural landscaping protocols that acknowledges and indeed celebrates *palawa/pakana* cultural realities, cultural sensibilities and cultural landscaping cum place making aspirations relative to upgrading the City's canopy cover?
 3. Further to that, given the elasticity of the Council's current tree preservation cum canopy protection preservation provision, will the Council now reinforce these provisions and apply meaningful consequence - significant fines and/or other measures - for developers who fail to meet their obligations, undertakings and/or some developers' blatant recalcitrance in regard to the conditions of approval for a development?
 4. Further to that, will the Council now move expeditiously and proactively towards putting in place a set of dollar value assessment protocols for individual trees and groups of trees based on canopy value and their sequestered carbon value, upon which an offset mechanism and replacement system can be invoked in cases where, for good planning reasons, trees need to be displaced from a precinct cum urban landscape in accord with other jurisdictions in Australia?
-

8.1.4 Public Questions on Notice - Mr Ray Norman - 2 March 2022 ...(Cont'd)

5. Further to that, will the Council now act expeditiously towards enabling and encouraging private property owners to register trees within their property and/or within/near their area as being significant canopy trees and have them registered with the Council to the effect of having them protected by the Council's policy now and into the future?
 6. In accord with that, will the Council now put in place a voucher system that enables all citizens and ratepayers to receive, plant and adopt a number of trees per annum in designated zones for canopy cover cum carbon sink purposes whereby these trees collectively might well also be components of a food forest, a nature habitat and/or simply add to the environmental amenity of urban spaces?
 7. Additionally, will the Council now enable and encourage citizen' to plant identified and marked memorial trees in the urban landscape and have them marked - say with a QRcode - as designated canopy trees and thus protected by the Council's policy determinations and policy implementation?
 8. Consistent with all of the above, will the Council either maintain a wood bank or endorse a community group to establish such a facility with wood resources recovered from the public urban landscape banked in the resource reserve to be used as a material by artist makers, cultural producers, women's/men's shed memberships, etc. as is increasingly the case in Europe?
 9. Furthermore, will the Council now be proactive in enabling and encouraging the microchipping of both the sites of, and the significance of, canopy trees in order that the Council can better maintain the City's urban canopy cover and ensure accountability into the future?
 10. In accord with the above, will the Council now proactively revisit its zoning provisions in order that it may reassess the utility of land that is of marginal value, flood prone, compromised in some way, susceptible to land slippage, etc. in a residential or commercial context and invoke agrihood zones in urban cultural landscapes dedicating these zone's utility as being directed towards primary food production, fibre production, market gardening, orchards, nurseries, habitat reserves and like uses?
 11. In accord with the above, will the Council now proactively market such policy initiatives via social media, etc. and provide the City's citizenry with incentives to join with the Council and work towards a 15% minimum increase in canopy cover by 2025 and an increase of a further 20% by 2035?
-

8.1.4 Public Questions on Notice - Mr Ray Norman - 2 March 2022 ...(Cont'd)

12. Backgrounded by the above, will the Council now proactively advocate that adjoining council jurisdictions join with the City of Launceston in invoking and implementing such policy initiatives by the time of this year's Local Government elections 2022?

Response:

In partnership with the University of Tasmania, the City of Launceston is currently developing an Urban Forestry Strategy.

The Urban Forestry Strategy will address items raised in Mr Norman's questions.

Community engagement will occur over the next couple of months, through a series of workshops and online tools, and Mr Norman is encouraged to participate in this process.

ATTACHMENTS:

1. Public Questions on Notice - Ray Norman - 2 March 2022
-

Attachment 1 - Public Questions on Notice - Ray Norman - 2 March 2022

QUESTIONS

- Given the increasingly evident impacts that ***‘Climate Change and the ongoing Climate Emergency’*** and their unanticipated consequences upon the sustainability and viability of urban cultural landscapes, not to mention civic planning and urban livelihoods, will Council now move proactively and expeditiously towards a total reworking of its current planning and approvals processes aimed at putting in place a fundamental change in priorities with
 - Moreover, against the background of the City of Launceston’s ***‘colonial histories’*** and their aftermath, will Council now be proactive in regard to putting in place cultural landscaping protocols that acknowledges and indeed celebrates *palawa/pakana* cultural realities, cultural sensibilities and cultural landscaping cum placemaking aspirations relative to upgrading the city’s canopy cover?
 - Further to that, given the ***‘elasticity’*** of Council’s current ***‘tree preservation cum canopy protection preservation’*** provision will Council now reinforce these provisions and apply meaningful consequence – *significant fines and/or other measures* – for ***‘developers’*** who fail to meet their obligations, undertakings and/or some developers’ blatant recalcitrance in regard to the conditions of approval for a development?
 - Further to that, will Council now move expeditiously and proactively towards putting in place a ***‘set of dollar value assessment protocols’*** for individual trees and groups of trees based on canopy value, and their sequestered carbon value, upon which an offset mechanism and replacement system can be invoked in cases where, for good planning reasons, trees need to be displaced from a precinct cum urban landscape in accord with other jurisdictions in Australia?
 - Further to that, will Council now act expeditiously towards enabling and encouraging private property owners to register trees within their property and/or within/near their area as being ***‘significant canopy trees’***, and have them registered with Council to the effect of having them protected by Council policy now and into the future?
 - In accord with that, will Council now put in place a ***‘voucher system’*** that enables all citizens and ratepayers to receive, plant and ***‘adopt’*** a number of trees ***‘per annum’*** in designated zones for ***‘canopy cover cum carbon sink purposes’*** whereby these trees collectively might well also be components of a ***‘food forest’***, a ***‘nature habitat’*** and/or simply add to the environmental amenity of urban spaces?
 - Additionally, will Council now enable and encourage ***‘citizens’*** to plant ***‘identified and marked memorial trees’*** in the urban landscape and have them marked – *say with a QRcode* – as designated ***‘canopy trees’*** and thus protected by Council policy determinations and policy implementation?
 - Consistent with all of the above, will Council either maintain a ***‘WOOD BANK’*** or endorse a community group to establish such a facility with wood resources recovered from the public urban landscape ***‘banked’*** in the ***‘resource reserve’*** to be used as a ***‘material’*** by artist makers, cultural producers, women’s/men’s shed memberships etc. as is increasingly the case in Europe?
 - Furthermore, will Council now be proactive in enabling and encouraging the ***‘microchipping’*** of both the sites of, and the significance of, canopy trees in order that Council can better maintain the city’s urban canopy cover and ensure accountability into the future?
 - In accord with the above will Council now proactively revisit its zoning provisions in order that it may reassess the utility of land that is of marginal value, flood prone, compromised in some way, susceptible to land slippage etc. in a residential or commercial context and invoke ***‘AGRIHOOD ZONES’*** in urban cultural landscapes dedicating these zone’s utility as being directed towards primary food production, fibre production, market gardening, orchards, nurseries, habitat reserves and like uses?
 - In accord with the above will Council now proactively market such policy initiatives via social media etc. and provide the city’s citizenry with incentives to join with Council and work towards a **15% minimum increase** in canopy cover by **2025** and an increase of a **further 20% by 2035?**
 - Backgrounded by the above will Council now proactively advocate that adjoining Council jurisdictions join with the City of Launceston in invoking and implementing such policy initiatives by the time of this year’s **Local Government elections 2022?**
-

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.)

COUNCIL AGENDA

Thursday 10 March 2022

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 DA0537/2021 - 11-45 Abels Hill Road, St Leonards - Amendment 69 - Rezoning from Rural Resource to General Residential and Subdivision to Create 17 Lots

FILE NO: SF7380/DA0537/2021

AUTHOR: Duncan Payton (Town Planner)

GENERAL MANAGER: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

1. To decide whether to exhibit Amendment 69 for a rezoning of land at 11-45 Abels Hill Road, St Leonards from Rural Resource to General Residential of the Launceston Interim Planning Scheme 2015 to allow subdivision and residential use; and
2. To determine Development Application DA0537/2021 to subdivide one lot into 16 residential lots plus road and balance.

PLANNING APPLICATION INFORMATION:

Applicant:	6ty° Pty Ltd
Property:	11-45 Abels Hill Road, St Leonards
Existing Zoning:	Rural Resource
Receipt Date:	22/09/2021
Decision Due:	18/03/2022

RECOMMENDATION:

That Council:

1. pursuant to the former section 33(3) and 34 of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 69 to the Launceston Interim Planning Scheme 2015 for a change in zoning from Rural Resource to General Residential at 11-45 Abels Hill Road, St Leonards (CT3598/1).
 2. pursuant to the former section 35(1) of the *Land Use Planning and Approvals Act 1993*, certify the draft Amendment 69; and
 3. in accordance with the former section 38(1)(a) of the *Land Use Planning and Approvals Act 1993*, determine the period for public exhibition to be 28 days; and
-

9.1 DA0537/2021 - 11-45 Abels Hill Road, St Leonards - Amendment 69 - Rezoning from Rural Resource to General Residential and Subdivision to Create 17 Lots ...(Cont'd)

4. pursuant to the former section 43A of the *Land Use Planning and Approvals Act 1993*, approves DA0537/2021 for Subdivision to subdivide one lot into 16 residential lots plus road and balance at 11-45 Abels Hill Road, St Leonards (CT3598/1), subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Response to RFI, prepared by 6ty Pty Ltd, proposed subdivision at 11-45 Abels Hill Road, St Leonards, dated 22 December 2021.
- b. Subdivision Plan, prepared by 6ty Pty Ltd, Proposed rezoning and subdivision at 11-45 Abels Hill Road, St Leonards, issue 04, revision B, page P01, dated 21/12/2021.
- c. Indicative Masterplan, prepared by 6ty Pty Ltd, Proposed rezoning and subdivision at 11-45 Abels Hill Road, St Leonards, issue 01, revision A, page P02, dated 30/11/2021.
- d. Planning Submission, prepared by 6ty Pty Ltd, Request for a planning scheme amendment and permit application for a 16 lot subdivision at 11-45 Abels Hill Road, St Leonards, issue 02, dated 22/12/2021.

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. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am to 6pm

Saturday - 8am to 5pm

No works on Sunday or Public Holidays

4. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/01614-LCC and attached to the permit.

5. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

9.1 DA0537/2021 - 11-45 Abels Hill Road, St Leonards - Amendment 69 - Rezoning from Rural Resource to General Residential and Subdivision to Create 17 Lots ... (Cont'd)

6. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of 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.

7. 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 and Council policy 27-Rfx-012 Standards for Surface Reinstatement of Works in the Road Service. 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.

8. SOIL AND WATER MANAGEMENT PLAN

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

9. RETICULATED SERVICES

Prior to the commencement of the use, reticulated water, sewerage and electricity must be available to each lot shown on the endorsed plans.

9.1 DA0537/2021 - 11-45 Abels Hill Road, St Leonards - Amendment 69 - Rezoning from Rural Resource to General Residential and Subdivision to Create 17 Lots ...(Cont'd)

10. CONSTRUCTION OF WORKS

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager Infrastructure and Assets Network. The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a. Stormwater
 - i. Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve.
 - ii. The provision of a DN 100 connection to the lowest point of each lot.
 - iii. Provision of an overland flow path for flows up to a 100 year ARI storm event.
- b. Roads - Abels Hill Road
 - i. Provision of a 1,500mm wide footpath located on one side of the road and all necessary pedestrian kerb ramps.
 - ii. Provision of a single vehicular crossing for lots 1-3, 6-9 and 12-16 within the subdivision.
 - iii. All necessary line marking, signage and other traffic control devices.
- c. Roads - New Roads
 - i. Provision of a fully constructed road 8.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel.
 - ii. Provision of a 1,500mm wide footpath located on one side of the road and all necessary pedestrian kerb ramps.
 - iii. Provision of a single vehicular crossing for lots 4,5,10 and 11 within the subdivision.
 - iv. Provision of a sealed temporary turning head of a suitable size for incomplete roads.
 - v. All necessary line marking, signage and other traffic control devices.
- d. Electricity, Communications and Other Utilities
 - i. Where an overhead supply does not already exist, an underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority.
 - ii. Where an overhead supply does not already exist, an underground telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority.

All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:

- a. construction requirements.
 - b. appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities.
-

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- c. construction audit inspections.
- d. practical completion and after a 12 month's defects liability period the Final Inspection and Hand-Over.

11. WORKS REQUIRED FOR EACH LOT IN A STAGE

Where it is proposed to release the subdivision in multiple stages, each lot in a stage must be provided with the following infrastructure and/or services in order to be included in the stage to be released:

- a. fully constructed public road along all frontages, including the secondary frontage where a corner lot;
- b. a sealed vehicular crossing and driveway from the public road to the property boundary, unless a common internal driveway has been specified whereby the common driveway must also be constructed to the extent specified in the relevant construction condition;
- c. a stormwater connection to the public drainage system;
- d. access to underground electricity and communications infrastructure, and
- e. where applicable, reticulated gas infrastructure.

12. CONSTRUCTION DOCUMENTATION

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

- a. an *as constructed* plan in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure and Assets Network.
- b. a Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.
- c. compaction and soil test results for all earthworks or pavement works.
- d. an engineer's certificate that each component of the works comply with the approved engineering plans and the Council's standards.

13. EASEMENTS

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

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14. SEALING PLANS OF SUBDIVISION

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the General Manager Infrastructure and Assets Network:

- a. the satisfactory completion of all public infrastructure works including the provision of engineering certification and as constructed documentation in accordance the Council requirements.
- b. the subsequent issue of a Certificate of Practical Completion by the General Manager, Infrastructure and Assets Network.
- c. the lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.

Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

15. CONVEYANCE OF ROADS

All roads, including road widening, in the Subdivision must be conveyed to the Council upon the issue by the General Manager Infrastructure and Assets Network, of the Certificate under Section 10(7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the subdivider.

16. AS CONSTRUCTED PLANS

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

17. 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.

18. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

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

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19. STREET LANDSCAPING PLAN

Prior to the commencement of works, a landscape plan must be prepared by a suitably qualified person and submitted to the Council. Once approved by the Council, it will form part of this permit. The approved landscaping of the site must:

- a. be completed prior to the sealing of the Final plan of Survey.
- b. provide shade trees on one side of the road of an approved species with a minimum planted height of 2.5m, a minimum trunk diameter of 25mm (measured 1m above the surface) and at an average spacing of one per 20m of frontage.
- c. have each shade tree provided with a means of irrigation, a root guard to prevent damage to adjoining infrastructure and an anti-vandalism tie down to prevent removal.
- d. be coordinated with the construction plans of underground services and pavement works so as to provide sufficient clearances around each shade tree.

Notes

A. General

This permit was issued based on the proposal documents submitted for (DA0537/2021). You should contact the Council with any other use or developments, as they may require the separate approval of the 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.

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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.

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

REPORT:

PART A - APPLICATION FOR PLANNING SCHEME AMENDMENT

1. INTRODUCTION

An application was lodged under section 43A of the *Land Use Planning and Approvals Act 1993* (the Act) for a combined rezoning amendment and development application for a subdivision.

The application proposes to rezone an area of 9.092 hectares at 11-45 Abels Hill Road, St Leonards, from Rural Resource to General Residential as well as a 16 lot residential subdivision plus road and balance.

9.1 DA0537/2021 - 11-45 Abels Hill Road, St Leonards - Amendment 69 - Rezoning from Rural Resource to General Residential and Subdivision to Create 17 Lots ... (Cont'd)

1.1 Act Requirements

The legislation allows for a combined application for a permit and a planning scheme amendment to be considered jointly in accordance with Section 43A of the *Land Use Planning and Approvals Act 1993* (the Act).

43A. Application for a permit when amendment requested.

- (1) A person who requests a planning authority to amend a planning scheme may also request the planning authority to consider, in accordance with this Division, an application for a permit which would not be allowed if the planning scheme were not amended as requested.*
- (2) Where a planning authority has decided to initiate an amendment under section 33(3), it may consider the application for a permit referred to in subsection (1) concurrently with the preparation of the requested amendment to the planning scheme.*
- (3) An application may be made for a permit under this section even if it could not be granted under the existing planning scheme.*

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

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

- (3AA) If the planning authority decides under subsection (3) to initiate an amendment of a planning scheme after receipt of a request from a person under subsection (1), it must –*
 - (a) initiate the amendment under section 34; and*
 - (b) certify the draft amendment under section 35 - within 42 days of receiving the request or such longer time as the Commission allows.*

The matters which the Council must consider when making a decision whether to reject or exhibit the application are listed in sections 32 and 43C of the Act and are set out in detail in section 5.1 of this report.

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

9.1 DA0537/2021 - 11-45 Abels Hill Road, St Leonards - Amendment 69 - Rezoning from Rural Resource to General Residential and Subdivision to Create 17 Lots ...(Cont'd)

38. *Public exhibition of draft amendment*

- (1) *After giving to the Commission a copy of a draft amendment of a planning scheme and the instrument certifying that the amendment meets the requirements specified in section 32, the planning authority must –*
- (a) *cause a copy of the draft amendment to be placed on public exhibition for a period of 28 days or a longer period agreed to by the planning authority and the Commission; and*
- (b) *advertise, as prescribed, the exhibition of the draft amendment.*
- (2) *If the period referred to in subsection (1)(a) includes any days on which the office of the planning authority is closed during normal business hours in that part of the State where the planning scheme to be amended applies, that period is to be extended by the number of those days.*

1.2 The Proposal

The draft amendment proposes to rezone an area of 9.092ha from Rural Resource to General Residential. This rezoning will allow for the section 43A development application to subdivide the land into 16 residential lots plus road and balance.

Table 1 - Proposed Lots

Proposed Lot	Size	Description
1	783m ²	Residential
2	633m ²	Residential
3	634m ²	Residential
4	1,938m ²	Residential - existing dwelling
5	7,032m ²	Residential
6	632m ²	Residential
7	706m ²	Residential
8	728m ²	Residential
9	725m ²	Residential
10	696m ²	Residential
11	587m ²	Residential
12	617m ²	Residential
13	614m ²	Residential
14	612m ²	Residential
15	609m ²	Residential
16	623m ²	Residential
Road	2,683m ²	
Balance	76,760m ²	

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The proposal includes the two stub roads to provide connection Between Abels Hill Road and the future road network anticipated for the future subdivision of the balance title and the adjoining lands through to Waverley.

