



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 20 OCTOBER 2022
1.00pm**

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

Date: 20 October 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 .

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

A limit of three questions received in writing by 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.

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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 5 October 2022 be confirmed as a true and correct record.

5. COUNCIL WORKSHOPS

Local Government (Meeting Procedures) Regulations 2015 - Regulation 8(2)(c)

No Council Workshops have been identified as part of this Agenda

6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS

Local Government (Meeting Procedures) Regulations 2015 - Regulation 8(2)

No Councillors' Leave of Absence Applications 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).

Crime Stoppers acts as the conduit between the public and law enforcement in the sharing of information relating to crime and suspicious behaviours. David will provide an update on current activities including the upcoming Shop Safe program which aims to reduce anti-social behaviour in the CBD and promote a safer environment and experience for shoppers.

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)

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

8.2. Public Questions Without Notice

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

9. PLANNING AUTHORITY

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.

9.1. DA0377/2022 - 228 Golconda Road, Lilydale - Passive Recreation - Development of a Rail Trail Including Associated Works and Development of a Vehicle Parking Area at Lilydale Falls

FILE NO: DA0377/2022

AUTHOR: Ashley Brook (Planning Consultant)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Dorset Council
Property:	Part of the North East Corridor, Adjoining Public Roads Crossed and 228 Golconda Road, Lilydale
Zoning:	Open Space, Rural Resource, Utilities
Receipt Date:	27/06/2022
Validity Date:	15/07/2022
Further Information Request:	29/07/2022
Further Information Received:	15/08/2022
Deemed Approval (extension granted):	20/10/2022
Representations:	34

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Launceston Interim Planning Scheme 2015

STANDARDS REQUIRING PLANNING DISCRETION:

28.3.1 Capacity of existing utilities
E2.6.2 Excavation
E4.5.1 Existing road accesses and junctions
E4.6.2 Road accesses and junctions
E4.6.4 Sight distance at accesses, junctions and level crossings
E6.5.1 Car parking numbers
E6.6.3 Pedestrian access
E7.6.1 Scenic road corridor
E7.6.2 Scenic management areas

- E8.6.1 Habitat and vegetation management
- E9.6.1 Development in the vicinity of a watercourses and wetlands
- E9.6.3 Discharges to watercourses and wetlands

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0377/2022 - Passive Recreation - Development of a Rail Trail including associated works and the development of a vehicle parking area at Lilydale Falls Reserve (228 Golconda Road) including associated works at North East Corridor (former railway) extending across multiple parcels between Lilydale Falls and Wyena, adjoining public roads (multiple) and Lilydale Falls Reserve at 228 Golconda Road, Lilydale, subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Proposal Plans, prepared by Dorset Council, Project Reference: Proposed North East Rail Trail, pages 1, 2 and 3, dated 14 January 2021.
- b. Proposal Plans (with aerial image), prepared by Dorset Council, Project Reference: Proposed North East Rail Trail, pages 1, 2 and 3, dated 14 January 2021.
- c. Proposal Plans, prepared by Dorset Council, Project Reference: Proposed North East Rail – Lilydale Falls Carpark, dated 20 January 2021.
- d. Planning Application Supporting Report, prepared by Dorset Council, dated 24 June 2022.
- e. Site History Review, prepared by pitt&sherry, Project Reference: Rail Trail – Wyena to Lilydale Falls (Area in Close Proximity to 843 Golconda Road, Lebrina), dated 7 June 2022.
- f. Traffic Impact Statement, prepared by Traffic & Civil Services, Project Reference: Proposed Lilydale Falls Carpark Upgrade, 228 Golconda Road, Lilydale, dated 13 April 2022.
- g. Response to Further Information Request (DA0377/2022), prepared by Dorset Council, dated 15 August 2022.
- h. Traffic Safety Assessment, prepared by Dorset Council, Project Reference: Road Crossings (North East Rail Trail), dated September 2022.

2. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of decommissioning and construction works, a Construction Environmental Management Plan (“CEMP”) must be submitted, to the satisfaction of Council’s Manager City Development, for approval. Once approved by the Manager City Development, the CEMP will be endorsed and will form part of the permit. The CEMP must be prepared by a suitably qualified person and must include the following components:

- a. a Contamination Risk Assessment of all areas near watercourses that:
 - i. is informed by sampling and testing for polycyclic aromatic hydrocarbons (PAH) and arsenic to depths of approximately 200mm, at ten (10) nominally selected locations and each within 50 metres of a watercourse or wetland, to better characterise the risk of cinders and ash being present in the soils within materials that are to be disturbed or crushed; and

- ii. recommends best practice construction management measures to minimise dust, soil and other rail infrastructure materials from becoming airborne and from otherwise exiting the path formation of the Rail Trail by erosion and stormwater according to the determined risk. Best practice construction management measures may include, but are not be limited to, the following:
 - a. limiting vehicle movements and subsequent disturbance to only the areas necessary to the work, such as the rail line itself and the staging areas;
 - b. installation of temporary silt fencing at places where surface drainage leaves the rail corridor from areas of disturbance. Silt fencing may also include a shallow pond to provide for the collection of silt intercepted by the fencing. Where temporary silt ponds and silt fencing are recommended, they are to be located at the end of the disturbed areas and clear of watercourses or wetlands that may adjoin the rail corridor;
 - c. the provision or maintenance of surface drainage to collect and manage stormwater flows within the site;
 - d. the designing of surface drainage to contain flows likely to be concentrated into the drain and to minimise flow velocities to limit the transport of silts;
 - e. the removal of any excavated silt to suitable place(s) of disposal;
 - f. the reinstatement of disturbed surfaces by the provision of mulching, topsoil or reseeded, where recommended; and
 - g. where reinstatement is required in accordance with f., the inspection and maintenance of the reinstated surfaces, silt ponds and silt fences until such time as the recommended management measures has been established. This may involve the clearing of accumulated silt at the fences and the repair of damaged surfaces. A typical maintenance period is a minimum of six (6) months duration or an extended period that includes a complete winter; and
- b. a Site Management Plan, consistent with the findings and recommendations of the Contamination Risk Assessment, that details how soil and water is to be managed on the site during the construction process to minimise dust, soil and other rail infrastructure materials from becoming airborne and from otherwise exiting the path formation of the Rail Trail via erosion and stormwater according to the determined risk.

The CEMP must be implemented and maintained during construction works by the responsible person, to the satisfaction Council's Manager City Development.

3. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of 7am to 6pm Monday to Friday and 8am to 5pm Saturday and no works on Sunday or Public Holidays.