Lots 4, 5, 10 and 11 will be provided with access to the road stubs, whilst all other lots will have access directly to Abels Hill Road.

Additionally, a 4m wide strip along the frontage of the site will be provided to widen the Abels Hill Road reserve and provide for the construction (by the proponents) of a footpath.

Sewer and stormwater services will be constructed along the rear of the proposed lots.

2. SITE ANALYSIS

The subject site is a 9,092ha lot, located on the northern side of Abels Hill Road, around 100m north-east of the junction with St Leonards Road. It has a frontage to Abels Hill Road of 364m.

The site falls to the north-west at an average gradient of around 10% to the existing water course near its northern corner and along the north-western boundary.

Currently, the site contains a dwelling and rural outbuilding, with a number of mature trees located in the south-eastern quadrant and largely behind the proposed residential lots. The balance of the land is largely pasture, although somewhat constrained by its slope.

Water, sewer and stormwater services are available in Abels Hill Road. New sewer and stormwater are proposed along the rear of the proposed residential lots will be connected to the existing service in Abels Hill Road. Whilst the existing service has the capacity to accept this additional load, it is anticipated that as the balance lot is further subdivided in the future, these lines will be redirected to the north. Upgrading of the existing dam in the north-west of the site to provide additional stormwater detention is also proposed.

The adjoining land to the south and west is residentially zoned whilst the land to the north and east is zoned Rural Resource. This adjoining rural land to the north-west provides a direct link to the developing residential land extending via Regent Street from Waverley and adjoins the residential development from St Leonards Road and Pinsley and Celery Top Drives.

The land currently presents to Abels Hill Road as open land within a residential area. There are residential lots, developed with single dwellings, fronting Abels Hill Road immediately west of the site to St Leonards Road and immediately east of the site to beyond Audrey Avenue. Arguably, the proposed subdivision provides for the contiguous residential development of the Abels Hill Road frontage.

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3. EXISTING CONDITIONS ON THE SITE

3.1 Characteristics

The site has a slope of around 10%, falling east to west. With the exception of the dwelling, garden and rural outbuilding, the site is largely grassed and contains a number of mature trees predominately to the east and behind the proposed residential lots. Whilst the Land is zoned Rural Resource currently, its agricultural potential is constrained by the topography and the surrounding dwellings. Relevantly, the site is considered within an exclusion area for the classification of Agricultural Land in Tasmania and is considered to form part of the urban area. The 364m frontage to Abels Hill Road creates a break in the otherwise contiguous residential development along each side of the road.

3.2 Heritage Values

The site is not listed in the Local Historic Heritage Code under the Scheme or within a state listed property on the Tasmanian Heritage Register. There is no identified or known Aboriginal or cultural heritage on the site or adjoining land.

3.3 Scenic Values

The site is not located within a scenic management area and, of itself, holds no particular scenic value and once developed will integrate into the residential streetscape. The lots currently proposed will have scenic vistas to the north-west.

3.4 Natural Values

The site, and the adjoining rural lands to the north and east have been previously modified and cleared of native vegetation as part of its past agricultural use. The TASVEG mapping data shows this land as modified agricultural land, whilst the residential zoned and developed land to the south, west and north is shown as modified urban land.

3.5 Land capability

The site is considered to be contiguous with the surrounding urban area and is located within an exclusion area and not considered as agricultural land for the purpose of land capability mapping based on the *Land Capability Handbook, Guidelines for the Classification of Agricultural Land in Tasmania*, Grose C J, 2nd edition, DPIWE, Tasmania.

3.6 Environmental Hazards

- **Bushfire**

The site is within a bushfire prone area as shown on the planning scheme map overlays. A bushfire hazard management plan has been prepared by a suitably qualified person and providing building areas within BAL 19 to satisfy the requirements of the Bushfire Prone Areas Code.

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- **Flood Hazard**

The site is not shown as subject to flood risk on the planning scheme overlays. Whilst the existing drainage line at the north of the site is potentially subject to urban flooding during a 1% AEP event, the proposed subdivision is outside this area. Such flood risk will be appropriately addressed and mitigated as the site is further subdivided in the future.

- **Landslip**

The site is not within the mapped landslide areas of the planning scheme overlays. Part of the land within the north-eastern quadrant of the site is shown as low and medium landslip risk in the Hazard Planning Maps contained in the LIST. Whilst this mapping will be included in the overlay mapping for the new planning scheme, it will not prevent residential development of the site and does not extend to the proposed subdivision.

3.7 Infrastructure

Reticulated sewer, water and stormwater services are available to the site. Capacity exists to absorb the additional load from the proposed subdivision, however further subdivision of the balance is likely to require redirection of some services to the north-west.

3.8 Surrounding Facilities

Abels Hill Road is located to the south-east of the city and is approximately 600m from the small village centre of St Leonards and some 3km from the local centre of Newstead. It is around 5km to the CBD or to the regional centre of Kings Meadows. Various medical, shopping and educational facilities are available at each of these centres.

4. LANDOWNER CONSENT

The owner of the land has consented to the making of the application.

The General Manager Infrastructure and Asset Network's consent has been granted for the lodgement of the application given the need to construct road works on the Council's owned and maintained Abels Hill Road.

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5. CONSIDERATIONS FOR THE AMENDMENT

5.1 Consideration of Section 32

Section 32. Requirements for preparation of amendments

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

(a)

(b)

(c)

(d)

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

(ea) *must not conflict with the requirements of section 30O; and*

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

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

The areas adjacent to the subject site are all within the same planning scheme as the subject site. The potential for conflict between the Rural Resource zone and the General Residential and Low Density Residential zones is addressed within the relevant provisions of those zones. The proposal to rezone the subject site to General Residential will remove any potential existing conflict between the Rural Resource zone and the Low Density zone. With regard to potential conflict between the Rural Resource zone and the General Residential zone, the proposal merely adjusts the location of the boundary between the two zones.

Relevantly, there is no evidence of existing conflict at the interface of the two zones. Given the realistic expectation that, over time, the whole of the immediate and adjoining area will undergo residential development in response to the market pressures for residential development south of Regent Street and north of Abels Hill Road and the strategic acceptance of it as an urban growth area, ongoing conflict between uses is unlikely.

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The proponent's comments are similarly supported:

... it is noted that the site is located on the boundary of General Residential and Low Density Residential zoned land to the west and is adjacent to General Residential zoned land on the southern side of Abels Hill Road. The proposed zoning is therefore compatible with the zoning of the adjoining and adjacent residential land. It is also compatible with existing Rural Resource zoned land to the north-east which comprises lots that contain dwellings.

5.1.2(ea) Consideration of Section 30O

In regard to sub-section (ea), Section 30O is considered in detail below:

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

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

Comment:

Refer to section 6.1 of this report for an assessment of the Northern Regional Land Use Strategy.

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

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

Comment:

The application is not proposing to amend a local provision or insert a new provision.

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

Comment:

The application is not proposing to revoke or amend an overriding local provision.

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

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Comment:

The proposal will not affect a local provision.

- (3) *Subject to section 30EA, an amendment may be made to a local provision if –*
(a) *the amendment is to the effect that a common provision is not to apply to an area of land; and*

Comment:

The proposal will not affect a local provision.

- (b) *a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.*

Comment:

No part of the proposal is removing any common provisions associated with the land.

The application proposes to amend the zoning of land, identified as being within an urban growth area and so constrained by its topography and surrounding residential development as to be no longer required for the purpose of its zone. It does not propose to insert, remove or alter a local provision and complies with s.30O. The draft amendment is consistent with the Northern Tasmania Regional Land Use Strategy (NTRLUS).

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

The proposed rezoning of the site will provide for residential use and development adjacent to existing residential development and is consistent with the intent of the land being identified as an urban growth area, growth corridor. The subject site is otherwise underutilised for the purposes of its current Rural Resource zoning as a result of:

- its relatively limited size;
- its topography which makes use other than limited grazing relatively impracticable;
- the surrounding residential uses; and
- its identification in the Greater Launceston Plan as an urban growth area.

With its identification as an urban growth area, the site provides an integral link for the expected residential growth between Waverly and St Leonards. The site provides a necessary pathway for an effective and efficient road network.

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5.2 Consideration against Section 43C and the Objectives of the *Land Use Planning and Approvals Act 1993*

43C Applications referred to in section 43A

- (1) In determining an application referred to in section 43A, a planning authority, in its opinion –
- (a) must seek to further the objectives set out in Schedule 1; and
 - (b) must take into consideration such of the prescribed matters as are relevant to the use or development subject of the application.

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

5.2.1 Schedule 1, Part 1 - Objectives of the Resource Management and Planning System of Tasmania

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity*

The amendment will allow for a subdivision to promote the sustainable use and development of urban land within the established and identified urban growth area between St Leonards and Waverley. In the short term it will provide for the contiguous residential development of the Abels Hill Road frontage. The site represents a small parcel of land, previously modified for agricultural purposes, now severely constrained by encroaching residential development, and offering little contribution to ecological processes and genetic diversity.

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

The change of zoning and subsequent subdivision will provide for the residential development of an underutilised site with significantly limited opportunity for continued agricultural use. Conversely, the site presents an opportunity for the fair, orderly and sustainable development of the residential link between Waverley and St Leonards, including the provision of essential infrastructure connections between the two suburban areas.

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

The public will have the opportunity to comment on this proposal during the four week exhibition period following initiation of the amendment. Interested parties have the opportunity to lodge a written representation to the application during the public exhibition period. The Tasmanian Planning Commission may also decide to hold a public hearing to deal with the representations if any are received.

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

The proposed amendment will allow for the development of a 9ha site, identified as an urban growth area. The site is located immediately east of the existing residential development between it and St Leonards Road. It provides for the infill development of land between Abels Hill Road and the developing Regent Street subdivision in Waverley. As such it facilitates planned and sustainable economic development consistent with the previous objectives.

- (e) *to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

This application was referred to TasWater who have provided their conditional consent. There are no other relevant agency referrals required. If initiated the amendment will also be advertised and assessed by the Tasmanian Planning Commission consistent with this objective.

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

The objectives of Part 2 must also be considered:

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

The amendment is consistent with the objectives of the Launceston Interim Planning Scheme and the Northern Tasmania Regional Land Use Strategy.

- (b) *to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land*

Consistent with that system, Council determines to initiate or reject the draft amendment to rezone the subject site from Rural Resource to General Residential and, if the amendment is initiated, then determines the application for subdivision made pursuant to section 43A of the Act.

- (c) *to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land*

The proposed amendment will promote the ongoing development of the residential linkage between St Leonards and Waverley. This will inevitably result in residential development that may include the removal of a number of mature trees, however, it is likely that with such urban development there will be significant replanting through a combination of street trees and residential gardens. Development will improve the existing drainage pathway in the short and long term and introduce appropriate detention to mitigate existing and future erosion impacts from peak rainfall events.

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- (d) *to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels*

The proposed amendment complies with the local, regional and state policies.

- (e) *to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals*

The application is made under former section 43A of the Act and includes a change of zoning to the planning scheme and an application for subdivision of the land. This process allows for the concurrent assessment of an application which would otherwise require two separate processes.

- (f) *to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation*

The proposal will allow for appropriate infill development of a vacant site within a recognised growth area. It will further provide for the development of a pleasant, safe and efficient residential environment for residents of and visitors to the Launceston area.

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

The subject site is not an area or place of scientific, aesthetic, architectural or historic interest. The existing dwelling is proposed to be retained on an appropriately sized lot to maintain its aesthetic appeal.

- (h) *to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community*

Development of the site will result in the construction of additional public infrastructure in a planned, orderly and coordinated manner.

- (i) *to provide a planning framework which fully considers land capability.*

Land capability generally refers to agricultural land and is not relevant in this instance as, despite its limited current agricultural use, the site forms part of the broader urban area and is within the urban exclusion area from the land capability assessment mapping. Nevertheless, the site is suitable and available for and capable of, infill residential development.

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6. PLANNING STRATEGIES

6.1 Northern Tasmania Regional Land Use Strategy

The Northern Tasmania Regional Land Use Strategy is a strategic plan for the future development and planning for the region encompassing the eight councils in the north and north-east of Tasmania. It has a 20 year planning time horizon until 2032 for integrated infrastructure, land use development and transport planning, underpinned by economic development, social and environmental strategies. The strategy will be revised regularly as new evidence based strategic planning investigations and information is made available to provide greater certainty to the strategic planning and development of the region.

The NTRLUS seeks to reduce the barriers to investment in ways that are consistent with the vision for the region and other relevant social and environmental strategies. It can do this in a number of ways, including coordinating services to ensure that land for appropriate development is available in the best locations, and ensuring that priority is given to investment that improves the necessary transport, energy and communications infrastructure.

The NTRLUS provides three specific regional land use categories to provide *context for relevant zoning of land in municipal planning schemes* (NTRLUS, D.1)

Those three categories are:

- Urban Growth Areas
- Rural Areas
- Natural Environment Areas

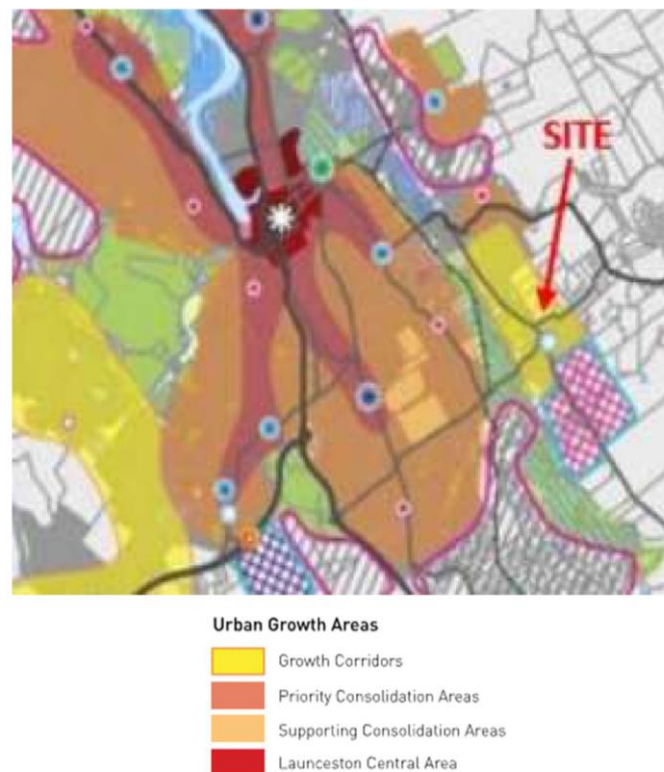
Urban Growth Areas are intended to identify sufficient land to meet the urban development needs of the region through to 2032. Notwithstanding that the recent boom in the building sector coupled with increasing housing demand may have placed unforeseen pressure on the underlying expectations of the NTRLUS, section D.2.1.1 notes that urban growth areas comprise land within the developed urban settlement or in areas intended for urban development.

These areas are identified as being:

- Priority Consolidation Area;
 - Supporting Consolidation Area; or
 - Growth Corridor.
-

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The subject land, north of Abels Hill Road, is identified in the Regional Framework Plan Map D.1 as being within the Growth Corridor.



(Extract from Map D.1 Regional Framework Plan)

The rezoning of land within growth corridors may be considered where relevant policies and actions of the NTRLUS are met, along with State Policies.

The applicant submits:

The relevant key principle in Section D.2.1.3 of the [NT]RLUS states: Opportunities to increase the capacity of existing Urban Growth Areas should be given higher priority than to their expansion. Expansion of Urban Growth Areas should only occur where additional demand to accommodate growth in an area has been identified.

The proposed rezoning will provide for residential use and development on an underutilised site within an Urban Growth Area (Growth Corridor) identified in the [NT]RLUS. It does not involve the expansion of an Urban Growth Area.

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Regional Settlement Network

The key settlement network strategies in Section E.2.3 of the [NT]RLUS under the headings Settlement Pattern, Land Use and Development and Transport and Access, which are of particular relevance, state:

Settlement Pattern

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

Land Use and Development

- *Provide for a diversity of land uses.*
- *Provide for affordable housing and a diversity of housing types and sizes, including retirement accommodation and aged care facilities.*
- *Support development of the Greater Launceston Area consistent with the Regional Framework Plan Maps D.1, D.2 and D.3 to promote efficient function, servicing and future development of the area.*
- *Consolidate existing land use patterns and identify infill opportunities within existing settlements and urban centres, and around activity centres and key public transport nodes and networks.*
- *Complement and support a viable Regional Activity Centres Network to maximise regional productivity, economic activity and employment opportunities.*

Transport and Access

- *Where possible support new urban development contiguous with, or otherwise provide development with direct transport linkages to established urban areas as a development priority including linkages with the regional access network identified for the Greater Launceston Area.*
 - *Support well-planned communities with good access to public transport that links residential areas to employment, facilities and services.*
 - *Reduce reliance on vehicle transportation and promote walkability.*
-

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- *Accommodate regional growth in locations supported by public transport and other sustainable transport choices.*

The proposal will support each of these regional settlement network strategies. It will support the development of the Launceston urban area consistent with Regional Framework Plan Map D.1. It will support the viability of the St Leonards activity centre and efficient use of existing services and infrastructure including public transport. The rezoning is intended to facilitate the provision of future residential use and development within the northern region.

Regional Planning Policies

RSN-P1 *Urban settlements are contained within identified Urban Growth Areas. No new discrete settlements are allowed and opportunities for expansion will be restricted to locations where there is a demonstrated housing need, particularly where spare infrastructure capacity exists (particularly water supply and sewerage)*

Comment:

The subject site is within an identified Urban Growth Area, specifically a growth corridor identified on map D.1 (extract above). There is adequate water and sewerage capacity available adjacent to the site. The rapid take up of the Hillary Street subdivisions in St Leonards, to the south and the Raglan Street subdivisions to the west, in Youngtown, demonstrates the growing demand for available sites for residential development. So too, the growing demand and pressure on housing affordability further demonstrates housing need.

RSN-P2 *Provide for existing settlements to support local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance quality of life.*

Comment:

The proposed rezoning and subdivision of the subject site facilitates the development of infrastructure linkages between the existing residential suburbs of Waverley and St Leonards. The promotion of residential development in this area provides further support for the local centres of Waverley and St Leonards, as well as nearby Newstead.

RSN-P5 *Encourage a higher proportion of development at high and medium density to maximise infrastructure capacity. This will include an increased proportion of multiple dwellings at infill and redevelopment locations across the region's Urban Growth Areas to meet residential demand.*

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Comment:

The application of the general residential zone specifically supports diversity in dwelling types and sizes through its purpose statements and specific development provisions.

RSN-P8 *New development is to utilise existing infrastructure or be provided with timely transport infrastructure, community services and employment.*

Comment:

The site adjoins Abels Hill Road and will utilise both the road and the infrastructure within it. The associated subdivision provides for extended water and sewer services behind the proposed lots and includes two road links from Abels Hill Road to connect to the planned future link roads to the Regent Street extension in Waverley.

RSN-P20 *Provide a variety of housing options to meet diverse community needs, and achieve housing choice and affordability.*

Comment:

The proposed subdivision, pursuant to s.43A of the former Act and the planned future subdivision of the balance and the adjoining land through to Waverley, will provide a range of lot sizes to provide for a variety of housing options.

6.2 Greater Launceston Plan

The Greater Launceston Plan (GLP) provides a long term strategy to inform a coordinated approach for land use and development of the greater urban area of Launceston. It is largely consistent with the NTRLUS and so consistency with the NTRLUS is an indication of general consistency with the GLP. There are a number of key principles that underpin the GLP, the relevant ones being Principles 1 and 2.

Principle 1: Effective Provisioning of Land Use Requirements

Effective strategic planning for Greater Launceston requires the assessment and provisioning of the range of land requirements and preferred land use - transport relationships over the next twenty years and beyond.

As discussed above, under the NTRLUS the site is shown within an Urban Growth Area - Growth Corridor. Within the GLP, it is shown as a Supporting Growth Area for General Residential zoning to address the 2021-2036 residential demand.

The proposed rezoning is, therefore, consistent with the strategic planning of Launceston and the surrounding area.

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Principle 2: Urban Consolidation

The efficient functioning, servicing and future development of greater Launceston will be optimised through its urban consolidation.

In the GLP the future development of the city and suburban areas is organised and structured to deliver a compact urban form, in order to:

- optimise use of existing services, facilities and infrastructure;*
- most effectively link existing and new communities, with open space and a shared pathway system for pedestrians and cyclists;*
- ensure the efficient use of new infrastructure;*
- optimise access throughout the urban area;*
- facilitate the development of robust communities and social interaction;*
- minimise the development of isolated settlements and communities;*
- minimise future demands generated by urban development on land and water resources.*

At section 5.10.5, the GLP notes that around half of the required housing development for the Launceston area will be accommodated in the proposed urban growth areas. Some 75% of this will be in the three identified growth corridors, which includes:

St Leonards - Waverley corridor, City of Launceston: an area extending south-east along the northern edge of the North Esk river valley. It includes the planned residential areas of Waverley and extends south to include St Leonards and future potential growth areas.

At section 5.10.10, the GLP provides a summary of residential land requirements and notes that in the second planning period (2021 - 2036):

The assessed future residential land demands including a seven year rolling reserve exceed land supplies...

Additional land stocks will be required and the Waverley - St Leonards corridor is recommended as a priority development growth area to achieve this.

The proposed rezoning of the subject site to General Residential is directly consistent with the principals of the GLP.

6.3 Launceston Residential Strategy 2009

The strategy provides a detailed assessment of housing needs and current land stocks. The strategy provides a priority ranking of types (tiers) of housing development which would best meet the needs of the community and also represent good planning outcomes.

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In order of priority:

1. Residential development on *brownfield* sites for example surplus public land, site where industry has relocated, mixed use developments in accessible locations on the CBD fringe or adjacent to District or Neighbourhood Centres.
2. Increased density in existing residential areas where opportunities exist or where capacity for change has been identified, primarily through unit developments or redevelopment.
3. Development on vacant land in urban infill locations including undeveloped portions of existing residential areas and vacant land currently within a residential zone.
4. Development on the most appropriate vacant land on the edge of urban areas.
5. Rural residential development in the most appropriate areas.
6. Individual rural houses unconnected to a primary industrial use.

As identified in the GLP and the NTRLUS, the subject site, located on the edge of the existing residential area between Waverley and St Leonards, is an appropriate parcel on the edge of urban areas and is consistent with priority 4.

7. State Policies

State policy on the Protection of Agricultural Land 2009

The purpose of this Policy is to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture. Urban areas, such as the subject site, within the urban areas are excluded from the agricultural land mapping.

The policy has been addressed by the interim scheme and does not impact upon this urban site.

State Coastal Policy 1996

The purpose of the policy is to protect the natural and cultural values of the coast, provide for sustainable use and development of the coast, and promote shared responsibility for its integrated management and protection.

The policy has been addressed by the interim scheme and does not conflict with this urban site, able to be fully serviced.

State Policy on Water Quality Management 1997

The purpose of the policy is to identify and maintain water quality at appropriate levels to the expected use.

The policy has been addressed by the interim scheme and does not conflict with this urban site, able to be fully serviced.

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National Environment Protection Measures

Section 12A of the *State Policies and Projects Act 1993* states that a National Environment Protection Measure (NEPM) is taken to be a State Policy. The following, therefore, require consideration:

Ambient air quality 2002

Diesel vehicle emissions 2001

Assessment of site contamination 1999

Used packaging materials 1999

Movement of controlled waste between States and Territories 1998

National pollutant inventory 2000

None of the above NEPMs apply to this urban site and its rezoning to facilitate further residential development.

Gas Pipelines Act 2000

Not applicable. The site is not in the proximity of the gas pipeline.

8. Referral Agencies

The application was referred to TasWater under section 17 of the *Land Use Planning and Approvals Regulations 2004*. TasWater has issued its Submission to Planning Authority Notice, TWDA 2021/01614-LCC, stating that it does not object to the application for amendment and development application and conditions are imposed.

PART B - SECTION 43A APPLICATION FOR SUBDIVISION

STANDARDS REQUIRING COUNCIL DISCRETION

10.4.11 Outbuildings, swimming pools and fences

10.4.16 Frontage and access

10.4.17 Discharge of stormwater

10.4.19 Integrated urban landscape

10.4.20 Walking and cycling network

10.4.21 Lot diversity

10.4.23 Neighbourhood road network

10.4.24 Public transport network

E4.6.2 Road accesses and junctions

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

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3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

<p>10.1.1 Zone Purpose Statements</p> <p>10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</p> <p>10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.</p> <p>10.1.1.3 Non-residential uses are not to adversely affect residential amenity, through noise, activity outside of business hours, traffic generation and movement, or other off site impacts.</p> <p>10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.</p> <p>10.1.1.5 To encourage residential use and development that facilitates solar access, integrated urban landscapes, and utilisation of public transport, walking and cycling networks.</p>
<p>Consistent</p> <p>The proposed subdivision to create 16 additional residential lots, leaving a balance title of around 7.94ha, is consistent with the purpose of the zone to provide for residential use and development at suburban densities where full infrastructure services are available.</p>

10.4 Development Standards for Dwellings

10.4.2 Setbacks and building envelope for all dwellings

<p>Objective:</p> <p>The siting and scale of dwellings:</p> <p>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</p> <p>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</p> <p>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</p> <p>(d) provides reasonable access to sunlight for existing solar energy installations.</p>
<p>Consistent</p> <p>The proposal incorporates the existing dwelling into proposed lot 4 and satisfies the acceptable solutions.</p>

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A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:

- (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;
- (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;
- (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;
- (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or
- (e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.

Complies

The existing dwelling is setback some 5m from the primary frontage with Abels Hill Road and a greater distance from the proposed road stub (secondary frontage) to access the balance lot.

A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:

- (a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:
 - (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and
 - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and
- (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:
 - (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or
 - (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).

Complies

The existing dwelling will be contained within the prescribed building envelope for lot 4. The existing rural shed is similarly contained within the building envelope of the balance lot.

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10.4.3 Site coverage and private open space for all dwellings

<p>Objective: That dwellings are compatible with the amenity and character of the area and provide:</p> <ul style="list-style-type: none"> (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight.
<p>Consistent The proposal complies with the acceptable solutions.</p>
<p>A1 Dwellings must have:</p> <ul style="list-style-type: none"> (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).
<p>Complies The existing dwelling has a footprint of around 250m², which is approximately 13% of the 1,938m² lot 4.</p>
<p>A2 A dwelling must have private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is not less than: <ul style="list-style-type: none"> (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of not less than: <ul style="list-style-type: none"> (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10.
<p>Complies The existing dwelling has significantly more private open space available than the prescribed minimum.</p>

10.4.5 Width of openings for garages and carports for all dwellings

<p>Objective: To reduce the potential for garage or carport openings to dominate the primary frontage.</p>
<p>Consistent The proposal complies with the acceptable solution.</p>

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A1 A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).

Complies

The garage of the existing dwelling is not within 12m of, and does not face, the primary frontage.

10.4.6 Privacy for all dwellings

Objective:

To provide reasonable opportunity for privacy for dwellings.

Consistent

The proposal complies with the acceptable solutions.

A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:

- (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;
- (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and
- (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:
 - (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or
 - (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.

Complies

The existing dwelling is not within 3m of a side boundary or 4m of a rear boundary.

A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):

- (a) the window or glazed door:
 - (i) is to have a setback of not less than 3m from a side boundary;
 - (ii) is to have a setback of not less than 4m from a rear boundary;
 - (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and
 - (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.

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- (b) the window or glazed door:
- (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;
 - (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or
 - (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.

Complies

The existing dwelling is not within 3m of a side boundary or 4m of a rear boundary.

10.4.11 Outbuildings, swimming pools and fences

Objective:

To ensure that:

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

Consistent

The proposal satisfies the applicable performance criteria.

A1.1 The combined gross floor area of outbuildings must be no greater than 45m²; and
 A1.2 Outbuildings (other than for single or multiple dwellings) must meet the setback and building envelope acceptable solutions of Clause 10.4.2, as if the development were for a dwelling.

Relies on Performance Criteria

The proposed balance lot contains an existing outbuilding of some 200m² and performance criteria are relied upon.

P1 Outbuildings must not detract from the character of the surrounding area or the amenity of adjoining lots, having regard to:

- (a) the visual impact on the streetscape;
- (b) any overshadowing of adjoining lots;
- (c) the size and location of outbuildings on adjoining lots;
- (d) existing buildings on the site; and
- (e) the topography of the site.

Complies

The existing outbuilding is a rural shed, located approximately 65m from the frontage with Abels Hill Road and behind existing mature vegetation. The shed is largely unseen from the road and its location in what amounts to a paddock, does not detract from the character of the surrounding residential and rural area. The performance criteria are considered to be satisfied.

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10.4.13 Location of car parking

Objective: To:
(a) provide convenient car parking for residents and visitors; (b) protect residents from vehicular noise within sites; and (c) minimise visual impact on the streetscape.
Consistent The proposal complies with the acceptable solution.
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 Car parking for the existing dwelling is not located in the primary frontage.

10.4.15 Lot size and dimensions

Objective: To ensure the area and dimensions of lots are appropriate for the intended use of the lots.
Consistent The proposal complies with the acceptable solution.
A1.1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have a minimum area of no less than 500m ² ; and (b) be able to contain a rectangle measuring 10m by 15m; or A1.2 Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or (b) be required for the provision of public utilities; or (c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.
Complies The smallest proposed lot is 587m ² , all other lots are greater than 600m ² .

10.4.16 Frontage and access

Objective: To ensure that lots provide:
(a) appropriate frontage to a road; and (b) safe and appropriate access suitable for the intended use.
Consistent The proposal complies with the applicable acceptable solution or performance criteria.

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A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 3.6m.
Complies Each proposed lot has frontage to Abels Hill Road of more than 3.6m
A2 No acceptable solution.
Relies on Performance Criteria P2 Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to: (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the character of the area; and (e) the advice of the road authority.
Complies The proposal plans indicate that reasonable vehicular access will be provided to the boundary of each lot.

10.4.17 Discharge of stormwater

Objective: To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.
Consistent The proposal complies with the applicable acceptable solution or performance criteria.
A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.
Complies A new stormwater main is proposed at the rear of the residential lots to ensure that each proposed lot will be connected to the public stormwater system.
A2 The Council's General Manager has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.
Relies on Performance Criteria Such written advice has not been provided and performance criteria are relied upon.
P2 Stormwater discharge flows from the subdivision are mitigated to a level that the public stormwater system can accommodate, having regard to: (a) the location of the discharge point (if any); (b) stormwater flow paths both internal and external to the site; (c) the topography of the site; (d) the characteristics of the site, including rainfall;

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<p>(e) the development of the site;</p> <p>(f) the additional runoff from the subdivision development and likely future development of the land; and</p> <p>(g) any onsite storage devices, detention basins or other water sensitive urban design techniques within the subdivision.</p>
<p>Complies</p> <p>Long term stormwater capacity issues have been identified. A stormwater detention basin is proposed to assist with overland flow to the existing water course. A new stormwater main will be constructed at the rear of the proposed residential lots. This new main will drain to the existing public stormwater infrastructure in Abels Hill Road and the proponents are aware of the likely need to redirect this in conjunction with future subdivision of the balance land.</p>

10.4.18 Water and sewerage services

<p>Objective:</p> <p>To ensure each lot provides for appropriate water supply and wastewater disposal.</p>
<p>Consistent</p> <p>The proposal complies with the acceptable solutions.</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.</p>
<p>Complies</p> <p>Each lot will be connected to the reticulated water supply.</p>
<p>A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.</p>
<p>Complies</p> <p>Each lot will be connected to the reticulated sewerage system.</p>

10.4.19 Integrated urban landscape

<p>Objective:</p> <p>To provide landscaping of lots, roads and public open spaces that contributes to the character and identity of urban places and the character of the surrounding area.</p>
<p>Consistent</p> <p>The proposal satisfies the performance criteria</p>
<p>A1 Subdivision does not create any new road, public open space or other reserves.</p>
<p>Relies on Performance Criteria</p> <p>The subdivision to create 16 residential lots includes two road lots to provide for the future development of the balance lot and the interconnection through to adjoining land expected to undergo residential subdivision and development in the future.</p>
<p>P1 Subdivision must be designed to enhance the amenity of the area having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) any significant natural and cultural features of the site;</p> <p>(c) access to public open spaces and roads;</p>

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<p>(d) the retention of existing vegetation;</p> <p>(e) linking areas of significant local habitat; and</p> <p>(f) the character of the surrounding area.</p>
<p>Complies</p> <p>The two road stubs will be appropriately constructed to a standard to provide for future linkages. There are no significant habitat areas or vegetation to be retained at these points. Public open space and further roads will be created progressively as the balance and adjoining lands are further subdivided over time. The performance criteria are considered to be satisfied.</p>

10.4.20 Walking and cycling network

<p>Objective:</p> <p>To:</p> <p>(a) provide safe and convenient movement through and between neighbourhoods by pedestrians and cyclists;</p> <p>(b) design footpaths, shared path and cycle path networks that are safe and accessible; and</p> <p>(c) accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>
<p>Consistent</p> <p>The proposal satisfies the performance criteria.</p>
<p>A1 Subdivision does not create any new road, footpath or public open space.</p>
<p>Relies on Performance Criteria</p> <p>Road widening will be taken on the Abels Hill Road frontage to provide for the construction of a footpath on the northern side of Abels Hill Road.</p>
<p>P1 Subdivision provides roads, footpaths or public open spaces that are designed to provide safe and convenient walking and cycling networks, having regard to:</p> <p>(a) linkages to any existing pedestrian and cycling networks;</p> <p>(b) connection of footpaths, shared paths, cycle paths and bicycle lanes;</p> <p>(c) access for cycling and walking to activity centres, community facilities, bus stops and public transport routes and public open spaces;</p> <p>(d) the road network and public open spaces; and</p> <p>(e) passive surveillance.</p>
<p>Complies</p> <p>The proposed subdivision provides for the development of a footpath on the northern side of Abels Hill Road to advance the provision of safe and convenient pedestrian connections in this broadly growing residential area. The proposed road stubs provide for future linkages as the balance and adjoining lots develop. The performance criteria are considered to be satisfied.</p>

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10.4.21 Lot diversity

Objective: To provide a range and mix of lot sizes to suit a variety of dwelling and household types.
Consistent The proposal satisfies the performance criteria.
A1 Subdivision is for 10 lots or less.
Relies on Performance Criteria The proposal creates 16 residential lots and relies upon the performance criteria.
P1 Subdivision provides a range and mix of lot sizes suitable for the development of a variety of dwelling and household types, having regard to: (a) lot sizes suitable for single dwellings, multiple dwellings and other forms of residential use; (b) the topography of the site; (c) demand for a variety of housing types; (d) the proximity of activity centres; (e) the proximity and access to public open space; (f) the proximity, availability and accessibility of pedestrian, cycling, and bus stops and public transport, routes; and (g) the character of the surrounding area.
Complies Having regard to the prescribed matters, it is noted that the site is located on the southern side of Abels Hill Road in the developing residential area to the east of St Leonards Road. The proposed lots range from 587m ² to 1,936m ² , with the majority between 600m ² to 800m ² . With a gradient falling from Abels Hill Road at less than 10%, the mix of lot sizes proposed provides suitable sites for a variety of dwelling and household types. The performance criteria are considered to be satisfied.