4. CONSTRUCTION NOISE MANAGEMENT PLAN

Prior to the commencement of decommissioning and construction works, a construction noise management plan must be submitted to the satisfaction of the Manager Health and Compliance. The report must address the following:

- a. Identification of sensitive land uses which may be impacted by construction noise. Sensitive use includes a residential use or a use involving the presence of people for extended periods such as a caravan park, childcare centre or school. It also includes other uses such as temporary accommodation and hospitality venues.
- b. The proposed duration and period when decommissioning and construction works will be scheduled;

- c. The likely noise impacts from the various decommissioning and construction processes and equipment on identified sensitive uses;
- d. Strategies to mitigate decommissioning and construction noise on identified sensitive uses; and
- e. Any community notification or engagement about the proposed decommissioning and construction noise.

5. 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 General Manager Infrastructure & Assets Network 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.

6. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

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

Parking areas and access lanes must be kept available for these purposes at all times and maintained for the life of the development.

7. SOIL AND WATER MANAGEMENT PLAN

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

8. SUBMISSION AND APPROVAL OF PLANS

Prior to the commencement of the construction works, detailed plans and specifications must be submitted to the General Manager Infrastructure & Assets Network for approval. Such plans and specifications must:

- a. Include all infrastructure works required by the permit or shown in the endorsed plans and specifications.
- b. Be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. Be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d. be accompanied by:
 - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion & Final inspections.

9. CONSTRUCTION OF WORKS

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager Infrastructure & 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. Car parking construction at Lilydale Falls Reserve
 - i. Construction of a fully sealed and drained parking area for 12 cars and 1 bus parking bay
 - ii. Provision of a 2 metre wide compacted gravel path from the car parking area to the Tail Rail
 - iii. Provision of all necessary linemarking, signage and barriers to prevent unauthorised vehicle access to areas other than the car park.
- b. Bacala Road Crossing treatment consisting of the following in line with the recommendations of the Traffic Safety Assessment, prepared by Dorset Council, Project Reference: Road Crossings (North East Rail Trail), dated September 2022:
 - i. Bollard treatment (3 bollards - one central and two side, with a maximum 1.6 metre separation between each - each setback 5 metres from the existing road seal edge) in accordance with Austroads GRD06A (2021) standards;
 - ii. Provision of W6-8B and R1-2AA signs on Rail Trail approaches to the Corridor crossing location at Bacala Road; and
 - iii. Provision of W6-7B and W8-23B warning signs on each Bacala Road approach to the Corridor crossing location, positioned 120 metres prior to the crossing point.
- c. Golconda Road (adjacent to 843 Golconda Road, Lebrina) Crossing treatment consisting of the following in line with the recommendations of the Traffic Safety Assessment, prepared by Dorset Council, Project Reference: Road Crossings (North East Rail Trail), dated September 2022:
 - i. Staggered fence treatment, in accordance with Austroads GRD06A (2021) standards, and each setback up to 7.5 metres from the existing road seal edge of Golconda Road to account for clear zone requirements for the operating speed and traffic volumes;
 - ii. Provision of W6-8B and R1-2AA signs on Rail Trail approaches to the Corridor

- crossing location at Golconda Road; and
- iii. Provision of W6-7B and W8-23B warning signs on each Golconda Road approach to the Corridor crossing location, positioned 120 metres prior to the crossing point.
- d. Golconda Road (near Kempeners Road, Lilydale) Crossing treatment consisting of the following in line with the recommendations of the Traffic Safety Assessment, prepared by Dorset Council, Project Reference: Road Crossings (North East Rail Trail), dated September 2022:
 - i. Staggered fence treatment, in accordance with Austroads GRD06A (2021) standards, and each setback up to 7.5 metres from the existing road seal edge of Golconda Road to account for clear zone requirements for the operating speed and traffic volumes;
 - ii. Provision of W6-8B and R1-2AA signs on Rail Trail approaches to the Corridor crossing location at Golconda Road; and
 - iii. Provision of W6-7B and W8-23B warning signs on each Golconda Road approach to the Corridor crossing location, positioned 120 metres prior to the crossing point.
- e. Stormwater discharges to water courses:
 - i. Any design and construction of any stormwater discharge into watercourses resulting from the works are to be consistent with the requirements and findings of the CEMP so as to minimise the loss of biological values to watercourses caused by the discharge of stormwater.

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,
- c. Construction Audit inspections,
- d. Practical Completion and after a 12 months defects liability period the Final Inspection & Hand-Over.

10. CONSTRUCTION DOCUMENTATION

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

- a. An "as constructed" plan in accordance with Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure & 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 Council standards.

11. COMPLETION OF WORKS

All works must be carried out to Council standards and to the satisfaction of the General Manager Infrastructure & Assets Network and under the direct supervision of a civil engineer engaged by the owner and approved by the Council. Certification that all works have been carried out in accordance with the approved engineering design plans and to Council standards will be required prior to issue of the Certificate of Practical Completion.

12. AS CONSTRUCTED PLANS

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

13. CHAINSAW OPERATION AUTHORISATION

The use of a chainsaw is permitted to remove vegetation within the Lilydale Falls Reserve carpark footprint between the hours of Monday to Friday 9am to 6pm.

14. REMOVAL OF FELLED VEGETATION AND DEBRIS

All felled vegetation and debris shall be removed from the site within four weeks of felling.

15. ONSITE WASTE WATER MANAGEMENT SYSTEM

Stormwater runoff from the carpark development at Lilydale Falls Reserve must be directed away from the land application area of the onsite waste water management system.

16. EXTERIOR AND SECURITY LIGHTING

Exterior lighting and security lighting is to comply with the Australian Standard AS4282 'Control of the obtrusive effects of outdoor lighting' or any subsequent versions.

17. NO BURNING OF WASTE

No burning of any waste materials, including removed vegetation, generated by the development to be undertaken on-site. Any such waste materials are to be removed to a licensed waste disposal facility (e.g. Launceston Waste Centre), salvaged, reclaimed or recycled. Sleepers may be retained on-site within the corridor, neatly stacked and positioned at least 50 metres from watercourses.

18. LITTER MANAGEMENT

Measures must be implemented to control litter on the land and to prevent the escape of litter from the land.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0377/2022. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.

This permit takes effect after:

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Tasmanian Civil & Administrative Appeal Tribunal (TASCAT) 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 (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the

provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

B. Restrictive Covenants

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

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

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil & Administrative Tribunal (TASCAT).

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 Tasmanian Civil & Administrative Tribunal (TASCAT) website www.tascat.tas.gov.au <<http://www.tascat.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 Council's Notice to Waive Right of Appeal is attached.

In accordance with the Council's policy the assessment of this development application was outsourced to an independent consultant Town Planner as some of the land involved is administered and/or owned by Council.