10.4.23 Neighbourhood road network

Objective: To provide for convenient and safe movement, through and between neighbourhoods, for motor vehicles, pedestrians, cyclists and public transport using the road network.
Consistent The proposal satisfies the performance criteria.
A1 Subdivision does not create any new road.
Relies on Performance Criteria The proposal includes two road stubs, each approximately 40m long and whilst not a road as intended by the clause, relies upon performance criteria.
P1 The road network provides for convenient and safe movement for motor vehicles, pedestrians, cyclists and public transport, having regard to: (a) the existing network of roads, cycle paths and bicycle lanes, shared paths, footpaths and public transport routes;

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<p>(b) the function of the road and its relationship to arterial and neighbourhood road types;</p> <p>(c) the speed limits on roads in the area;</p> <p>(d) the location of activity centres;</p> <p>(e) the volume of traffic in the area;</p> <p>(f) access for service and emergency vehicles; and</p> <p>(g) the topography of the site.</p>
<p>Complies</p> <p>The proposal provides two road lots, each developed with a stub to provide for linkage to provide for convenient and safe movement of motor vehicles and pedestrians throughout the projected road network of future subdivisions. Having regard to the relevant criteria and indicative future road layouts, the proposal is considered to satisfy the performance criteria.</p>

10.4.24 Public transport network

<p>Objective:</p> <p>To provide for access to public transport.</p>
<p>Consistent</p> <p>The proposal satisfies the performance criteria.</p>
<p>A1 Subdivision does not create any new road.</p>
<p>Relies on Performance Criteria</p> <p>The proposal includes two road stubs, each approximately 40m long and whilst not a road as intended by the clause, relies upon performance criteria.</p>
<p>P1 The subdivision provides for adequate access to public transport, having regard to:</p> <p>(a) the number of lots proposed;</p> <p>(b) the walking distances from the lots to public transport route;</p> <p>(c) any public transport strategy or plan for the area; and</p> <p>(d) the likelihood of the provision of public transport for the area.</p>
<p>Complies</p> <p>The proposal provides two road lots, each developed with a stub to provide for linkage to provide for convenient and safe movement of motor vehicles and pedestrians throughout the projected road network of future subdivisions.</p> <p>The Greater Launceston Plan and the Launceston Residential Strategy suggest that, over the planning window to 2036, it is likely that the land between the current Regent Street development in Waverley and current site will be zoned residential and the link roads, provided for by the stubs will be created.</p>

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The provision of public transport (ie. busses) is largely demand driven and *Metro Tasmania* will provide additional services and routes in response to appropriate demand. The current proposal for 16 lots will not provide sufficient demand for additional services at this time. Currently, the proposed 16 lots will be around 150m - 500m from the closest City bound bus stop on St Leonards Road and some 25m less to south bound busses providing a link to Kings Meadows. It is not unusual for residential lots to be up to 500m from a bus stop.

Taxi and Uber services are readily available in the area.

Having regard to the relevant criteria, the proposal is considered to satisfy the performance criteria.

E1.0 Bushfire-Prone Areas Code

E1.1 The purpose of this code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

Consistent

A bushfire report, prepared by a suitably qualified person has been provided with the application to demonstrate that any risk to human life is suitably reduced to be consistent with the purpose of the code.

E1.6 Development Standards

E1.6.1 Subdivision: Provision of hazard management areas

Subdivision provides for hazard management areas that:

- (a) facilitate an integrated approach between subdivision and subsequent building on a lot;
- (b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and
- (c) provide protection for lots at any stage of a staged subdivision.

Consistent

The proposal complies with the acceptable solution.

A1

- (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or
- (b) The proposed plan of subdivision:
 - (i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;
 - (ii) shows the building area for each lot;

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<p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 - 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots, and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 - 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>
<p>Complies</p> <p>The proposal plan is accompanied by a bushfire hazard management plan demonstrating compliance with A1 (b).</p>

E1.6.2 Subdivision: Public and fire-fighting access

<p>Access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <p>(a) allow safe access and egress for residents, firefighters and emergency service personnel;</p> <p>(b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;</p> <p>(c) are designed and constructed to allow for fire appliances to be manoeuvred;</p> <p>(d) provide access to water supplies for fire appliances; and</p> <p>(e) are designed to allow connectivity, and where needed, offering multiple evacuation points.</p>
<p>Consistent</p> <p>The proposal satisfies the performance criteria.</p>
<p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire-fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</p> <p>(ii) is certified by the TFS or an accredited person.</p>

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Complies

The proposal plan is accompanied by a bushfire hazard management plan certifying compliance with A1 (b).

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

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

Consistent

The proposal complies with the acceptable solution.

A1 In areas serviced with reticulated water by the water corporation:

- (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire-fighting purposes;
- (b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or
- (c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire-fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.

Complies

The Bushfire Hazard Management Report, prepared by Scott Livingston, a suitably qualified person, notes that the residential lots fronting Abels Hill Road are fully serviced by the reticulated water supply.

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

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

Complies

The Bushfire Hazard Management Report, prepared by Scott Livingston, a suitably qualified person, provides appropriate requirements to demonstrate that the provision of water supply for fire-fighting purposes for any residential development of the balance lot will be sufficient to manage the risks to property and lives in the event of a bushfire.

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.

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Consistent

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

E4.6 Development Standards

E4.6.2 Road accesses and junctions

Objective:

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

Consistent

The proposal satisfies the applicable performance criteria.

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

Relies on Performance Criteria

All of the proposed residential lots will be provided with a single access. However, the proposed subdivision will provide two road stubs, intended to address the future road network requirements and thus effectively providing two accesses providing both entry and exit to the balance lot. Performance criteria are relied upon.

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

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

Complies

Access to and from the balance lot is likely to be low and to have a negligible impact upon the safe and efficient use of either of the proposed road stubs and their connection to the 60kph section of Abels Hill Road. These two road stubs are considered necessary to provide for an appropriate, safe and efficient road network throughout the anticipated future subdivision and residential development of the land between Abels Hill Road and Waverley. The design and location of the proposed road stubs is the result of discussion between the proponents and the Council's road and traffic engineers. The performance criteria are considered to be met.

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

Objective:

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

9.1 DA0537/2021 - 11-45 Abels Hill Road, St Leonards - Amendment 69 - Rezoning from Rural Resource to General Residential and Subdivision to Create 17 Lots ...(Cont'd)

<p>Consistent</p> <p>The proposal satisfies the performance criteria.</p>
<p>A1 Sight distances at:</p> <p>(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and</p> <p>(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</p>
<p>Relies on Performance Criteria</p> <p>The available sight distances do not currently comply with the table and performance criteria are relied upon.</p>
<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use;</p> <p>(b) the frequency of use of the road or rail network;</p> <p>(c) any alternative access;</p> <p>(d) the need for the access, junction or level crossing;</p> <p>(e) any traffic impact assessment;</p> <p>(f) any measures to improve or maintain sight distance; and</p> <p>(g) any written advice received from the road or rail authority.</p>
<p>Complies</p> <p>A Sight Distance Review report, prepared by a suitably qualified person, has determined that, having regard to the prescribed measures, specifically <i>(f) any measures to improve or maintain sight distances</i>, with appropriate vegetation removal along the fence line, all the proposed lots will have safe intersection sight distances compliant with the table or the applicable Australian Standard (AS/NZ 2890.1). The report concludes that the performance criteria are satisfied and this advice is accepted.</p>

E6.0 Parking and Sustainable Transport Code

<p>E6.1 The purpose of this provision is to:</p> <p>(a) ensure that an appropriate level of parking facilities are provided to service use and development;</p> <p>(b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas;</p> <p>(c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;</p> <p>(d) ensure that parking does not adversely impact on the amenity of a locality;</p> <p>(e) ensure that parking spaces and accesses meet appropriate standards; and</p> <p>(f) provide for the implementation of parking precinct plans.</p>

9.1 DA0537/2021 - 11-45 Abels Hill Road, St Leonards - Amendment 69 - Rezoning from Rural Resource to General Residential and Subdivision to Create 17 Lots ... (Cont'd)

Consistent

The proposal is for subdivision only and provides for compliant access to each lot and sufficient parking and access for the existing dwelling and is consistent with the purpose of the code.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

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

Consistent

The proposal satisfies the acceptable solution.

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

Lot 4 will contain the existing dwelling and suitable provision is made to include the existing parking for two cars in accordance with the requirements of the Table.

E10.0 Open Space Code

E10.1 The purpose of this provision is to:

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

Consistent

The proposal is consistent with the purpose of the code in that a cash in lieu contribution will be made for this subdivision rather than the provision of unsuitable public land at this time.

COUNCIL AGENDA

Thursday 10 March 2022

- 9.1 DA0537/2021 - 11-45 Abels Hill Road, St Leonards - Amendment 69 - Rezoning from Rural Resource to General Residential and Subdivision to Create 17 Lots ... (Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	Recommended conditions provided.
Environmental Health	Recommended conditions provided.
Heritage/Urban Design	N/A
Building and Plumbing	N/A
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2021/01614-LCC, 24/09/2021.
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

The application is submitted pursuant to the former section 43A of the *Land Use Planning and Approvals Act 1993* as if the proposed rezoning of the site from Rural Resource to General Residential had been approved and has not been publicly exhibited at this time.

Section 43A requires the Planning Authority, if it agrees to initiate the draft amendment, to determine the application and to cause it and the draft amendment to then be placed on public exhibition for a period of 28 days.

A report will then be presented to Council, as the Planning Authority, to consider any representations prior to the proposal being submitted to the Tasmanian Planning Commission for hearing and determination.

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.

9.1 DA0537/2021 - 11-45 Abels Hill Road, St Leonards - Amendment 69 - Rezoning from Rural Resource to General Residential and Subdivision to Create 17 Lots ... (Cont'd)

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Dan Ryan (General Manager Community and Place Network)

COUNCIL AGENDA

Thursday 10 March 2022

- 9.1 DA0537/2021 - 11-45 Abels Hill Road, St Leonards - Amendment 69 - Rezoning from Rural Resource to General Residential and Subdivision to Create 17 Lots ... (Cont'd)**
-

ATTACHMENTS:

1. Locality Map - 11-45 Abels Hill Road, St Leonards (*electronically distributed*)
 2. Draft Amendment 69 - Planning Scheme Amendment - 11-45 Abels Hill Road, St Leonards (*electronically distributed*)
 3. Plans to be Endorsed (*electronically distributed*)
 4. TasWater SPAN (*electronically distributed*)
-

COUNCIL AGENDA

Thursday 10 March 2022

9.2 Amendment 70 - Change of Zoning from Community Purpose to Urban Mixed Use Zone at 10-16 Wellington Street, Launceston (CT133230/0)

FILE NO: SF7390

AUTHOR: Iain More (Town Planner)

GENERAL MANAGER: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

To make a recommendation to the Tasmanian Planning Commission subsequent to the public exhibition period for a draft amendment to the Launceston Interim Planning Scheme 2015.

PLANNING APPLICATION INFORMATION:

Applicant: 6ty°
Properties: 10-16 Wellington Street, Launceston (CT133230/1)
Received: 9 October 2021
Advertised: 22/01/2022 - 21/02/2022
Representations: Zero

PREVIOUS COUNCIL CONSIDERATION:

Council - 16 December 2021 - Agenda Item 9.2 - Initiated Draft Amendment 70 to the Launceston Interim Planning Scheme 2015, to change the zoning from Community Purpose Zone to Urban Mixed Use Zone at 10-16 Wellington Street, Launceston (CT133230/0)

RECOMMENDATION:

That Council:

1. in accordance with section 39 of the former provisions of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that no representations were received during the public exhibition period for Draft Amendment 70;
 2. recommends to the Tasmanian Planning Commission that draft Amendment 70 be approved as certified and exhibited.
-
-

9.2 Amendment 70 - Change of Zoning from Community Purpose to Urban Mixed Use Zone at 10-16 Wellington Street, Launceston (CT133230/0) ...(Cont'd)

Note:

Councillors are advised that under Schedule 6 - Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (the Act) 2015* - Parts 2A and 3 of the former provisions remain in force until the Launceston Draft Local Provisions Schedule comes into effect for the municipal area. The recommendation has, therefore, been made under those transitional provisions.

REPORT:

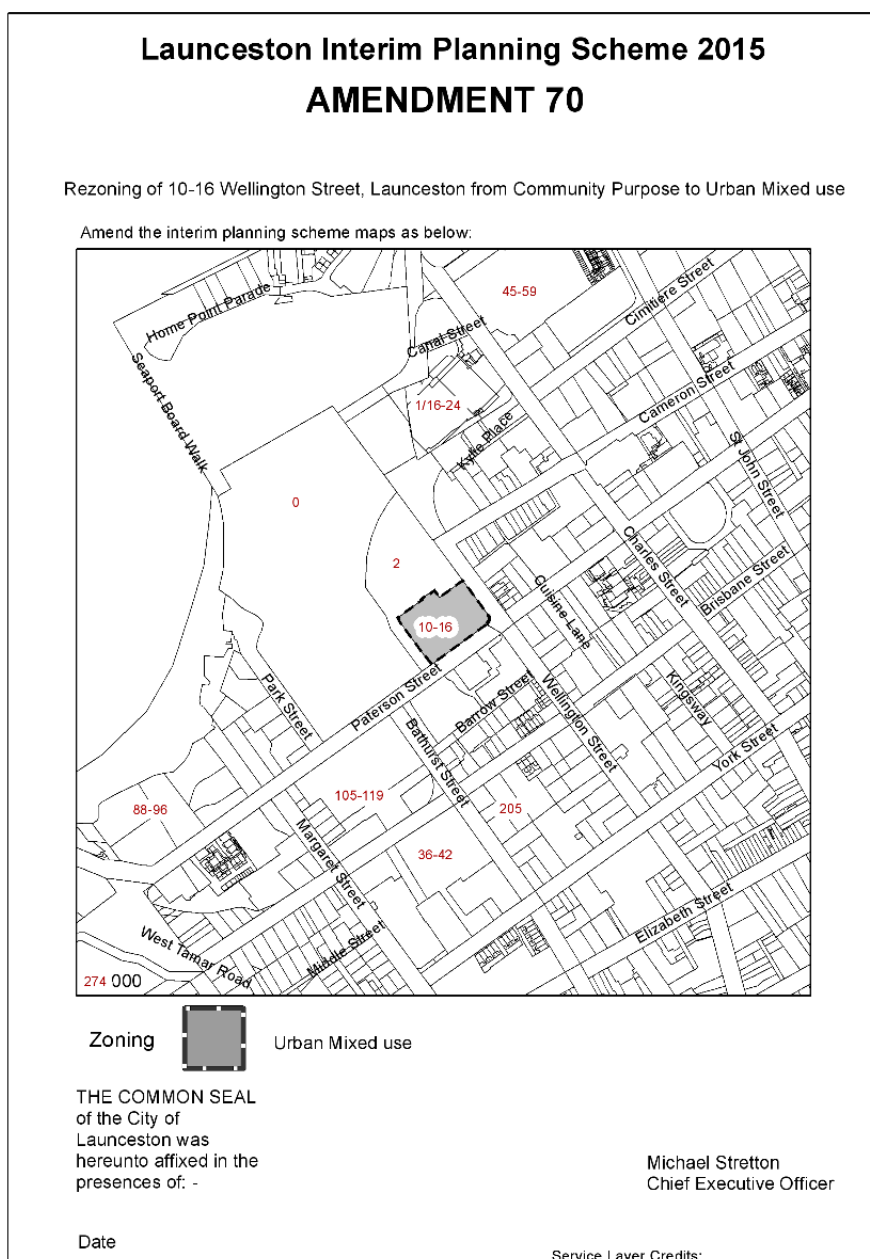
The application was lodged under section 33 of the former *Land Use Planning and Approvals Act 1993* (the Act), by 6ty° for an amendment to the Launceston Interim Planning Scheme 2015, to change of zoning from Community Purpose Zone to Urban Mixed Use Zone at 10-16 Wellington Street, Launceston (CT133230/1).

At its Meeting on 16 December 2021, Council resolved that, pursuant to the former:

1. section 34(1)(b) of the *Land Use Planning and Approvals Act 1993*, initiate Amendment 70 to change the zoning from Community Purpose Zone to Urban Mixed Use Zone at 10-16 Wellington Street, Launceston (CT133230/1).
-

9.2 Amendment 70 - Change of Zoning from Community Purpose to Urban Mixed Use Zone at 10-16 Wellington Street, Launceston (CT133230/0) ...(Cont'd)

2. section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Chief Executive Officer its functions under section 35(1) of the *Land Use Planning and Approvals Act 1993*, to certify the draft amendment to the Launceston Interim Planning Scheme 2015, as shown below:



3. section 38(1) of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.

COUNCIL AGENDA

Thursday 10 March 2022

The draft amendment and all associated documentation was placed on public exhibition between 22 January 2022 and 21 February 2022. No representations were received.

In accordance with section 39(2) of the *Land Use Planning and Approvals Act 1993*, Council must, within 35 days of the close of the exhibition period, send a report to the Tasmanian Planning Commission to advise that no representations were received and to make recommendations in regard to the draft amendment.

CONCLUSION

No errors have been identified in the draft amendment and no corrections are considered necessary, accordingly, it is appropriate that the amendment be forwarded to the Tasmanian Planning Commission with a recommendation that it be approved without change.

ECONOMIC IMPACT:

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

SOCIAL IMPACT:

The amendment to the Launceston Interim Planning Scheme 2015 has been assessed against the requirements of the Act. 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.



Dan Ryan (General Manager Community and Place Network)

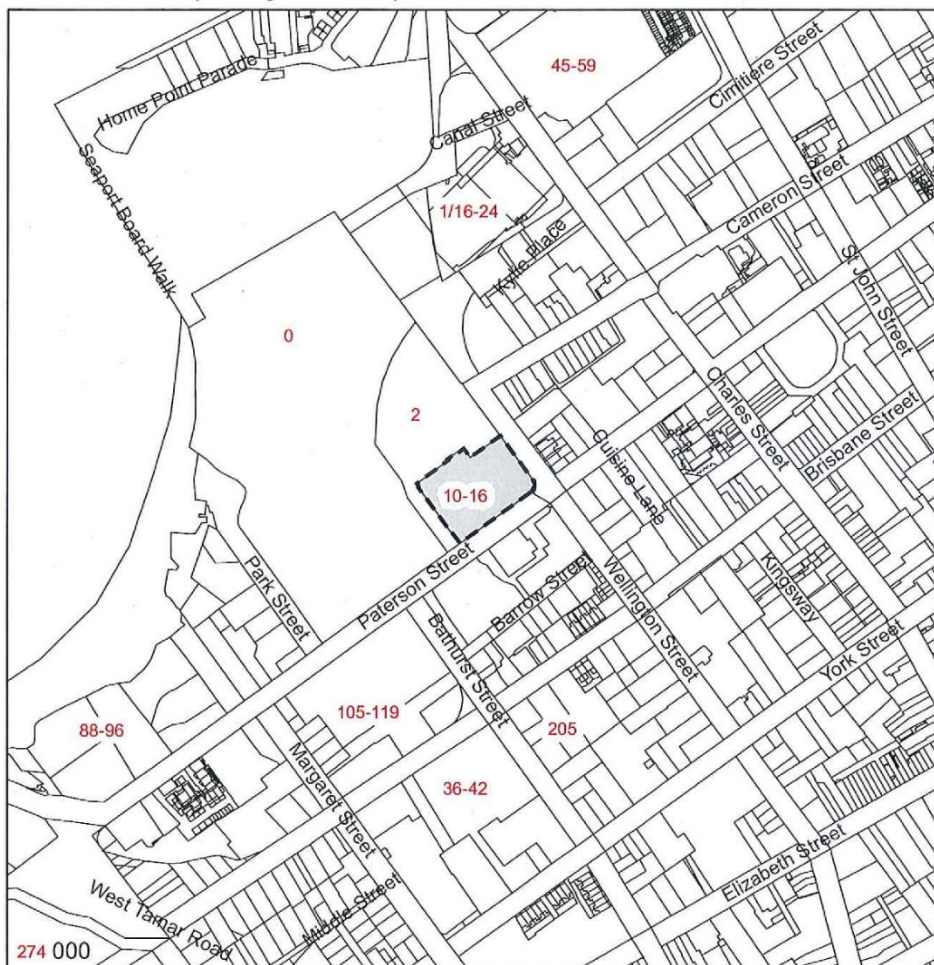
ATTACHMENTS:

1. Instrument of Certification

Launceston Interim Planning Scheme 2015 AMENDMENT 70

Rezoning of 10-16 Wellington Street, Launceston from Community Purpose to Urban Mixed use

Amend the interim planning scheme maps as below:



Zoning



Urban Mixed use

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

Date

Document Set ID: 4648085


Michael Stretton
Chief Executive Officer

Service Layer Credits:

10 ANNOUNCEMENTS BY THE MAYOR**10.1 Mayor's Announcements****FILE NO:** SF2375

Saturday 26 February 2022

- Assisted with trophy presentations at the *South Launceston Little Athletics Championships* at the St Leonards Athletic Centre

Sunday 27 February 2022

- Attended the A League *Perth Glory versus Western United* game at UTAS Stadium

Wednesday 2 March 2022

- Attended *You're a Good Man Charlie Brown* by the Launceston Musical Society at the Earl Arts Centre

Thursday 3 March 2022

- Attended the *Launceston Central Apartment Hotel* opening
- Attended the *Support for Ukraine* event at the Polish monument at Kings Park

Wednesday 9 March 2022

- Attended *The Hidden Gems of Kings* film launch at the Kings Meadows YMCA
-

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.)

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

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 Northern Youth Coordinating Committee Meeting - 1 February 2022****FILE NO:** SF0136**AUTHOR:** Claudia Taylor (Community Development Officer Youth)**GENERAL MANAGER:** Dan Ryan (Community and Place Network)

DECISION STATEMENT:

To receive and consider a report from the Northern Youth Coordinating Committee's regular Meeting held on 1 February 2022.

RECOMMENDATION:

That Council receives the report from the Northern Youth Coordinating Committee Meeting held on 1 February 2022.

REPORT:

The Northern Youth Coordinating Committee (NYCC) met on Tuesday, 1 February 2022 and the following business was conducted:

- Youth Week Tasmania was announced as running from 4-10 April 2022. The City of Launceston, together with the NYCC, will be running the *Riverbend Rock Challenge* for its second year at the end of school term. An application for *Youth Week Tasmania* funding has been submitted for this event.
- A presentation from the Launceston *Red Cross* Team detailed their *Community Action Catalogue Project*. This is a Tasmanian based project that has recently launched. The *Red Cross* Community Action Catalogue is a resource that lists 50 actions across seven themes that people of all ages can undertake. The seven themes include fundraising and donations, inclusion, kindness and connection, learn more, preparedness, raise awareness and volunteer. These themes are put into 50 different *action cards* available to members of the public to undertake volunteer action.

Youth focused actions included; embracing diversity in your school, writing a letter to people living in aged care, doing a pack up your house challenge and learning local place names in *palawa kani* language. The whole catalogue of cards can be accessed at: <https://www.redcross.org.au/act/action-catalogue/>.

COUNCIL AGENDA

Thursday 10 March 2022

13.1 Northern Youth Coordinating Committee Meeting - 1 February 2022 ...(Cont'd)

- An update was provided from the Youth Network of Tasmania (YNOT) on:
 - the State budget priority statement for 2022. YNOT is advocating for *emerging adulthood* (supporting people 18-25years). This target group was recognised as being largely missed in the State Government's *Child and Youth Wellbeing Strategy*.
 - YNOT will be hosting the Tasmanian Youth Forum on Friday, 3 June 2022 in Launceston
 - YNOT will provide a free webinar in March 2022 in partnership with the eSafety Commission. The webinar is for youth workers focusing on common issues young people are experiencing online and best practice approaches for youth workers when engaging with young people online.

The Committee awarded \$1,000 funding to PCYC Launceston for their *Planet Queer-Pride Ball* event. A celebratory event aimed at LGBTIA+ young people between the ages of 13 and 25. PCYC are working together with the *Headspace* youth reference team known as *HART*, to provide young people the opportunity to gain skills in coordinating an inclusive, socially responsible, safe, and accessible community event.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Consideration contained in 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.

Youth Engagement Framework 2020-2023

13.1 Northern Youth Coordinating Committee Meeting - 1 February 2022 ...(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.



Dan Ryan (General Manager Community and Place Network)

COUNCIL AGENDA

Thursday 10 March 2022

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 3 March 2022:

Bell Bay Advanced Manufacturing Zone Update

Councillors received an update on the Bell Bay Advanced Manufacturing Zone.

Encroachment onto the Council's and Public Land

Councillors discussed encroachment onto the Council's and Public land.

City Park Monkeys

Councillors were provided with an update on the external review of the City Park macaque troop.

Draft Urban Greening Memorandum of Understanding

Councillors discussed the draft Urban Greening Memorandum of Understanding.

Kings Meadows ABCDE Learning Site Update

Councillors were provided with an update of activities that have occurred at the Kings Meadows Learning Site since June 2021.

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.

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

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

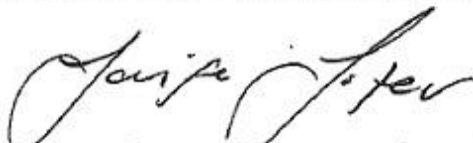
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Louise Foster - General Manager Organisational Services Network

15 NOTICES OF MOTION

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

15.1 Notice of Motion - Councillor D C Gibson - Windermere/Swan Bay Roads

FILE NO: SF5547

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

DECISION STATEMENT:

To consider a Notice of Motion submitted by Councillor D C Gibson regarding Windermere/Swan Bay Roads.

RECOMMENDATION:

That Council acknowledges the concerns of the residents and requests the Chief Executive Officer to investigate the issues raised and provide a detailed report to Council for consideration in April 2022.

REPORT:

The Mayor and I accepted an invitation to visit Windermere on Wednesday, 3 November 2021 to discuss problems and possible solutions facing some East Tamar residents.

At the Meeting we suggested residents compile a list of desirous outcomes and this was received from Mrs Carolyn Gutteridge on 23 November and Mr and Mrs Cox on 11 November, accompanied by photographs that further identify points of concern.

The body of work undertaken by residents is considerable and is attached as background - noting that addresses have been removed for privacy.

The Council has been receiving correspondence about concerns from Windermere and Swan Bay residents for many years and it is time to review their concerns and proposed solutions in a meaningful and holistic way.

Knowing that there is already work being undertaken on some of the concerns raised, the intent of this Notice of Motion is to formally capture the concerns and potential solutions in a meaningful transparent way.

**15.1 Notice of Motion - Councillor D C Gibson - Windermere/Swan Bay Roads
...(Cont'd)**

OFFICER RESPONSE:

Shane Eberhardt (General Manager Infrastructure and Assets Network)

The Council's officers have commenced work investigating the concerns provided which require significant effort given the diversity of items raised.

Timeframes suggested in the motion are achievable.

The Council's officers support this motion.

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:

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

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.


COUNCIL AGENDA

Thursday 10 March 2022

15.1 Notice of Motion - Councillor D C Gibson - Windermere/Swan Bay Roads ...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

<p>I certify that I have reviewed and approved this advice and recommendation.</p>  <p>Michael Stretton - Chief Executive Officer</p>
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ATTACHMENTS:

1. Notice of Motion - Councillor D C Gibson - Windermere/Swan Bay
-

Attachment 1 - Notice of Motion - Councillor D C Gibson - Windermere/Swan Bay

CITY OF LAUNCESTON

MEMORANDUM

FILE NO: SF5547 : SF2169
DG
DATE: 23 February 2022

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

FROM: Danny Gibson Deputy Mayor

SUBJECT: **Notice of Motion - Windermere / Swan Bay**

In accordance with Clause 16 (5) of the *Local Government (Meeting Procedures) Regulations 2015*, please accept this Notice of Motion for placement on the Agenda of the Meeting of Council to be held on 10 March 2022.

Motion

That Council acknowledges the concerns of the residents and requests the CEO to investigate the issues raised and provide a detailed report to Council for consideration in April 2022.

Background

The Mayor and I accepted an invitation to visit Windermere on Wednesday, 3 November 2021 to discuss problems and possible solutions facing some East Tamar residents.

At the meeting we suggested residents compile a list of desirous outcomes and this was received from Mrs Carolyn Gutteridge on November 23 and Mr and Mrs Cox on November 11, accompanied by photographs that further identify points of concern.

The body of work undertaken by residents is considerable and is attached as background - noting that addresses have been removed for privacy.

Council has been receiving correspondence about concerns from Windermere and Swan Bay residents for many years and it is time to review their concerns and proposed solutions in a meaningful and holistic way.

Knowing that there is already work being undertaken on some of the concerns raised, the intent of this Notice of Motion is to formally capture the concerns and potential solutions in a meaningful transparent way.

Attachments

Notes following onsite meeting 3/11/21.



Deputy Mayor Danny Gibson

Record of Meeting: Wednesday 3 November 2021, Windermere Cafe

Attendance: Launceston Mayor Albert van Zetten, Deputy Mayor Danny Gibson

Residents:

Convenor, Carolyn Gutteridge, [REDACTED]
Joe Rogers, [REDACTED]
John Chaplin, [REDACTED]
Tony and Denise Cox, [REDACTED]
Chris and Jack Duffy, [REDACTED]
Anne Layton-Bennett, [REDACTED]
Debbie Neighbour, [REDACTED]
Di Farquhar, [REDACTED]

Carolyn thanked the Mayor/ Deputy Mayor for accepting the invitation to attend this meeting to discuss the increasing and urgent concerns local residents have with the current condition of Windermere Road from Windermere Road/John Lees Drive to Windermere Road/ East Tamar Highway, as well as other roads in the area, eg Los Angeles Road, Sanwae Drive.

Councillors were referred to the recent letters from Mr Nick Browne, Team Leader Roads and Traffic, which in essence states there is little intention from Council to act on the area's unsafe roads.

Councillors were referred to the following documents:

1. City of Launceston: 'Our Vision, Purpose and Values'
2. Local Government Act 1993: Part 3, Section 20 (1) (a) (b) in particular
3. *The Tasmanian Government Towards Zero-Tasmanian Road Safety Strategy 2017-2026* (Towards Zero Strategy) in particular: 'The priority road safety areas during the 2020-2024 period are:
 - Making our rural roads safer
 - Improving safety in our towns and cities
 - Saving young lives
 - Encouraging safer road use
 - Making visitors safer
 - Improving safety through vehicles and technology
4. *Tasmanian Road Rules: transport.tas.gov.au © State of Tasmania Printed January 2021* Section 16, 'Rules for Pedestrians' (Attachment 1)

Windermere/Swan Bay residents choose to live here for various reasons and while there are no expectations of there being city-quality roads, street lights and formed footpaths, Council is required to exercise its Duty of Care in the provision of safe roads, and nature strips that allow all pedestrians, people with disabilities, elderly people and other non-vehicular users, to enjoy roads for exercise and social interaction. This Duty of Care extends to all residents within the City of Launceston, not only to the CBD or inner suburbs.

Carolyn advised councillors of her actions dating back many years of trying to make Windermere Road safe. She referred to emails dating back to 2014/ 2015 (Attached), and prior discussions/ meetings with Council staff, Harry Galea, Nigel Coats, Fraser Brinkley, Aldermen Ted Sands and Jeremy Ball. Even earlier discussions were held in 2006 after the enormous rates hike. Following questions raised at a Council Meeting, Carolyn was invited to a meeting with, then Mayor Ivan Dean, and the General Manager at the time. The point of the meeting on the 3rd November was to indicate road issues are not a new problem, and that Council has long been aware of the need to schedule road works /maintenance, and that yearly budgets should reflect the need for infrastructure spending. It is remiss of the Council to have failed to allocate spending for such issues in its budget.

Councillors were advised that residents are becoming increasingly frustrated that new developments continue to be approved for the area but no corresponding infrastructure spending has occurred.

It was pointed out that John Lees Drive through Dilston has a dedicated footpath and that this was installed despite residents having a very wide flat area on which to walk. Funds were inexplicably available to carry out this work. (Email 17 June 2014)

Residents were interested to know how much development has been approved over the last few years, and the Mayor indicated these details can be provided by Council on request.

John Chaplin expressed concerns that very little may eventuate from the day as his advocating for changes over the years has met with little success.

Chris Duffy indicated people with disabilities must now be considered in all road design otherwise it can be considered discriminatory.

Denise and Tony Cox pointed out the tourism drawcard of St Matthias Church, which increases tourist traffic, further adds to the road structure issues.

Carolyn Gutteridge pointed out that while long-term residents may have adapted to the road over the years, the Council faces potential legal challenges if newcomers walk the roads facing oncoming traffic, (as per the regulation advice) and ends up being hit by a vehicle because there is no safe off-road access.

Joe Rogers, a relatively new resident, advised of his experiences as a regular runner along Windermere Road, and the dangerous conditions faced by his five children as they cycle/ walk along this road.

Di Farquhar, Anne Layton-Bennett, Debbie Neighbour indicated the issues experienced by Swan Bay residents along their section of Windermere Road.

The councillors then travelled in Carolyn's vehicle accompanied by Joe Rogers. Due to the councillors' limited time, a simple slow drive was carried out along Windermere Road, turning right into Sanwae Drive and continuing along Los Angeles Road to John Lees Drive back to the Windermere café. There was insufficient time to drive the whole length of Windermere Road to the Highway.

Joe and Carolyn indicated how residents walk along the road by means of zig-zagging, and having to take into account blind corners, and whether the sun might be in drivers' eyes.

It is important to note the road is in an east-west direction

The following concerns were pointed out, and detailed on the diagram together with photos, (Attached)

- Lack of maintenance in keeping drains clear. Drains that are cleared are entirely due to residents taking pride in their surrounds.
 - Lack of adequate and consistent verge areas
 - A sign indicating horses on the road has recently been erected, but only after concerned resident (Emily Gee) referred the matter to Nick Duigan, MLC. Her previous requests to Council were ignored.
 - Overgrown hedges that limit and impede visibility ("Road Narrow" sign at Windermere not visible due to overgrown hedge)
 - Dangerous blind corners with vegetation banks
 - Road works have occurred without due consideration to pedestrians, resulting in increased the danger to pedestrians
 - A very expensive section of road widening at 139 to 145 Windermere Road includes a barrier for pedestrian safety. Since there is an adequate flat 'footpath' is in this section this barrier is unnecessary. No barriers have been installed in areas that are more dangerous
 - Sections of the road are very narrow in places. Edges of road surfaces are broken thus reducing already narrow roads
 - Some areas of the road are more than adequate
 - The owners of 196 Windermere Road [REDACTED] were advised by Council that drains were to be cleared four years ago. No action has occurred
 - Corner and Armco railing at 217-219 Windermere Road is considered particularly dangerous
 - Roadworks at 238-244 Windermere Road were carried out without due consideration to pedestrians. Engineers could have easily provided a safe flat area for pedestrians in this section yet walkers now find themselves flattened against the metal rails when the school bus or other large vehicles pass.
 - St Matthias Church is maintained by volunteers within the community and while the grounds look great, the adjoining area by the toilets lacks Council maintenance – a bad look for this tourist icon.
-

16 COMMUNITY AND PLACE NETWORK ITEMS

No Items have been identified as part of this Agenda

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 Lease and Licence Policy - 19-Plx-002****FILE NO:** SF5617**AUTHOR:** Tricia De Leon-Hillier (Lease and Licencing Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

That the Council considers the Lease and Licence Policy (19-Plx-002).

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 17 February 2022 - Lease and Licence Policy

Workshop - 19 November 2020 - Commercial Leases

RECOMMENDATION:

That Council approves the Lease and Licence Policy (19-Plx-002) (ECM Doc Set ID 4646901) as shown below:

Lease and Licence Policy***PURPOSE***

To provide a consistent and equitable framework for the leasing and licensing of land and buildings (facilities) owned and managed by City of Launceston (Council).

SCOPE

This policy applies to:

- all the Council's Officers involved in the negotiation and preparation of leases and licences relating to the Council's owned facilities.
- all customers who intend to lease or licence the Council's owned facilities on more than an informal, occasional basis. Customers will be provided with a copy of this policy prior to signing their lease or licence.