REPORT:

1. THE PROPOSAL

1.1 Proposed Rail Trail Section and Associated Works

The development application seeks approval to develop a recreation trail along a 14km alignment. It will extend to the north and north-east from Lilydale Falls Reserve at 228 Golconda Road, through the localities of Tunnel and Lebrina to the local government area ("LGA") boundary at Wyena (near Burns Road).

The proposal involves part of a linear corridor that formerly was part of the State rail network and has been designated for specified recreational uses. It will be developed to

accommodate cycling and walking activities both to the local community and visitors. It is therefore referred to as a Rail Trail. Its establishment will involve:

- decommissioning of rail infrastructure (rail and sleepers);
- removal of minor pockets of juvenile vegetation regrowth on rail ballast;
- construction of a trail surface (crushing of rail ballast into suitable aggregate);
- targeted construction of decking and handrails along bridge crossings; and
- installation of associated signage.

The top 150-200mm of the existing rail ballast will be crushed using a mobile crusher. The crushed ballast will be replaced over the remaining undisturbed ballast layer and compacted to form the trail surface. The trail will be, on average, 2.5m wide however will vary between 2m to 3m depending on the exact site conditions of the alignment.

1.2 Proposed Parking Area and Associated Works

Additionally, the proposal will include the development of a parking area with 12 car parking spaces and one shuttle bus with trailer parking bay. This will be provided to the south of the existing driveway and parking area within Lilydale Falls Reserve (228 Golconda Road). The construction of the parking area will require the removal of several trees and a grassed area. It will be sealed and the parking spaces will be delineated.

The vegetation removal for the parking area is proposed to involve use of a chainsaw. Burning of vegetation that is removed will not occur on-site. Vegetation that is removed will be transported off-site.

The vehicle access to 228 Golconda Road is proposed to be upgraded to provide driveable culvert headwalls for safety purposes.

1.3 Broader Rail Trail Project

The proposal will form part of a broader Rail Trail project. A 26km section within the Dorset LGA between Wyena and Scottsdale was approved in November 2021 following the resolution of an appeal before the Tasmanian Civil and Administrative Appeal Tribunal ("TASCAT"). An existing 10km section extends between Scottsdale and Tonganah, and a further existing 18km section extends to Billycock Hill further to the east.

A parking area with 10 car spaces is approved to be developed at Scottsdale Station, and will be associated with a trail head in this location. The parking area that forms part of the current development application will provide for a trail head to the south of the broader Rail Trail project.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

2.1 Subject Land

The formal descriptions for the land that is subject of the development application are summarised in the following table.

Description	Owner/Authority	Title Reference (Folio of the Register)
Lilydale Falls Reserve, 228 Golconda Road, Lilydale	Launceston City Council	F/R 161846/1
Part of the North East Corridor from Lilydale Falls to Tonganah (Section between Lilydale Falls and Wyena)	Crown land administered by the Minister for Infrastructure and Transport. The Minister has appointed Dorset Council the corridor manager.	No titles exist for most land involved, with the exception of: – F/R 228715/1 – Part F/R 174118/2 – F/R 36823/2 – Part F/R 250093/1
Roads crossed – Golconda Road (two crossings) – Bacla Road – Tunnel Station Road – Tunnel Road – Cronins Road – Butlers Road	Roads maintained by Launceston City Council	No titles exist

The land involved in the development application is identified in the location plan in Figure 1 below.

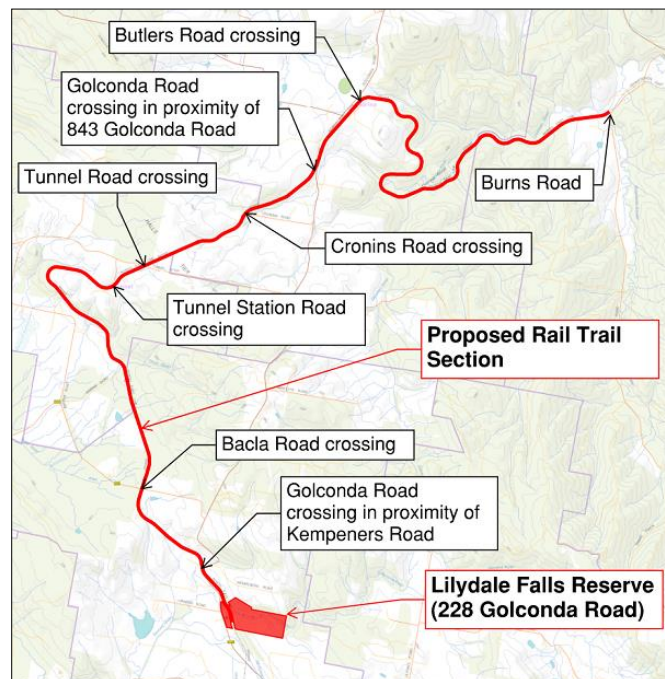


Figure 1 – Location Plan for the Subject Land

2.2 Lilydale Falls Reserve

Lilydale Falls Reserve at 228 Golconda Road, Lilydale is comprised in a single title owned by Launceston City Council, which is divided by the former railway. The relatively smaller (1.8ha) area between Golconda Road and the former railway includes an existing driveway with adjacent car parking, a camping area, amenities building and picnic, barbeque and playground structures within a parkland setting. A walking track extends to the east of the former railway to Lilydale Falls.

The area to the south of the existing driveway in the western part of the property, where the proposed parking area will be located, contains native and introduced trees and a maintained lawn.

City of Launceston has given permission for the lodgement of the development application in accordance with Section 52(1B) of the *Land Use Planning and Approvals Act 1993* (the "LUPA Act"), to the extent that the application involves the Council owned and administered land at the property. This includes the proposed parking area and upgrade of the vehicle access from Golconda Road.

The subject area is currently utilised for ad hoc camping and recreational usage by visitors to the reserve. Should the car park be developed to facilitate the proposed new recreational activity, the reserve will retain sufficient open space for continued camping and recreational use by visitors. The location of the proposed parking minimises the impact to the usage of the reserve, by locating parking activities near Golconda Road and prioritising landscaped areas for camping, picnic and recreational activities. As with all of the Council's Parks and Reserves there is a need to balance the needs of users to ensure that they are well used and providing maximum benefits to the community.



2.3 Part of the North East Corridor from Lilydale Falls to Tonganah

The subject land includes a former railway that formed part of the North-East Line, which extends from the Bell Bay Line at Coldwater Creek. The *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016* ("SIC Act") affects the ownership and administration status of the former railway.

The SIC Act identifies that it is:

An Act to enable areas of land that have been used for the purposes of rail transport to be reserved for future strategic use (including use for the purposes of rail transport) and, in certain cases, to be used for designated recreational uses, and for related purposes.