This policy does not apply to:

- hire of the Council's owned facilities that are routinely booked or hired for occasional uses with a standard City of Launceston venue hire agreement or booking arrangement.
-

19.1 Lease and Licence Policy - 19-Plx-002 ...(Cont'd)

- occasional general community uses (for example, informal uses of open spaces, or non-exclusive gatherings).
- encroachments onto the Council's land (refer to the Private Use of Council Land Policy 23-PI-003).

The information contained in this policy is not advice and should not replace seeking legal advice on proposed agreements of the Council.

Special considerations and procedures apply to the leasing of public land. The Council's Officers intending to lease public land are encouraged to seek legal advice.

POLICY**Policy Objectives**

- To optimise the use of the Council's facilities to the mutual benefit of the community and the Council.
- To achieve fair and equitable access to facilities.
- To achieve a transparent system.
- For community leases, to achieve a management model whereby the cost of operation of the asset for community groups are not prohibitive, nor an unreasonable financial cost to the Council.
- For commercial leases, to ensure that the Council operates in accordance with contemporary commercial practices.

Optimising the Benefits to be Obtained from the Council's Land and Facilities

The Council will ensure suitable usage arrangements are in place for its land and facilities. Use of the Council's facilities will support community needs in a manner that is consistent with the Council's strategic plans and values.

Where the Council's facilities are provided for the use of the community, the Council must strike an appropriate balance between meeting growing needs for community assistance and endeavouring to manage limited resources of the Council.

The Council may consider the following strategies in order to support community uses:

- requiring lessees and licensees to pay for the expenses arising from their use of facilities, except where specifically exempted.
 - the promotion of multi-use arrangements where appropriate.
 - offering use of alternative, more cost effective facilities.
 - disposing of facilities that no longer meet modern standards.
-

19.1 Lease and Licence Policy - 19-Plx-002 ...(Cont'd)

Fair and Equitable Access

The Council will provide fair and equitable access to its facilities for all users.

For non-public land, although the Council will ordinarily permit a renewal of tenancy where no breaches of the lease or licence have occurred, the Council is not obligated to do so unless required by the existing lease or licence.

For public land that has a commercial use, the Council will ordinarily offer a maximum term of 20 years inclusive of all options. Shorter terms are preferred to ensure equitable access to publicly owned assets which are often in premium locations.

If a renewal is not offered and instead the Council intends to grant an entirely new lease or licence, the Council will publicly advertise the facility including any desired uses or particular requirements. An Expression of Interest process will be utilised for all new leases and licences, including in circumstances where a current tenancy is not being renewed.

As part of the Expression of Interest process, the following steps are required:

- preparation of description, selection criteria, and required forms.
- a public notice is to be placed in a public newspaper, inviting interested parties to provide submissions of their intended use of the facility.
- a panel of not less than three of the Council's employees will be appointed to assess the submissions and select the most suitable applicant.
- A recommendation will be put to a Council Meeting in support of the preferred user group (where appropriate).

For non-commercial use leases and licences, relevant factors when considering the use of a facility may include:

- the demonstrated need for the service.
- the user history, financial and income capacity of the user.
- the suitability of the facility.
- existing and surrounding users.
- any relevant environmental impact and sustainability considerations.
- capital contributions made or proposed by the user.
- whether co-location of the group with another user, or head leasing to representative peak bodies, is more appropriate.

A Transparent System

The Council must use and be able to demonstrate its ability to meet the objective criteria and equitable processes set out in this policy.

Standardised lease and licence agreement templates will be used wherever possible.

19.1 Lease and Licence Policy - 19-Plx-002 ...(Cont'd)

Lessees and licensees will be provided with a clear summary of the value of any support or concessions granted by the Council. This information may be reported publicly.

Valuation

The *Local Government Act 1993* (Tas) requires that for land that is not public land a valuation must be obtained before disposal of facilities. The cost of such valuations will be met by the Council.

Rent for commercial leases and licences will be at the market rate, based upon an independent valuation of the relevant facility, conducted within the preceding 12 months. This applies whether or not the land is public land or not.

For the purpose of calculating the effective subsidy for community use leases and licences, the rental valuation will be assessed using the property's latest available AAV figure, adjusted for CPI and any shared or part use of the land. That valuation will accompany any officer report as part of Council's decision making process on disposal.

Determining a Fair Contribution for Non-Commercial Uses

Only commercial users are required to pay rent at a market rate.

Community users are required to pay a yearly fee of 182 fee units as set pursuant to the *Fee Units Act 1997* (Tas) (equating to \$300.30 as at 1 July 2021). This fee is in order to cover administrative costs. Any additional service charges that arise are the responsibility of the user. Community users are not required to pay for rates or land tax.

The Council will be responsible for maintenance unless otherwise agreed between the parties. Lessees remain responsible for the cleaning and other day-to-day operations.

Further details on rental and other charges are at Table 1 on page 4.

19.1 Lease and Licence Policy - 19-Plx-002 ...(Cont'd)

Table 1: Cost Recovery Summary

Category	Financial contributions	Eligibility criteria
1. Community user groups Examples: <ul style="list-style-type: none"> • Recreational group • Benevolent group • Community association, club or garden 	Annual rental charge of \$300.30 Users must pay all costs: <ul style="list-style-type: none"> • utilities - consumption and fixed charges. • operational maintenance (for example cleaning, security, pest control) bin service charges and State Fire Service Levy Fee. • other costs (for example key replacement, signage). • costs of specialised sporting equipment. 	<ul style="list-style-type: none"> • must provide proof of benevolent or charitable activity/service, community service or be a sporting club. • has limited revenue-raising ability. • provides optimal multiple use opportunities.
2. Commercial user, private user, government or grant funded user	Full market rent. All associated costs.	Service is provided on standard commercial terms.
3. Mixed/partially assisted user group or group with limited public benefit (semi-private museums, office for partly funded program)	Rent is determined in accordance with the percentage that the user is deemed to be commercial, community, benevolent, or self-funded calculated in accordance with relevant procedures as applicable. The financial contribution outlined for Community Groups (Table) is also applied to the category.	Has a mix of community and commercial activities.

Capital Contributions

All proposed capital contributions or improvements to the Council's assets of any kind must be approved by the Council prior to being undertaken. The Council strongly encourages users to proactively engage with the Council on grant funding and other sources of financial support.

Any applications to undertake capital contributions or improvements and their subsequent ownership, financial compensation or any other form of compensation will be considered by the General Manager Infrastructure and Assets. Any agreements will be specified in the lease or associated documentation.

19.1 Lease and Licence Policy - 19-Plx-002 ...(Cont'd)

The Council retains ownership of fixed improvements on its land, unless the contrary is approved by the Council, in which case this will also be specified in the lease.

When assessing users' capital contributions and improvements, the Council will give consideration to the assets management (including ongoing maintenance requirements), the strategic direction and use of the asset, the Council's resources, alignment to the Council's strategic plans and values.

Insurance

The Council will insure its buildings against property damage. Users are required to reimburse the Council for their share of the cover. A user may elect to take out their own building cover with the approval of the Council, in which case the user will be obliged to provide certificates of currency on a yearly basis.

If ownership of capital improvements sits with the user (see Capital Contributions above), building insurance is the responsibility of the user. The Council will not insure capital improvements if it is not the owner of the capital improvements. This is because the Council maintains a high excess: in insuring a capital improvement, the Council assumes responsibility for under excess claims which is not appropriate if the Council is not the asset owner.

Any user may take out other specialised policies for their business or sporting activities, such as professional indemnity, contents insurance, player injury cover, additional plate glass and business interruption insurance.

The user must insure themselves against public liability at a level suited to their likely risk exposure and in all cases at least \$20m in minimum cover.

Legislative Compliance

The Council's Officers must comply with relevant laws relating to disposals of land. These obligations are mainly set out in Part 12 of the *Local Government Act 1993* (Tas). Special provisions apply to public land such as public parks and gardens and sporting facilities for public use.

The Council must also comply with the *Local Government (Building and Miscellaneous Provisions) Act 1993* (Tas) relating to subdivisions when considering offers of lease terms of more than 10 years.

The Council must comply with the *Residential Tenancy Act 1997* (Tas) for residential properties.

19.1 Lease and Licence Policy - 19-Plx-002 ...(Cont'd)

Any property being used as retail shop premises (such as cafes) must be dealt with in a manner that complies with the *Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998*.

PRINCIPLES

The principles underpinning this policy are transparency, equity and public access.

All of the Council's Organisational Values apply to this policy.

RELATED POLICIES AND PROCEDURES

19-PI-001 Legal Services Policy

24-PI-003 Council Property Management Policy

24-PI-002 Disposal or Alienation of Council Assets Policy

17-Rf-007 Legals Index Document Information Sheet

RELATED LEGISLATION

Competition and Consumer Act 2010 (Cth)

Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998

Local Government Act 1993 (Tas)

Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas)

Residential Tenancies Act 1997 (Tas)

REFERENCES

Not applicable.

DEFINITIONS

"Benevolent" means an organisation or association that has objects and activities of a charitable nature that holds an Australian Tax Office certificate granting "benevolent" status.

"Community Association" means an incorporated or unincorporated association of members that has objects and activities of a social or recreational nature and openly offers membership to any member of the community reasonably able to participate in that activity.

"Commercial" means any person, partnership, trust, company or other entity intending to provide goods and/or services for a financial reward, and for the purposes of rental rebate assessment, an entity that cannot clearly fit into any other rental rebate assessment category.

"Lease" means an agreement by which the Lessor grants to the Lessee exclusive possession of a property for an agreed period in exchange for rent or fee.

19.1 Lease and Licence Policy - 19-Plx-002 ...(Cont'd)

"Licence" means a formal authority or permission to enter and occupy a person's land for an agreed purpose. A licence does not usually confer a right of exclusive possession of the property, or any estate or interest in it.

"Public Land" means as defined in section 177A of the *Local Government Act 1993* (Tas).

REVIEW

This policy will be reviewed no more than two years after the date of approval or more frequently, if dictated by operational demands and with Council's approval.

REPORT:

Councillors and asset owners across the Council have been consulted over an extensive period in the development of this policy. It is important that it is seen to be fair and equitable and depending on a tenant's intended use of the land and the (public) classification the Policy provides for differing lengths of terms.

The main aspects of the Policy include:

- clearly applies to land and buildings;
- clear delineation of who is responsible for what costs;
- preference for shorter term arrangements where community leases will be offered on five year terms;
- for public land that has commercial use a maximum term of 20 years and if renewal is not offered then the Council would conduct an Expression of Interest (EoI) process where public notice is placed in the newspaper;
- criteria that tenants need to meet including multi-purpose use of council-owned assets which will be assessed upon each renewal of a lease;
- a valuation to be obtained and attached to a council decision in most instances; and
- fee units as the charging unit for community groups which allows the fee to increase annually in accordance with State Government increases to fee units.

The Policy provides for a distinction between community, commercial and mixed use tenancies. In determining a fair contribution for non-commercial users the proposal to apply an annual fee unit charge of \$300.30 is calculated at 182 fee units as set pursuant to the *Fee Units Act 1997* (Tas) (equating to \$300.30 as at 1 July 2021). Community users will no longer be required to pay rates or land tax and this annual fee ensures that the changes are cost neutral to the Council. Users will be charged the fee on a consistent basis, rather than the historical ad-hoc charging of rates to some tenancies but not others.

19.1 Lease and Licence Policy - 19-Plx-002 ...(Cont'd)

In the past there were leases established that were on peppercorn rent or some being charged for various amounts. There were inconsistencies between the same type of sporting clubs where one was charged peppercorn and another group charged rent. The majority of what is in this policy has already been applied in the last few years upon renewal of or consideration of leases and licences to provide a consistent approach in the framework of our agreements. The Policy aims to provide a consistent and equitable framework for the leasing and licencing of Council owned properties and facilities. It covers community, commercial and mixed use tenancies. If the Policy is adopted, over time as leases are renewed community users will no longer pay property rates, but instead each tenancy will be subject to a \$300.30 yearly charge, CPI adjusted.

It is, therefore, recommended that the above Policy be approved and as part of the implementation process a copy of the Policy will be provided to all current lease and licence holders for their information and that it has a two-year review cycle to allow for an early round of improvements. Beyond this period, it is recommended that the Policy is reviewed every four years.

A register will be maintained of the Council's leased assets that includes reference to valuation advice and actual charges paid by users.

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 longterm 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.
-

19.1 Lease and Licence Policy - 19-Plx-002 ...(Cont'd)

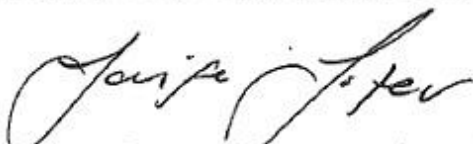
BUDGET & FINANCIAL ASPECTS:

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

19.2 Intention to Make On-Street Parking Penalties By-Law No. 1 of 2022**FILE NO:** SF7397**AUTHOR:** Duncan Campbell (Team Leader Legal Services)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider forming an intention to make the On-Street Parking Penalties By-Law No. 1 of 2022.

This decision requires an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 3 February 2021 - Parking By-Laws

RECOMMENDATION:

That Council

1. pursuant to section 156 of the *Local Government Act 1993* (Tas) and in reference to section 100 of the *Local Government (Highways) Act 1982*, resolves by absolute majority, that it intends to make a new by-law generally in the terms of the draft On-Street Parking Penalties By-Law No. 1 of 2022 as shown below (ECM Doc Set ID 4684364):
-

19.2 Intention to Make On-Street Parking Penalties By-Law No. 1 Of 2022 ...(Cont'd)

LAUNCESTON CITY COUNCIL

ON-STREET PARKING PENALTIES BY-LAW NO. 1 of 2022

A by-law made under section 145 of the *Local Government Act 1993* (Tas) for the purpose of prescribing penalties for infringement notices pursuant to section 100 of the *Local Government (Highways) Act 1982*.

PART 1 – PRELIMINARY

1. Short title

This by-law may be cited as the *On Street Parking Penalties By-Law No. 1 of 2022*.

2. Repeal

Part 7 of the *Parking By-Law No. 2 of 2013* is repealed.

3. Interpretation

In this by-law, unless the contrary intention appears:

"penalty unit" means a sum prescribed under the provisions of the *Penalty Units and Other Penalties Act 1987*;

4. Prescribed penalties for parking offences under the *Local Government (Highways) Act 1982*

For the purposes of section 100(4) of the *Local Government (Highways) Act 1982*, the prescribed penalty for an infringement notice issued for an offence under section 97, 98 or 99 of that Act is the applicable amount specified adjacent to the offence in the following table:

19.2 Intention to Make On-Street Parking Penalties By-Law No. 1 Of 2022 ...(Cont'd)

Column 1 Section	Column 2 Offence	Column 3 Penalty (penalty units)	Column 4 Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice (penalty units)	Column 5 Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice (penalty units)
Section 97(1)(a)(i)	Remaining parked whilst meter not running	0.5	0.2	0.3
Section 97(1)(a)(ii)	Exceeding maximum period on parking meter	0.5	0.25	0.4
Section 97(1)(b)(i)	Parking without parking voucher displayed	0.5	0.2	0.3
Section 97(1)(b)(ii)	Parking longer than authorised by a parking voucher	0.5	0.25	0.4
Section 97(1)(c)	Parking more than one motor vehicle in a space	0.5	0.25	0.4
Section 97(1)(d)	Parking a motor vehicle partly inside and outside a space	0.5	0.2	0.3
Section 98	Obstructing use of parking space	0.5	-	-
Section 99	Parking whilst space closed	0.5	-	-

COUNCIL AGENDA

Thursday 10 March 2022

19.2 Intention to Make On-Street Parking Penalties By-Law No. 1 Of 2022 ...(Cont'd)

Seal and Certification

Pursuant to section 161 of the *Local Government Act 1993* (Tas) and the decision of Council on the day of 2022, the Common Seal of the Launceston City Council was placed upon this document on the day of 2022 in the presence of:

.....
Albert Van Zetten
MAYOR

I certify that the provisions of the *On-Street Parking Penalties By-Law No. 1 of 2022* are in accordance with the law.

.....
Duncan Campbell
Legal Practitioner

The *On-Street Parking Penalties By-Law No. 1 of 2022* has been made in accordance with the *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)

2. requests the Chief Executive Officer, or other appropriate officer, to do anything necessary and convenient to implement Recommendation 1., including the preparation of the regulatory impact statement and the giving of notice of the proposed On-Street Parking Penalties By-Law, to allow Council to make the by-law in accordance with the requirements of the *Local Government Act 1993* (Tas).
3. notes, for the avoidance of doubt, the term 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).

**19.2 Intention to Make On-Street Parking Penalties By-Law No. 1 Of 2022
...(Cont'd)**

REPORT:

On 27 June 2013, Council made the Parking By-Law No. 2 of 2013 (2013 by-law) which contains parking controls in respect of car parking facilities in Launceston and also prescribed penalties for a number of offences relating to parking meters and vouchers. The 2013 by-law took effect on 10 July 2013 on its publication in the *Gazette*. It is due to expire on 10 July 2023.

The upcoming expiry of the 2013 by-law has provided an opportunity to simplify the by-law regulatory scheme as it applies to parking in Launceston. Splitting the by-law that sets parking penalties applicable under infringement notices, from a by-law that relates to general parking controls, will simplify the law and provide a clearer delineation between those laws that are administered primarily by the Tasmanian Government and those provisions that are administered by the Council.

The proposed *On-Street Parking Penalties By-Law No. 1 of 2022* (2022 by-law) will repeal that part of the 2013 by-law that relates to prescribed penalties under infringement notices, but leave the remaining provisions intact. In the near future, a further by-law will be presented to Council for consideration, with the aim of updating the Council's parking controls as they apply to car parking facilities.

When the prescribed penalties for infringement notices were set under the 2013 by-law, such amounts were expressed as a dollar value. Those amounts remained stagnant and did not respond to changes in purchasing power of money over that time.