Section 6 of the SIC Act provides for the relevant Minister to declare land that formed part of, or was associated with land that formed part of, the rail network to be a strategic infrastructure corridor. The notice of declaration made by the Minister for Infrastructure and Transport relevant to the subject land is known as the *Strategic Infrastructure Corridors (Strategic and Recreational Use) (North East Corridor from Lilydale Falls to Tonganah) Notice 2020*, which originally came into effect on 7 February 2020.

In accordance with Section 10 of the SIC Act, the effect of the declaration is that the land within the North East Corridor from Lilydale Falls to Tonganah (the "Corridor") ceased to be part of the rail network for the purposes of the *Rail Infrastructure Act 2007*. Section 11 provides that any land that was not already Crown land becomes Crown land on the day that land is declared to be a strategic infrastructure corridor.

The relevant Minister is the managing authority of land within a strategic infrastructure corridor where there is no corridor manager. The Minister for Infrastructure and Transport has appointed Dorset Council as corridor manager in accordance with Section 29(1). The appointment is contained in the *Strategic Infrastructure Corridors (Strategic and Recreational Use) (Corridor Manager) Notice 2020* and came into effect on 7 February 2020. Section 4 the appointment specifies that Council is to manage, and may develop, the Corridor the purpose of:

- (a) *use by walkers or runners; and*
- (b) *use by horse riders; and*
- (c) *use by persons riding bicycles, including power-assisted bicycles.*

Accordingly, the relevant part of the Corridor that is subject of the development application comprises Crown land administered by the Minister for Infrastructure and Transport in relation to which Dorset Council has been appointed corridor manager. No title exists for most of the land involved, with the exception of Folios of the Register 228715/1, 174118/2 (part), 36823/2 and 250093/1 (part).

The above mentioned parts of F/R 174118/2 and F/R 250093/1 is Corridor land (owned by the Crown) which extends through larger lots, associated with 765 Golconda Road and 21 Butlers Road at Lebrina respectively, the balance of which are in private ownership. The other two titles referred to above wholly form part of the Corridor.

The development application is accompanied by permission from the Department of State Growth, under delegation from the Minister for Infrastructure and Transport, in accordance with 52(1B) of the LUPA Act dated 14 July 2022, in relation to the Corridor land involved. State Growth's permission includes a letter noting that additional consent is required under the SIC Act in respect to works, the use of substantial fixed infrastructure and the authority to remove railway infrastructure.

The relevant part of the Corridor involved in the development application contains rail infrastructure including formation, ballast, drainage, sleepers, lines and fastenings together

with associated bridge crossings. The cross sections through the former railway are typically flat with embankments on either side. Apart from some very minor pockets of juvenile vegetation individuals (predominantly weed varieties interspersed with native varieties) growing amongst the rail ballast, the formation is absent of vegetation.

2.4 Road Crossings

In accordance with sub-Section 6(7) of the SIC Act, public roads do not form part of the Corridor.

The relevant public roads, administered and maintained by Launceston City Council, that will be crossed by the proposed Rail Trail include Golconda Road (two crossings), Bacla Road, Tunnel Station Road, Tunnel Road, Cronins Road and Butlers Road.

Golconda Road is a sealed rural arterial road that links Lilydale with Scottsdale. It will be crossed in proximity of Kempeners Road in the southern portion of the proposed Rail Trail alignment, and in proximity of 843 Golconda Road at Lebrina in the northern portion of the alignment. The other roads that will be crossed are local roads.

Launceston City Council has given permission for the lodgement of the development application in accordance with Section 52(1B) of the LUPA Act, to the extent that the application involves the abovementioned roads.

2.5 Locality Description

The relevant part of the Corridor involved in the development application is surrounded by a rural landscape that supports a variety of primary industry activities including agriculture, plantation forestry, native vegetation management and small-scale hobby farm pursuits. The land adjacent to Lilydale Falls Reserve includes agricultural land, areas of native vegetation and rural residential dwellings.

3. PLANNING SCHEME REQUIREMENTS

3.1 Status of the Application

Clause 5.2.10 of the Planning Scheme provides an exemption for use or development involving minor infrastructure, including the provision, maintenance and modification of footpaths, cycle paths and the like by, or on behalf of, the Crown or a council.

However, Section 59(2) of the SIC Act affects the planning status of use or development on Corridor land. It specifies that, notwithstanding anything contrary in the LUPA Act or the relevant planning scheme, a discretionary permit is required for all uses or developments within a strategic infrastructure corridor.

The proposed Rail Trail on Corridor land is therefore required to be categorised, assessed and determined in the usual way under the Planning Scheme, with the exception that it is required to be assigned a discretionary status irrespective any different status identified in the use table for the relevant zone.

The only exceptions to the above are works listed in Section 59(1) of the SIC Act when undertaken by the managing authority, or corridor manager. This includes emergency works, which are not proposed in the development application, or:

- (b) routine works that are carried out wholly within the corridor in order to attain the corridor safety and use objectives –*

The definition for “routine works” in Section 3 of the SIC Act is:

means works, or improvements, in relation to a corridor, that consist of –

- (a) repairs or maintenance of structures and facilities; or*
- (b) minor works, or improvements, that are necessary to keep the corridor in good order; or*
- (c) the erection of signs, or other structures, to provide information to the public relating to the corridor safety and use objectives; or*
- (d) the erection, repair or maintenance of any fencing – but does not include emergency works;*

The “corridor safety and use objectives” are defined in Section 3 of the SIC Act as:

in relation to a corridor, means –

- (a) the safety of persons on the corridor; and*
- (b) the use of the corridor for a designated recreational use, if any; and*
- (c) the potential use in future of the corridor for any reserved purpose;*

The proposed use and development outside the Corridor, including the parking area at 228 Golconda Road, upgrade of the vehicle access to this property from Golconda Road and public road crossings along the alignment of the Rail Trail, are not affected by Sections 59(1) and 59(2) of the SIC Act. It is required to be categorised, assessed and determined in the usual way under the Planning Scheme.

3.2 Use Categorisation

Clause 8.2 of the Planning Scheme requires a use or development to be categorised into one of the use classes described in Table 8.2.

Clause 8.2.3 states that:

If a use or development fits a description of more than one use class, the use class most specifically describing the use applies.

The Passive Recreation use class has been applied to the proposed Rail Trail however consideration has also been given to the Utilities use class, which also describes the proposal.

Passive Recreation is described as follows in Table 8.2:

use of land for informal leisure and recreation activities principally conducted in the open. Examples include public parks, gardens and playgrounds, and foreshore and riparian reserves

The Rail Trail will provide for informal leisure and recreation activities in the open. It will comprise an outdoor cycling and walking trail that will accommodate leisure and recreation activities that will not be formally organised and will not be competitive (therefore the Sports and Recreation use class does not apply).