The 2022 by-law under consideration in this report will bring the City of Launceston into line with other Tasmanian Councils in the setting of its parking penalties as a percentage of a penalty unit as set under the *Penalty Units Act and Other Penalties Act 1987*. Section 4A of that Act ensures that penalty units fluctuate in line with CPI as determined by the calculation set out at in that section.

Bringing the penalties to be prescribed by the 2022 by-law into line with the penalties prescribed by the 2013 by-law in real terms will result in an approximately 33% increase in the penalty amount currently applied. This is achieved by converting the dollar value prescribed by the 2013 by-law into a percentage of a penalty unit, rounded to the nearest second decimal place (either 0 or 5), and then applying such penalty unit to the relevant infringement notice.

A comparison between the infringement amounts payable in respect of parking meters and vouchers across Hobart, Burnie and Devonport shows that the proposed changes would result in Launceston applying penalties broadly in line with those other councils. A summary of the relevant penalty amounts charged in respect of an infringements notice across each council is provided below:

19.2 Intention to Make On-Street Parking Penalties By-Law No. 1 Of 2022 ...(Cont'd)

Infringement \$\$ Comparison between Launceston, Devonport, Hobart & Burnie Councils Infringement Paid after 28 Days						
Section	Description	City of Launceston Proposed	Devonport City Council	Hobart City Council	Burnie City Council	Average Infringement Amount
97(1)(a)(i)	Parked with no meter	\$ 86.50	\$ 95.15	\$121.10	\$67.47	\$ 92.56
97(1)(a)(ii)	exceed maximum period	\$ 86.50	\$ 95.15	\$138.40	\$67.47	\$ 96.88
97(1)(b)(i)	No voucher	\$ 86.50	\$ 95.15	\$121.10	\$67.47	\$ 92.56
97(1)(b)(ii)	Longer than authorised	\$ 86.50	\$ 95.15	\$138.40	\$67.47	\$ 96.88
97(1)(c)	More than one car	\$ 86.50	\$ 95.15	\$121.10	\$67.47	\$ 92.56
97(1)(d)	Outside parking space	\$ 86.50	\$ 95.15	\$121.10	\$67.47	\$ 92.56
98	Obstruction	\$ 86.50	\$ 95.15	\$121.10	\$67.47	\$ 92.56
99	Parking in closed space	\$ 86.50	\$ 95.15	\$121.10	\$67.47	\$ 92.56

Infringement \$\$ Comparison between Launceston, Devonport, Hobart & Burnie Councils Reduced penalty if paid to Council within 14 days from date of service of the infringement						
Section	Description	City of Launceston Proposed	Devonport City Council	Hobart City Council	Burnie City Council	Average Infringement Amount
97(1)(a)(i)	Parked with no meter	\$ 33.27	\$ 27.68	\$ 43.25	\$22.49	\$ 31.67
97(1)(a)(ii)	exceed maximum period	\$ 46.57	\$ 27.68	\$ 60.55	\$22.49	\$ 39.32
97(1)(b)(i)	No voucher	\$ 33.27	\$ 27.68	\$ 43.25	\$22.49	\$ 31.67
97(1)(b)(ii)	Longer than authorised	\$ 46.57	\$ 27.68	\$ 60.55	\$22.49	\$ 39.32
97(1)(c)	More than one car	\$ 46.57	\$ 27.68	\$ 43.25	\$22.49	\$ 35.00
97(1)(d)	Outside parking space	\$ 33.27	\$ 27.68	\$ 43.25	\$22.49	\$ 31.67
98	Obstruction	NA	\$ 27.68	\$ 43.25	\$22.49	\$ 31.14
99	Parking in closed space	NA	\$ 27.68	\$ 43.25	\$22.49	\$ 31.14

Infringement \$\$ Comparison between Launceston, Devonport, Hobart & Burnie Councils Reduced penalty if paid to Council after 14 days but within 28 days of the infringement						
Section	Description	City of Launceston Proposed	Devonport City Council	Hobart City Council	Burnie City Council	Average Infringement Amount
97(1)(a)(i)	Parked with no meter	\$ 53.23	\$ 46.71	60.55	44.98	\$ 51.37
97(1)(a)(ii)	exceed maximum period	\$ 66.54	\$ 46.71	77.85	44.98	\$ 59.02
97(1)(b)(i)	No voucher	\$ 53.23	\$ 46.71	60.55	44.98	\$ 51.37
97(1)(b)(ii)	Longer than authorised	\$ 66.54	\$ 46.71	77.85	44.98	\$ 59.02
97(1)(c)	More than one car	\$ 66.54	\$ 46.71	60.55	44.98	\$ 54.69
97(1)(d)	Outside parking space	\$ 53.23	\$ 46.71	60.55	44.98	\$ 51.37
98	Obstruction	NA	\$ 46.71	60.55	44.98	\$ 50.75
99	Parking in closed space	NA	\$ 46.71	60.55	44.98	\$ 50.75

19.2 Intention to Make On-Street Parking Penalties By-Law No. 1 Of 2022 ...(Cont'd)

If Council determines to form an intention to make the 2022 by-law under consideration, the following tasks will be completed to ensure that the by-law is properly made:

- the Council's Officers will prepare a regulatory impact statement which addresses a number of matters including the objectives of the by-law, the nature of any restriction on competition, and an assessment of economic, social and environmental impacts.
- the regulatory impact statement will be submitted to the Director of Local Government for approval.
- a public consultation process will then be undertaken, which involves publication of notices of the proposed by-law in the local newspaper, on the Council's website and in Town Hall. The public consultation process must run for at least 21 days.
- any person is entitled to make a submission in respect of the by-law.
- ministerial approval will be sought under section 24 of the *Launceston Flood Management Act 2015* to the extent that it is required to make the by-law. This Act places additional controls upon the by-law making capabilities of councils that fall under its jurisdiction, but is likely to have little impact in the circumstances.
- the proposed by-law and any public submission received will then return to Council for consideration and determination whether to proceed with the making of the by-law unchanged, to undertake amendments, or to decide not proceed.
- if Council determines to proceed with the making of the by-law, it will be published in the Tasmanian Government *Gazette*, at which time it will take effect.
- copies of the by-law will be provided to the Director of Local Government and to both Houses of Parliament for tabling. Either House of Parliament has the power to disallow all or part of the by-law.

It is important to highlight that the 2022 by-law under consideration does not change the applicable parking fees payable in respect of a parking space, with such fees being set by the Council as part of its annual Fees and Charges decision making process.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

19.2 Intention to Make On-Street Parking Penalties By-Law No. 1 Of 2022 ...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

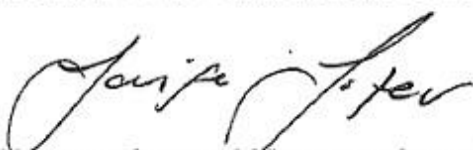
BUDGET & FINANCIAL ASPECTS:

Any increase in revenue that results from the changes under this by-law will form part of the funding for parking compliance and other Council activities in accordance with the *Local Government Act 1993* (Tas).

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

20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS**20.1 Council Contribution - *kanamaluka* Culture Centre****FILE NO:** SF2855/SF2968/132110**CHIEF EXECUTIVE OFFICER:** Michael Stretton

DECISION STATEMENT:

To consider a request to provide financial support for the proposed development of the *kanamaluka* Cultural Centre.

RECOMMENDATION:

That Council makes a financial contribution of \$38,286 to the proponents (JMC Group, Silos Hotel and the Tasmanian Symphony Orchestra) for the proposed *kanamaluka* Cultural Centre to be situated off Kings Wharf Road and Lindsay Street, Launceston.

REPORT:**Introduction**

The Council has been approached to provide financial support for the proposed development of the *kanamaluka* Cultural Centre (the Centre) on a site adjacent to the River Tamar near Kings Wharf Road and Lindsay Street in Launceston (Attachment 1).

Council is asked to consider providing a contribution to cover the cost of a Development Application for the proposal. The request includes letters of support from the Tasmanian Symphony Orchestra (TSO) and Peppers Silo Hotel which are included as Attachment 2 of this report.

The likely cost to build the centre has been estimated at \$60m and, therefore, the development application fee would be \$33,500. However, the proposal would also need to undergo a Planning Scheme Amendment as the Interim Launceston Planning Scheme's Invermay/Inveresk Flooding Code prohibits community meeting and entertainment use on that site. The amendment fees would be \$4,456 and the Tasmanian Planning Commission fee is \$330 bringing the total fees for a development application to \$38,286.

20.1 Council Contribution - *kanamaluka* Culture Centre ...(Cont'd)

Background

The Centre is a joint venture between developer Errol Stewart and the Tasmanian Symphony Orchestra. The Centre will include a Tasmanian Symphony Orchestra auditorium with 750 seat capacity and a 1,000 seat conference space. A space for indigenous art and culture, exhibition and function halls and an outdoor screen. It will also a space that can be used as a recording studio, a digital suite, along with large public foyers, bars, a cafe, and a specific black box area for the performing arts.

According to the Economic Impact Assessment which has been developed for the proposal:

- The Centre will be available for hire for concerts and a range of community and corporate events. The following visitation projections have been prepared by the Tasmanian Symphony Orchestra and Accor Group. It is anticipated that the Centre will host 70 concert, plenary and community events per year, with capacity to accommodate 49,000 people. Of these attendees, it is projected 80% will come from the Greater Launceston area, 10% from Hobart, 5% from elsewhere in Tasmania and 5% from interstate. In addition, the Centre is estimated to host 19,000 conference delegates (30% local, 70% from outside Launceston), many of whom will stay multiple days within the region.
- The proposed Centre is highly consistent with achieving the desired outcomes identified in local and state strategies to grow tourism in Tasmania's north.
- The development will have the capacity to diversify the offering of tourism facilities and events, attracting new activities that Launceston is not currently capable of hosting.
- More broadly, the Tasmanian Government has identified that rebuilding visitation is a key strategic focus in the State's recovery from COVID-19. The means of achieving this objective are outlined in their *T21 Visitor Economy Action Plan 2020-2022*. Centrally, the State Government aims to support demand-generating experiences in several key areas, of which unique cultural operations and creative experiences are a focus.
- Tourism North Tasmania's objectives centre around re-starting the visitor economy by promoting creative and cultural activities centred on improving Launceston's connectivity and accessibility.
- The Centre is directly aligned with each of these strategic documents. It has the capacity to play a central role in Launceston's cultural and creative communities. With purpose-built conferencing facilities, it can also help rebuild the events industry, which was particularly hard hit by COVID-19. The proposed development at *kanamaluka* is situated within proximity to key tourism drivers and accessible to the City centre via the newly-built pedestrian bridge. As such, it is directly aligned with long-term strategies to improve accessibility and walkability in the City.

20.1 Council Contribution - *kanamaluka* Culture Centre ...(Cont'd)

- The project will deliver significant economic stimulus for Launceston and Tasmania as a whole. Construction of the proposed development will generate \$33m value added to the State economy annually and support an average of 255 fulltime equivalent (FTE) direct and indirect jobs per annum over the construction period.
- It is estimated that the development would have the capacity to provide 38 jobs associated with the Centre.
- In addition, the 19,000 conference delegates are estimated to spend around \$7m in the region per annum, benefiting a wide range of regional businesses including accommodation providers, cafes and restaurants, and retailers.
- The development is also expected to accommodate almost 54,000 visitor nights in year two of operation, with guests spending around \$7.2m at businesses in the region on their stay. Note the total expenditure of conference delegates and hotel guests is not additive as some conference delegates will stay in the hotel. Total delegate and hotel guest spending is estimated at \$13.3m in year two of operation, and annually thereafter.

To date the JMC Group, together with Silos Hotel, has underwritten \$100,000 for the development of the Centre concept plans, quantity survey and economic impact assessment, with some a financial support provided by the TSO.

The project has been costed at \$60m and funding is currently being sought with \$35m requested from the Federal Government, \$20m from the State Government and \$5m from the private sector.

It is proposed that the Centre will be operated and underwritten for the first five years by Accor and Silo Hotel, with ownership and management thereafter to be provided by a Government owned authority which is proposed to be created within this time.

Conclusion

It is generally not appropriate for the Council to provide funding for a private development. However, as the Centre is proposed to be majority funded by the Government, and transitioned into a statutory authority which is auspiced by the State Government, it is considered that the building will be a community-owned cultural asset. Therefore, it is appropriate for Council to consider the provision of financial support.

The Centre will make a significant contribution to the City's cultural scene and local economy, with some 70 concerts, plenary and community events to be provided each year, with capacity to accommodate 49,000 people. Additionally, it would assist to increase local visitation with 19,000 conference delegates expected per annum generating around 54,000 visitor nights in year two of operation, which would translate to a spend of around \$13.3m annually in delegate and hotel guest spending.

20.1 Council Contribution - *kanamaluka* Culture Centre ...(Cont'd)

Given the significant social, cultural and economic contribution that the Centre would make to the City, and the fact that it will be a community-owned asset, it is recommended that Council agree to provide the requested financial contribution of \$38,286 to the proponents.

ECONOMIC IMPACT:

The economic impact of the centre is outlined within the report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

The development of the Centre would have a significant positive social impact on the City as it will meet currently unmet needs. The City does not currently have a dedicated concert facility and is under-served by conferencing facilities, and in particular large conferencing facilities.

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:

3. To advocate and collaborate to enhance regionally significant services and infrastructure for the benefit of our communities.

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:

2. To facilitate direct investment in the local economy to support its growth.
 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.
 5. To understand and support the establishment and growth of new and creative industries and businesses in Launceston.
-

20.1 Council Contribution - *kanamaluka* Culture Centre ...(Cont'd)

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

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

Focus Areas:

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

BUDGET & FINANCIAL ASPECTS:

Should Council agree to provide a financial contribution of \$38,286 to the proponents (JMC Group, Silos Hotel and the Tasmanian Symphony Orchestra) for the proposed *kanamaluka* Cultural Centre it will receive the same amount back by way of development application fees.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Michael Stretton - Chief Executive Officer

ATTACHMENTS:

1. *kanamaluka* Cultural Centre - December 2021 (distributed electronically)
 2. Letters of Support from the Tasmanian Symphony Orchestra (TSO) and Peppers Silo Hotel
-

Attachment 2 - Letters of Support from the Tasmanian Symphony Orchestra (TSO) and Peppers Silo Hotel



9 February 2022

Mr Michael Stretton
Chief Executive Officer
City of Launceston
Town Hall, 18-28 St John Street
Launceston, Tasmania 7250

Dear Michael

I write to confirm the support of Peppers Silo Hotel Launceston of the development of the kanamaluka Cultural Centre in Launceston and strongly endorse the progression of the Development Application through Council.

Launceston and the North of Tasmania has been challenged with access to quality conference and events facilities for some time now. The city is not competitive in the market for events over 200-300 people due to lack of suitable infrastructure. A facility such as kanamaluka provides the city with an asset that will assist in securing a range of events of 700 plus delegates providing room nights and ancillary delegate spend.

The proposed design and location takes advantage of a perspective of the Tamar and Cataract Gorge which highlights the natural assets of Launceston and strongly connected to the CBD via the Seaport, just a 4 minute walk to the centre of the CBD

In working with Errol Stewart, the JMC Group and the Tasmanian Symphony Orchestra the hotels support the broad range of uses the centre lends itself to as an acoustically outstanding venue for the execution of conventions, dinners, events, symposiums, the performance of music. In addition it provides a strong community connection through its outdoor courtyard and First Nations gallery space.

All of which create a compelling offer to attract event and conference opportunities that arguably does not exist elsewhere in Tasmania.

Continued demand generation across all segments and months of the year is critical for the ongoing success of existing and future accommodation hotels and this proposal will assist in driving this demand.

Thank you very much for your consideration and support

Regards,

Paul Seaman

Paul Seaman
General Manager



9 February 2022

Mr Michael Stretton
Chief Executive Officer
City of Launceston
Town Hall, 18-28 St John Street
Launceston, Tasmania 7250

Dear Michael

I write to confirm the support of the Tasmanian Symphony Orchestra (TSO) for the development of the kanamaluka Cultural Centre in Launceston.

We strongly support the progression of the Development Application through Council, noting that the capital contribution to date demonstrates the commitment of JMC Group and the TSO. Although the financial contribution of the TSO is modest by comparison, we have nonetheless invested \$100K to date in project development, the economic impact assessment, stakeholder engagement and documentation. We will continue to support and advocate for this important project because of the value it creates for Launceston, for all of Tasmania, and our brand – a destination magnet, and one of the fastest rising cultural brands on the planet.

In working with Errol Stewart and the JMC Group, we have been very mindful of *complementing* the existing cultural infrastructure of Launceston. With Albert Hall operating at its best as a plenary space, and the natural strength of the Princess Theatre as a home for drama, opera, ballet, and musicals – kanamaluka sits squarely and solely in the niche of an acoustically outstanding venue for the performance of music. And that is just the concert hall! The outdoor courtyard, digital studio, grand foyer and first nations gallery space create opportunities that do not exist elsewhere in Tasmania for family and community programs, recording and filming, achieving excellence in digital production and exporting Tasmanian culture to the rest of the world.

Over the last two years, the humans of the TSO have worked together to surface and develop the vision: *TSO 2030 | Our Cathedral*. Whilst this is a ten-year body of work with nineteen integrated priorities, at its heart sits **the northern home of Tasmania's Orchestra**. The essence of this aspiration is kanamaluka. This is not only for the experience of world-class entertainment, inspiration and amenity it offers northern Tasmanians, but for the opportunities for young people, families, elders ... everyone, to experience their orchestra and Tasmanian artists in residence, performing,

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W: WWW.TSO.COM.AU

TASMANIAN SYMPHONY ORCHESTRA PTY LTD ABN 81 088 230 184



teaching, workshopping, engaging and serving the many satellite communities in the northern half of our island.

The planning horizon of the TSO is long – and so the remaining point to make is that we have carved out time in our 2025 concert season to open kanamaluka with an unforgettable weekend and gala night, live-streamed internationally.