The definition for Utilities in Table 8.2 includes a reference to infrastructure including transport networks. It incorporates “minor utilities”, which according to the definition in Clause 4.1.3 include footpaths and cycle paths. The Rail Trail will provide for transport by cyclists and pedestrians.

However, given that the Rail Trail will accommodate movement by local residents and tourists alike, and is principally intended for recreational purposes rather than routine transport by local residents, the Passive Recreation use class most specifically describes the proposal.

The public road crossings will form part of the Rail Trail alignment and therefore also fall within the Passive Recreation use class.

In relation to the proposed parking area and upgrade of the vehicle access to 228 Golconda Road, Clause 8.2.2 states that:

A use or development that is directly associated with and a subservient part of another use on the same site must be categorised into the same use class as that other use.

The parking area will provide vehicle parking for, and therefore will be directly associated with and a subservient part of, the Rail Trail. The definition for the term “site” in Clause 4.1.3 indicates that it comprises the lot or lots on which a use or development is proposed to be located. The lot at 228 Golconda Road is identified as forming part of the land where the proposed use and development will be located, and is therefore included within the site for the purposes of the development application. The parking area therefore falls within the Passive Recreation use class.

The land at 228 Golconda Road is Lilydale Falls Reserve, which is predominantly used for Passive Recreation purposes. The upgraded access will continue to service the existing driveway and parking area within the property, and will service the new parking area. It therefore also falls within the Passive Recreation use class.

3.3 Zoning

The zoning that applies to the relevant parts of the subject land is outlined below.

- Lilydale Falls Reserve (228 Lilydale Road, Lilydale)
The land within the property is zoned Open Space. Its associated vehicle access in Golconda Road is within the Rural Resource Zone.
- Part of the North East Corridor from Lilydale Falls to Tonganah
The relevant part of the Corridor, which will be redeveloped into the proposed Rail Trail, is zoned Utilities.

- Road Crossings
The locations where the former railway crosses the public roads are within the Utilities Zone.

The Passive Recreation use class is identified in the use tables for the Open Space Zone, Rural Resource Zone and Utilities Zone as having a No Permit Required status. The Utilities Zone applies to the relevant part of the Corridor involved in the development application and the locations where the Rail Trail will cross public roads. In accordance with Section 59(2) of the SIC Act, the proposed Rail Trail is taken to have a discretionary status within the zone where it will be located on Corridor land.

The planning status of the proposal on land outside the Corridor is dependent on whether it relies on any performance criteria for the applicable standards in the zone and code provisions. The proposal does rely on performance criteria, which are matters that require the exercise of discretion by the planning authority.

3.4 Overlays

Parts of the subject land are affected by the applicable overlays identified below.

- Scenic Road Corridor

As identified in Figure 2, the overlay is associated with Golconda Road. It also applies to parts of the subject land that are within 100m of its road reservation. This includes the relevant part of 228 Golconda Road that will contain the car park.

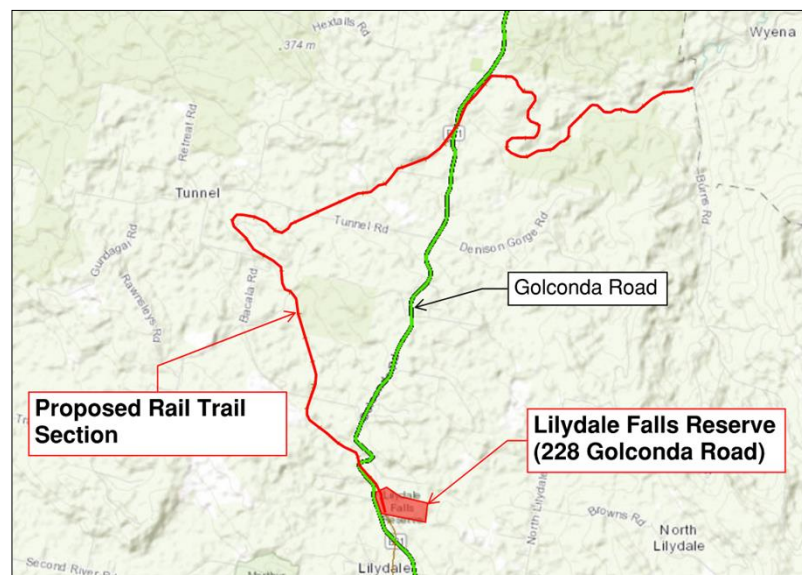


Figure 2 - Scenic Road Corridor Overlay (Green Line)
Associated with Golconda Road

- Scenic Management Area (Rural Hills Precinct)

As identified in Figure 3, the overlay applies to an area north-east of Tunnel Road, and adjacent to Cronins Road, within the Lebrina locality.

It is noted that land in the eastern part of 228 Golconda Road is affected by a Scenic Management Area (Rural Local Setting Precinct) however the development application does not include any proposed use or development in this part of the property.

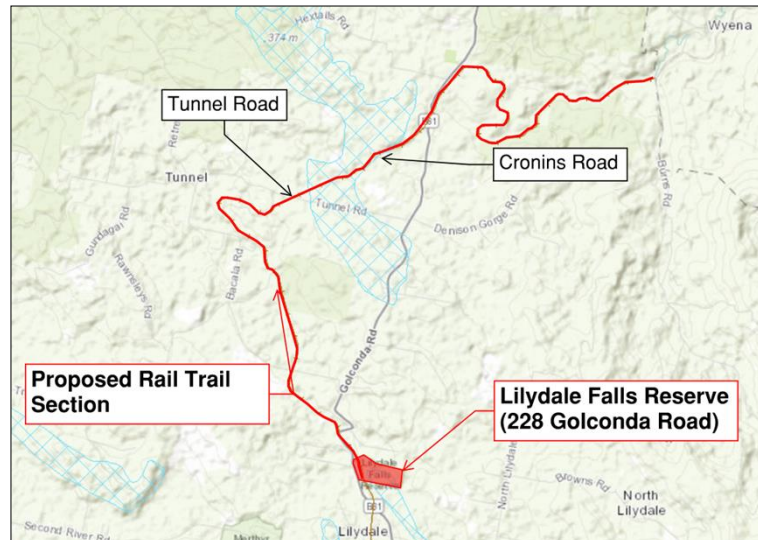


Figure 3 - Proximity of the Scenic Management Area Overlay (Blue Hatch) to the Relevant Part of the Proposed Rail Trail

- Priority Habitat

The overlay applies to 228 Golconda Road in its entirety. As identified in Figure 4, it also applies to relatively small areas along the Rail Trail alignment in proximity of Bacla Road, Cronins Road and the Denison River and tributaries.

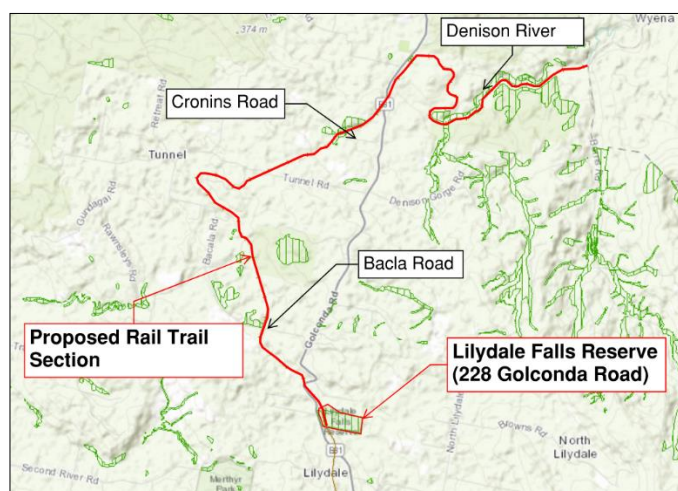


Figure 4 - Proximity of the Priority Habitat Overlay (Green Hatch) to the Relevant Parts of the Proposed Rail Trail

The provisions relevant to these overlays, which are contained in the Scenic Management Code and Biodiversity Code, are considered later in the assessment of the proposal.

Additionally, the former railway (and proposed Rail Trail) crosses or is within 30m of multiple watercourses according to hydrology information available on TheLIST database. There are also several dams located within 30m. The waterway crossings include Second

River which extends through 228 Golconda Road, Third River which is to the north of Swains Road, Dennison River in the eastern part of the alignment and Shepherds Rivulet which flows into the Denison River near the LGA boundary at Wyena. The remaining watercourses are identified as tributaries.

There are no overlays in the current Planning Scheme associated with the watercourses. However, given their proximity, consideration of the provisions in the Water Quality Code is required.

The only other relevant overlays include a Bushfire-Prone Area which applies to all of the land that is subject of the development application, and the Forestry Specific Area Plan which applies to F/R 250093/1 in the eastern part of the proposed Rail Trail alignment. The provisions for the Bushfire-Prone Areas Code do not apply because the proposal is not for the subdivision of land and does not involve a vulnerable or hazardous use as defined in the Code. The only standard in the Forestry Specific Area Plan is applicable to subdivision (which is not proposed).

3.5 Planning Assessment

The standards for the relevant zones and codes are considered in the assessment which is detailed in Attachment 1.

3. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	N/A
State Growth	The development application is accompanied by permission from the Department of State Growth, under delegation from the Minister for Infrastructure and Transport, in accordance with 52(1B) of the <i>Land Use Planning and Approvals Act</i> 1993 dated 14 July 2022, in relation to the Corridor land involved.
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

4. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 31 August to 14 September 2022. Thirty-four (34) representations and two (2) petitions were received. Two (2) of the representations were received on 19 September 2022 however were accepted with Council (under delegation) giving an extension of the advertising period to this day under Section 57(5) of the *Land Use Planning and Approvals Act 1993*.

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

<p>Issue 1 Contamination issues associated with the disturbance and crushing of the rail ballast including the release of heavy metals (e.g. arsenic) and hydrocarbons into surface water and watercourses and/or onto farmland, and associated impacts on agricultural operations.</p>
<p><i>Response 1</i> <i>The Planning Scheme provisions relevant to this issue are contained in the Water Quality Code. The Code is applicable because the development of the Rail Trail will involve land within 30m of watercourses and dams. It will also involve cleaning, repair and utilisation of the drainage system associated with the former railway.</i></p> <p><i>The purpose statement for the Code seeks to ensure adverse impacts on water quality are managed by development. The applicable standards require adverse impacts on water quality to be minimised and not be unreasonable. These requirements can be achieved with appropriate permit conditions.</i></p> <p><i>Potential impacts on water quality, associated with stormwater discharges, were considered during the planning appeal for the recently approved 26km Rail Trail section in the Dorset LGA (M de Bomford v Dorset Council [2021] TASCAT 08). Sampling undertaken identified the presence of heavy metals and hydrocarbons within the former railway. However, the associated risks were identified as being capable of being adequately managed to minimise impacts.</i></p> <p><i>The decision of TASCAT in relation to the abovementioned planning appeal included permit requirements for:</i></p> <ul style="list-style-type: none">• <i>A Construction Environmental Management Plan (“CEMP”) incorporating:</i><ul style="list-style-type: none">– <i>A contamination risk assessment of all areas near watercourses including sampling and testing for polycyclic aromatic hydrocarbons (PAH) and arsenic; and</i>– <i>Best practice construction measures to minimise dust, soil and other rail infrastructure materials from becoming airborne and from otherwise existing the path formation of the Rail Trail by erosion and stormwater.</i>• <i>Preparation and approval of engineering designs and drawings for the discharge of stormwater into watercourses in a manner that is consistent with the CEMP.</i> <p><i>Conditions based on the abovementioned requirements are recommended for inclusion on the planning permit for the Rail Trail section that is subject of the current development application (Conditions 2 and 9(e)).</i></p>

Issue 2

The crushing of rail ballast should be treated as a potentially contaminating activity under the Potentially Contaminated Land Code however this has been avoided because the land involved has been treated as recreational. There are known sidings (rail yards) at Tunnel, Denison Gorge and Lebrina. Potential impacts to human health.

Response 2

The provisions of the Potentially Contaminated Land Code are applied on the basis of the prior (or ongoing) existence potentially contaminating activities listed in Table E2.2. The crushing of rail ballast is not an activity that is listed in this table of the Code.

The potentially contaminating activities listed in the table that are relevant to the land involved in the development application include “railway yards” and “petroleum product or oil storage”. These were considered in the Site History Review prepared by pitt&sherry which accompanies the development application.

The land predominantly comprises a former railway. However, no railway yards were identified along the part of the Corridor involved. The existence of sidings along the former railway is not considered to indicate the existence of railway yards, which typically consist of a network of railway tracks. Therefore, this is not an activity that is relevant to the application of the Code.

A former transport depot at 843 Golconda Road, Lebrina involving potential storage of fuel, refuelling and servicing of vehicles was identified. This relates to land adjoining the former railway, and the Code provisions are relevantly applied in such instances.

Specifically, the standards in the Code are applicable to the following use or development on potentially contaminated land:

- *A sensitive use, uses within the Passive Recreation use class (if for public parks, gardens or playgrounds) or uses within the Sports and Recreation use class (if for outdoor recreation facilities);*
- *Subdivision; and/or*
- *Excavation.*

The proposed Rail Trail is not a sensitive use within the meaning for the term in the Scheme. It is categorised within the Passive Recreation use class however does not involve a public park, garden or playground. It is not within the Sports and Recreation use class and does not involve a subdivision development. However, its development will involve excavation in the process of constructing the trail surface. The Code is therefore relevant to the extent that it will involve excavation on potentially contaminated land associated with the adjoining former transport depot.