Thank you very much for your support of our work thus far. It is enormously appreciated.

With all best wishes,

A handwritten signature in blue ink, appearing to read 'Caroline Sharpen'.

Caroline Sharpen
CEO

20.2 Northern Suburbs Community Recreational Hub Financial Support**FILE NO:** SF6951**CHIEF EXECUTIVE OFFICER:** Michael Stretton

DECISION STATEMENT:

To consider making a financial contribution to the Northern Suburbs Community Recreation Hub development at 316-320 Invermay Road, Mowbray.

RECOMMENDATION:

That Council, in recognition that the Northern Suburbs Community Recreation Hub at 316-320 Invermay Road, Mowbray is a vital development for the City which will repurpose an existing building to create more usable, enticing recreational spaces for children, their families, and young people to meaningfully engage in community, sport and recreation and deliver much needed indoor courts and facilities for the City, agrees to provide a financial contribution of \$1,100,000 towards the development in the 2021/2022 financial year.

REPORT:

The revitalisation of Launceston's Northern Suburbs is a commitment in the Launceston City Deal to support renewed economic and jobs growth in these suburbs.

The *My Place My Future Plan* (the Plan) was the beginning of a journey towards getting everyone to work together to develop and implement solutions in the future. The Plan focuses on the communities in:

- Invermay;
- Mowbray;
- Newnham;
- Mayfield;
- Rocherlea;
- Ravenswood; and
- Waverley.

These suburbs, each with their own distinct identity, represent approximately one third of the population within the Launceston Municipal Area. The Plan was developed in response to extensive engagement with these very proud, resilient and vibrant communities. Engaging with community representatives through the development of the Plan has been both rewarding and inspiring for all of the stakeholders involved. The outcomes of the community engagement are summarised in Figure 1. The commitment to invest in these suburbs into the future will not just strengthen these communities but will have a lasting effect on the prosperity of greater Launceston.

20.2 Northern Suburbs Community Recreational Hub Financial Support ...(Cont'd)

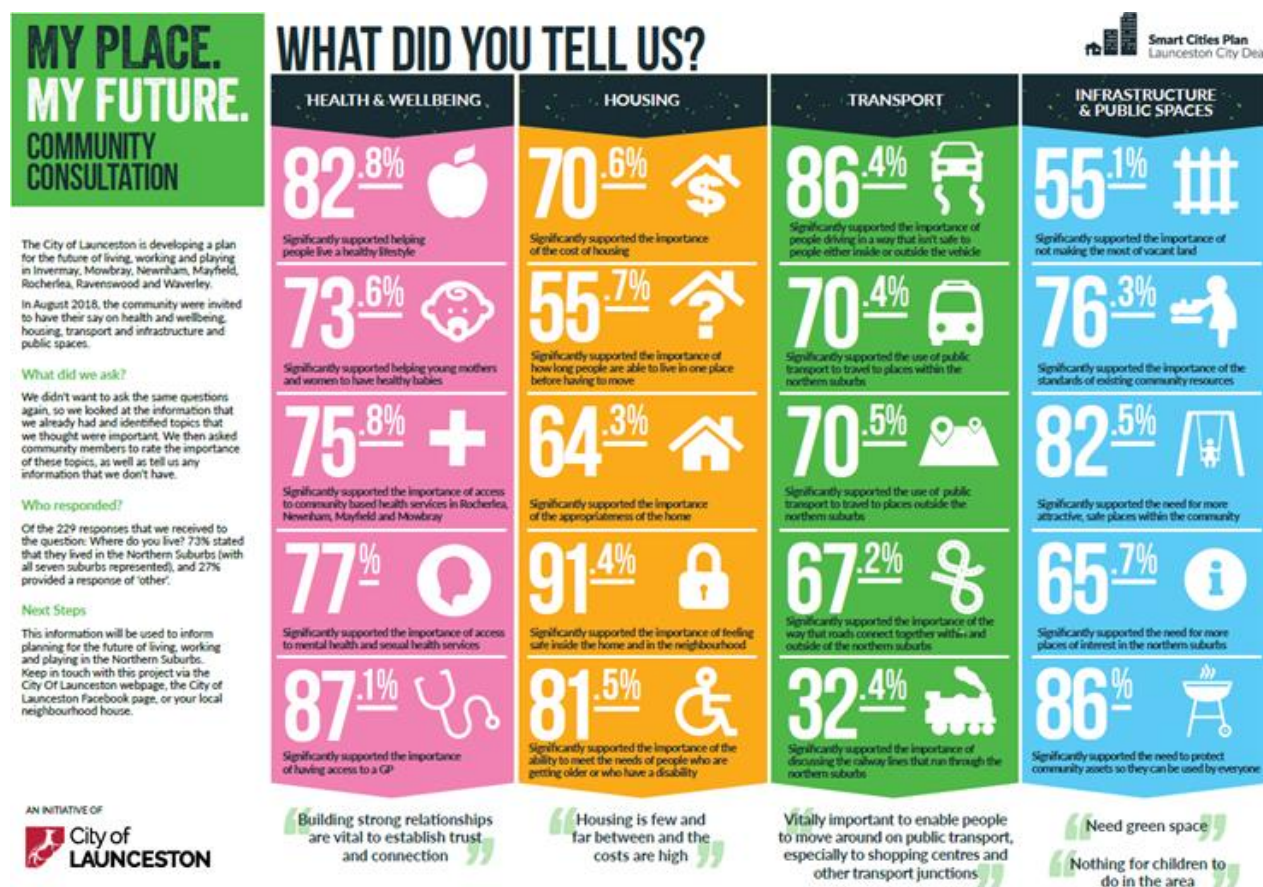


Figure 1: My Place My Future Community Consultation

The *My Place My Future Plan* includes the Strategic Action Area of Liveability, which has been included because all residents within the City of Launceston should be able to live in an area that facilitates an active and enjoyable lifestyle, feels safe, supports wellness and enhances a positive sense of belonging within the broader community.

Among the different actions that have been included in the Plan to implement the strategic action area is an action to repurpose existing spaces to create more usable, enticing recreational spaces and to identify opportunities for children, their families and young people to meaningfully engage in community, sport and recreation.

The Plan makes it clear that there needs to be greater access to recreational facilities and public spaces for people to lead a healthy lifestyle.

Additionally, in 2018 the State Government engaged SGS to complete a Northern Tasmanian Sporting Facilities Study. It identified that the northern region has a substantial shortfall in the capacity of its indoor stadiums.

20.2 Northern Suburbs Community Recreational Hub Financial Support ...(Cont'd)

The three existing regional indoor stadiums - the Elphin Sports Centre, the Silverdome and the YMCA are not capable of meeting community demand and there is a pressing need to increase the capacity of regional indoor stadiums to cater for community sporting needs by providing an additional nine courts in Launceston.

The Elphin Sports Centre was opened in 1964 and currently provides four courts. The Silverdome was opened some 21 years later in 1985 as the southern hemisphere's first indoor timber cycling velodrome. This facility has the capacity to host three to four courts. Accordingly, Launceston has not developed a new indoor sporting complex in over 35 years and during this time the demand for indoor recreational uses and pursuits has continued to increase. It is clear that Launceston needs to develop a new facility or facilities to address the current shortfall in the indoor capacity of our sporting facilities.

The Northern Suburbs Community Recreation Hub has been identified as a specific initiative which is aimed at delivering on the actions identified in the *My Place My Future* Plan and the assist in addressing the cities indoor recreation facility shortfall.

In late 2018 a business case (Attachment 1) was prepared by *@leisure Planners* on behalf of the Council for the development of a community recreation hub in Mowbray to:

- encourage a wider range of people of all ages and abilities to participate in social and physical activity;
 - provide fun, recreation opportunities for local people and a place to connect with other people and local organisations;
 - deliver programs for young people and the local community in the northern suburbs of Launceston;
 - provide employment, mentoring, and personal development opportunities for local young people;
 - be a significant contributor to a reduction of the involvement of young people in dangerous, criminal, or anti-social activities;
 - be a conduit for increased levels of communication understanding and mutual respect between police, community service providers, young people, and the broader local community;
 - strengthen positive relationships between young people, the community, and police and create a safe environment for young people; and
 - enhance program delivery by developing partnerships with relevant businesses and institutions such as the University of Tasmania, Hawthorn Football Club, the Migrant Resource Centre, etc.
-

20.2 Northern Suburbs Community Recreational Hub Financial Support ...(Cont'd)

The business case identified that the facility will include a range of spaces suitable for community level sport and recreation activities, meetings and programs and local organisations, with the facilities in most demand being:

- offices for community organisations;
- multipurpose rooms for meetings, training and social activities;
- indoor sports x four will be suitable for community level social and associational level netball, basketball and futsal competition and training. Additional sports that use these include badminton, volleyball and table tennis;
- gymnastics;
- boxing, and martial arts;
- weight training and gymnasium;
- indoor skate/BMX/MTB or high ropes/circus circus/trampoline;
- café;
- indoor climbing; and
- programs for people with a disability; such as indoor bowls, taekwondo song and dance.

This business case was instrumental in securing a \$15m commitment to the project from the Australian Government at the 2019 election.

The subject site, 316-320 Invermay Road, Mowbray, is a 3.381ha former industrial site which has fallen into disrepair in recent years (Figures 2 and 3). The building has been identified as being structurally sound and ideal for re-development. Additionally, due to its size, central location and property area, it has been identified as the only site capable of delivering the Northern Suburbs Community Recreation Hub. There is little doubt that without a proposal such as the recreation hub, this building and site would have continued to be unused and would inevitably fall into disrepair and dilapidation into the future. It is already being subjected to vandalism, illegal dumping and trespassing on a very regular basis.

20.2 Northern Suburbs Community Recreational Hub Financial Support ...(Cont'd)



Figure 2: 316-320 Invermay Road, Mowbray



Figure 3: Inside the building at 316-320 Invermay Road, Mowbray

The Council has worked in collaboration with the State Government to deliver this project, with the Council taking the initial lead in completing the due diligence for the purchase of the site.

20.2 Northern Suburbs Community Recreational Hub Financial Support ...(Cont'd)

The due diligence process identified that the site includes a number of site contamination concerns, which took a significant amount of time to work through. These concerns were as follows:

1. the roof cladding of the original front building is asbestos sheeting (approximately 5,000m²);
2. low concentrations of petroleum hydrocarbons were found in surface soils in the west and north yards and moderate levels of Polycyclic aromatic hydrocarbons (PAHs) were found in the west yard surface; and
3. Trichloroethene (TCE) and Dichloroethane (DCE) were identified in groundwater on the southern boundary of the site and adjacent to the potential source of TCE at 310 Invermay Road.

In respect to the issue of asbestos, it was proposed that the asbestos would be removed by a licenced asbestos removalist for disposal at the Council's Waste Centre at Remount Road which is an approved Asbestos Waste Disposal facility. The removal process would occur at the commencement of the building work for the project. In respect to the second issue, removal of metal contaminated soils and waste stockpiles will be required to make the site safe for future use. Remediation is expected to be limited to the top 0.2m across the west and north yards and deeper remediation up to 0.5m in small hotspots in the north and west yards.

In respect to the third issue of TCE and DCE contamination, the Council engaged Environmental Service and Design (ES&D) to undertake an assessment of the site to determine if it will be suitable for the proposed future use as community recreation hub.

ES&D completed a four stage environmental assessment process:

Stage 1: Preliminary Site Investigation

Stage 2: Vapour Intrusion Assessment

Stage 3: Specialised Vapour Intrusion Advice

Stage 4: Vapour Intrusion Assessment

The environmental assessment found that the site is suitable for commercial and recreational use with consideration of ongoing vapour monitoring to ensure that an unacceptable risk does not arise in the future. This finding is subject to the following actions being carried out:

1. the asbestos roof sheeting being suitably removed from the building;
 2. the suitable removal of metal contaminated soils and waste stockpiles from the site; and
 3. a vapour monitoring program being completed on a six monthly basis over the next two years.
-

20.2 Northern Suburbs Community Recreational Hub Financial Support ...(Cont'd)

Following the due diligence process in 2020, the Premier agreed that the Tasmanian Government will take on ownership of the identified site and receive Australian Government funding to deliver the hub. The project was then allocated to Communities, Sport and Recreation to administer, with a project manager being appointed to the project in mid-2021.

In early 2021 the Council completed a preliminary design and order of the probable cost process for the development which indicated that the development cost had increased to around \$15.6m, not including the land acquisition costs. Since this time the Council has observed significant escalation in construction costs in the order of 40% due to COVID-19 related factors, which would increase the cost of the development to at least \$22m. The cost for the development will not be finalised until the current design process has been completed and quantity surveying completed. There is also the option of staging the development. Architect, Philip Lighton, is currently leading the design process.

It is anticipated that the funding short-fall will be met by a combination of the Federal, State and Local Governments. The State Government is currently considering its position, which will be guided by the outcome of the design process

At this stage the Council has committed little financial support to the proposal other than the cost associated with the completion of the due diligence process for the purchase of the site. The Council has incurred costs of \$161,145 in resolving the site contamination issues with the site and in legal fees. This cost did not include officer time which was reasonably significant and should be considered a further in-kind contribution to the project.

As it had been identified that the building contains a large amount of asbestos, in late 2021 the Project manager engaged Asbestos to undertake an Asbestos Site Survey and provide a detailed Assessment Report which is provided as Attachment 1.

The key findings from this report indicated that there is substantial damage to suspect asbestos sheeting in multiple locations and these areas poses a *significant risk to Health and Safety to any person entering the subject areas*. It was identified that Personal Protective equipment *should be worn when accessing these areas*.

The Project Steering Committee subsequently agreed to investigate the costs to remove the asbestos material identified in this Assessment Report as matter of urgency as the building is the subject of regular trespassing and the close proximity of adjoining uses, including a Primary School. The costs to remove the asbestos within a short timeframe is expected to be around \$700,000.

It is recommended that the Council agrees to provide a financial contribution of \$700,000 to cover the cost of the asbestos removal from the building and a further \$400,000 towards the overall development, which, at \$1.1m constitutes around 5% of the likely build cost.

20.2 Northern Suburbs Community Recreational Hub Financial Support ...(Cont'd)

This would increase the Council's overall contribution to the development to \$1,261,145, not including officer time.

The Northern Suburbs Community Recreation Hub is a vital development for the City which, will not only deliver much needed indoor courts and facilities for the City but, will also make a significant contribution to delivering on the *My Place My Future* Plan by ensuring that all residents within the City of Launceston are given the opportunity to live in an area that facilitates an active and enjoyable lifestyle, feels safe, supports wellness and enhances a positive sense of belonging within the broader community.

ECONOMIC IMPACT:

The initial business case for the Northern Suburbs Community Recreation Hub indicates that the facility would generate an estimated \$5.35 for the community for every dollar invested. A project with a benefit: cost ratio of over 1:1 is considered viable.

ENVIRONMENTAL IMPACT:

The development would re-use a vacant and dilapidating former industrial building and address historical asbestos issues with the subject site. Without the creation of the hub, it is likely that neither problem would have been resolved in the foreseeable future.

SOCIAL IMPACT:

The social impacts of this proposal are outlined in the body of the report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

3. To advocate and collaborate to enhance regionally significant services and infrastructure for the benefit of our communities.
-

20.2 Northern Suburbs Community Recreational Hub Financial Support ...(Cont'd)

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:

1. To provide for the health, safety and welfare of the community.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

BUDGET & FINANCIAL ASPECTS:

Analysis of the Council's financial results for the seven months ending 31 January 2022 indicates that funding an additional \$1.1m financial contribution towards the Northern Suburbs Community Recreation Hub would still ensure the Council remains within the current 2021/2022 statutory budget, an underlying deficit of \$7.1m.

As a result of additional fee and rate revenues, the Council currently has favourable revenue variances against budget of \$2m for the seven months ending 31 January 2022.

As a result of employee vacancy levels for the seven months ending 31 January 2022, the Council has a favourable labour variance of \$2.4m. After the budgeted 2021/2022 actuary defined benefit cost adjustment of \$1.4m is deducted from this a favourable variance of \$1m remains. The 2.25% EA offer currently being negotiated equates to a cost of \$1,058,000 for the entire 2021/2022 financial year which is adequately covered by the remaining \$1m favourable labour variance.

A few additional details:

- the favourable labour variance for the seven months to 31 January 2022 equates to 49.7 FTEs at Grade 3-15.
 - due to a challenging labour market over the past 12 months, positions remain vacant for prolonged periods and this situation is not forecast to change over the remaining five months of 2021/2022. If the level of vacancies halved and reduced to say 25 FTEs, the additional favourable labour variance for the remaining five months of 2021/2022 would be approximately an additional \$0.85m.
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COUNCIL AGENDA

Thursday 10 March 2022

20.2 Northern Suburbs Community Recreational Hub Financial Support ...(Cont'd)

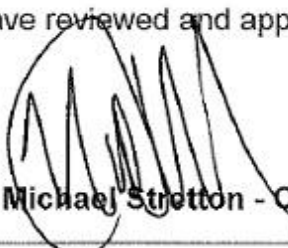
The following table summarises the forecast variance analysis:

Summary of Variances Forecast	Variance Fav/(Unfav) \$M
Revenue variances as at 31 Jan 2022	2.00
Labour expense variances as at 31 Jan 2022	2.40
Budgeted 2021/22 Defined Benefit expense adjustment	(1.40)
Impact of 2.25% EA Increase for entire 12 months of 2021/22 not yet included in expenses	(1.00)
Estimated employee vacancy levels Feb-Jun 2022	0.85
	2.85
Northern Recreation Hub Contribution	(1.10)
Estimated Total Favourable Variance	1.75

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Michael Stretton - Chief Executive Officer

ATTACHMENTS:

1. Launceston Northern Suburbs Community Hub - Business Case - April 2018
(distributed electronically)

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 Councillor's Leave of Absence

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:

(h) applications by councillors for a leave of absence.

21.3 Councillor's Leave of Absence

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:

(h) applications by councillors for a leave of absence.

21.4 End of Closed Session

To be determined in Closed Council.

22 MEETING CLOSURE