The applicable standards in the Code seeks to ensure that excavation of potentially contaminated land does not adversely impact on human health or the environment. This is considered in the Site History Review.

Issue 3

The Site History Review prepared by pitt&sherry included with the development application contains insufficient information in which to make an assessment of the Potentially Contaminated Land Code.

Response 3

One of the objectives of the Site History Review was to determine whether intrusive investigations (e.g. sampling) was required. It identified that sampling was not necessary and a preliminary Conceptual Site Model (“CSM”) based on a ‘worst case’ hydrocarbon leak scenario (considered very unlikely) was therefore developed.

The CSM assessed the level of risk to potential receptors as very low risk to excavation workers, no risk to very low risk to future trail users, no risk to terrestrial fauna / fauna and no risk to very low risk to aquatic flora / fauna. It identified that potential human health exposure risks and environmental impact risks do not require any specific management other than the requirements relating to the preparation of a Construction Environmental Management Plan in consideration of the requirements of the Water Quality Code.

The Site History Review concludes that the excavation associated with the proposed development is not likely to adversely impact on human health or the environment.

Issue 4

The crushing of rail ballast constitutes a Level 2 Activity under the *Environmental Management and Pollution Control Act 1993*.

Response 4

This issue as considered during the planning appeal for the recently approved 26km Rail Trail section in the Dorset LGA (M de Bomford v Dorset Council [2021] TASCAT 08). TASCAT determined that the crushing of rail ballast by a mobile crusher to construct a recreation trail does not constitute a Level 2 Activity (Materials Handling).

Issue 5

Removal of trees and grassed area at Lilydale Falls Reserve and construction of the proposed parking area, and associated impact on recreational values and visual amenity (including views from Golconda Road). There is no need for additional parking. In any event, there are alternative options involving reconfiguration of the existing parking on-site, utilising a part of the Corridor to the south also with frontage to Golconda Road or other locations.

Response 5

The proposed parking area at Lilydale Falls Reserve (228 Golconda Road) is required to be considered against the applicable Planning Scheme provisions, and consideration of alternate proposals is beyond the scope of the planning assessment. The proposal as presented complies with the applicable standards including those in the Open Space Zone, Scenic Management Code and Parking and Sustainable Transport Code which are most relevant to this issue.

The parking area will be associated with the proposed Rail Trail, which is categorised within the Passive Recreation use class. The use class has a no permit required status under the Open Space Zone provisions that apply to the property. The parking area therefore complies with the acceptable solution for the applicable standard in Clause 19.4.2 (Landscaping).

The land in the eastern part of the property includes an existing driveway with adjacent car parking, a camping area, amenities building and picnic, barbeque and playground

structures within a parkland setting. The construction of the parking area within the south-western part property will involve the removal of several trees, however an overall parkland setting will be retained. The scale of the parking area is limited to 12 car parking spaces and one shuttle bus (with an associated trailer). Its visual impact will therefore be minimised and the property will continue to contribute to the visual amenity of the Scenic Road Corridor. The parking area is therefore assessed as compliant with the performance criteria for the applicable standard in Clause E7.6.1 (Scenic road corridor) of the Scenic Management Code.

The number of parking spaces required for the proposed use is not set by the Parking and Sustainable Transport Code and therefore is at the discretion of the planning authority. The proposed provision will meet the reasonable needs of the proposed Rail Trail use, noting that the accompanying Traffic Impact Statement will attract 50 visitors per day on weekdays and 100 per day on weekends in January and February. It is assessed as compliant with the performance criteria for Clause E6.5.1 (Car parking numbers) in the Code.

Issue 6

Lack of consultation with the community in relation to the parking area.

Response 6

The development application has been advertised in accordance with the requirements of the Land Use and Planning Approvals Act 1993 and any requirement for further consultation with the community is beyond the scope of the planning assessment.

Issue 7

Objections to the removal of the rail infrastructure, and support for a tourist / heritage train or retention of the rail infrastructure in combination with the proposed Rail Trail.

Response 7

The proposed Rail Trail is required to be against the applicable Planning Scheme provisions, and consideration of alternate proposals is beyond the scope of the planning assessment. The provisions for the Utilities Zone are the most relevant to this issue.

In accordance with the Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016 the proposal has a discretionary status in the zone, which applies to the part of the North East Corridor from Lilydale Falls to Tonganah involved in the development application. Additionally, the Corridor has ceased to form part of the rail network.

The zone seeks to provide for uses that are compatible with, and do not adversely affect, utility installations and corridors. The proposal is a compatible use of the former railway, which comprises a linear corridor that will be retained and will accommodate movement by cyclists and pedestrians.

Issue 8

Majority public support for the Rail Trail does not exist.

Response 8

The proposed Rail Trail is required to be against the applicable Planning Scheme provisions, and this issue is beyond the scope of the planning assessment.

Issue 9

Safety, security, biosecurity and privacy issues for adjoining landowners including potential unauthorised use of the Rail Trail by unauthorised vehicles (e.g. motorcycles and four-wheel drives), use by horse riders, trespassing, stealing of livestock and disturbance by dogs, camp fires escaping, human waste and rubbish and spreading of weeds.

Response 9

The proposed Rail Trail will be located within a linear corridor that extends through a rural landscape supporting a variety of primary industry activities including agriculture, plantation forestry, native vegetation management and small-scale hobby farm pursuits. The surrounding land is predominantly zoned Rural Resource, wherein the Passive Recreation use class has a no permit required status. From a planning perspective, the Rail Trail is therefore a compatible land use with the range of activities in the surrounding area.

It is noted that Dorset Council, as corridor manager, is able to undertake a range of works or improvements to provide for the use of the Corridor in a manner that is safe and in accordance with its designated recreational use.

Issue 10

The proposal borders some land that includes working forests which will result in future changes to the visual amenity of the area.

Response 10

As identified in the response to Issue 9, the proposed Rail Trail is a use that is compatible with the range of activities in the surrounding area including forestry.

Issue 11

A fence should be provided along the boundary of private property the rail trail.

Response 11

Further to the response to Issue 9, any requirement to provide a fence would be beyond the scope of the planning assessment and it is therefore not recommended.

Issue 12

Potential for vandalism to affect the visual appearance of the rail tunnel.

Response 12

This issue is beyond the scope of the planning assessment.

Issue 13

Safety issues at two the locations where the proposed Rail Trail will cross Golconda Road.

Response 13

A Traffic Safety Assessment, prepared by Dorset Council, was requested to consider the public road crossings along the alignment of the proposed Rail Trail, including those associated with Golconda Road.

In consideration of the moderate speed environment, traffic volumes, road geometrics and sight distance limitations associated with the two Golconda Road crossing locations (in proximity of Kempeners Road and 843 Golconda Road), the assessment recommends the following mitigation measures to each side of the road:

- Staggered fence treatment setback 7.5m from the existing road seal edge.*
- Provision of 'Road Ahead' and 'Give Way' signs where the Rail Trail will approach the road crossings.*

- *Provision of the warning signs where traffic on Golconda Road will approach the Rail Trail (positioned 120m before the crossings).*

These measures are considered to be acceptable.

Issue 14

The public toilets at Lilydale Falls Reserve are already well utilised and insufficient to cope with the additional use associated with the proposed Rail Trail. Any approval should be conditional on upgrading this facility.

Response 14

This is a site management issue and any requirement to upgrade the facility would be beyond the scope of the planning assessment and it is therefore not recommended.

Issue 15

Risk of bushfire.

Response 15

The Bushfire-Prone Areas Code in the Planning Scheme does not apply because the proposal is not for the subdivision of land, and does not involve a vulnerable or hazardous use as defined in the Code.

Issue 16

Capital and maintenance costs to ratepayers.

Response 16

This issue is beyond the scope of the planning assessment.

Issue 17

Lack of maintenance of the Corridor by the corridor manager.

Response 17

This issue is beyond the scope of the planning assessment.

Issue 18

Lack of use of the Scottsdale to Billycock Rail Trail section.

Response 18

This issue is beyond the scope of the planning assessment.

Issue 19

Vulnerable species in proximity of the proposed works.

Response 19

The proposed Rail Trail and associated parking area has been assessed as compliant with the requirements of the Biodiversity Code, to the extent that some of the land involve in the development application is shown as Priority Habitat on the overlay maps.

Matters Raised in Support

- The proposal represents the best use for the underutilised corridor, as identified in the Legislative Council Review.
- Business opportunities associated with the Rail Trail leading to positive economic and social outcomes.
- Opportunities for recreational activity and enhancement of community health.
- Request for a high-quality trail surface to ensure its safe and convenient use.
- Request from an off-road link from Lilydale township to Lilydale Falls Reserve.

Response

Noted.

5. CONCLUSION

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

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND 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 the economic, environmental and social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

Land Use Planning and Approvals Act 1993
Launceston Interim Planning Scheme 2015

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. DA03772022 Development of a Rail Trail Including Associated Works Planning Sche [9.1.1 - 31 pages]
2. D A 0377-2022 - Proposal Plan (Lilydale Falls Car Park) [9.1.2 - 1 page]
3. D A 0377-2022 - Proposal Plans (Rail Trail) [9.1.3 - 6 pages]
4. D A 0377-2022 - Planning Application Supporting Report [9.1.4 - 52 pages]
5. D A 0377-2022 - Response to Further Information Request [9.1.5 - 7 pages]
6. D A 0377-2022 - Traffic Impact Statement [9.1.6 - 32 pages]
7. D A 0377-2022 - Site History Review [9.1.7 - 85 pages]
8. D A 0377-2022 - Traffic Safety Assessment [9.1.8 - 12 pages]
9. D A 0377-2022 - 228 Golconda Road Lilydale - Representations [9.1.9 - 135 pages]

9.2. DA0487/2022 - 269 Wellington Street, South Launceston - Bulky Goods Sales - Demolition of Existing Workshop and Construction of a New Showroom, Replacement of Signage and Change of Use of 269 Wellington Street from Residential to Bulky Goods Sales

FILE NO: DA0487/2022

AUTHOR: Iain More (Town Planner)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Artas Architects
Property:	269 Wellington Street, South Launceston
Zoning:	Commercial
Receipt Date:	8/08/2022
Validity Date:	31/08/2022
Further Information Request:	16/08/2022
Further Information Received:	31/08/2022
Deemed Approval (extension granted):	20/10/2022
Representations:	5

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Launceston Interim Planning Scheme 2015

PREVIOUS COUNCIL CONSIDERATION:

DA0017/2022 - Business and Professional Services - Demolition of existing buildings - Permitted Application - Approved under delegation 31/01/2022 (269 Wellington Street)
DA0711/2018 - Bulky good sales - Alterations to existing car showroom, service centre and detailing area and install new signs - Discretionary Application - Approved under delegation 21/01/2019 (271 Wellington Street)

STANDARDS REQUIRING PLANNING DISCRETION:

N/A

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0487/2022 - Bulky Goods Sales - Demolition of existing workshop and construction of a new showroom and replacement of signage; and change of use of 269 Wellington Street from Residential to Bulky Goods Sales at 269 Wellington Street, South Launceston,, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Site Plan, prepared by ARTAS Architects, Drawing no. A00-A05, Revision Sk04, dated 18/08/2022;
- b. Ground Floor Plan, prepared by ARTAS Architects, Drawing no. A00-A04, Revision Sk05, dated 18/08/2022; and
- c. West Elevation, prepared by ARTAS Architects, Drawing no. A20-A04, Revision Sk03, dated 05/08/2022.

2. BLADE SIGN AND LIGHT POLE ILLUMINATION

Both the light from the light pole, and the illumination from the blade sign must be baffled to prevent direction lighting from extending to adjoining properties.

3. COMMERCIAL VEHICLE MOVEMENTS

Commercial vehicle movements and the unloading and loading of commercial vehicles for a use must be within the hours of 7.00am to 9.00pm Monday to Saturday 8.00am to 9.00pm Sunday and public holidays.

4. LEGAL TITLE

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

5. EXTERIOR AND SECURITY LIGHTING

Exterior and security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries.

6. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of 7am to 6pm Monday to Friday and 8am to 5pm Saturday and no works on Sunday or Public Holidays.

7. SIGNAGE CONTENT

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

- a. The structure, location and size of the signage not changing.
- b. The content of the signage relating to the site.
- c. Compliance with the requirements of the planning scheme.

8. SIGN MAINTENANCE

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

9. SITE ACCESS

Vehicular access to the site will only be permitted via the existing driveway crossover accesses located on Wellington Street and West Street. Vehicles are not permitted to access the site from the pedestrian walkway between Wellington Street and West Street. Barriers to prevent such access are to be installed prior to the commencement of the use.

10. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

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

Parking areas and access lanes must be kept available for these purposes at all times and maintained for the life of the development.

11. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to Council 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 Council 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.

12. 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 General Manager Infrastructure & Assets Network 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.

13. 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.

14. VEHICULAR CROSSINGS (& ASSOCIATED FOOTPATH WORKS)

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

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

All new works must be constructed to Council standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra and TasNetworks, etc). Where applicable, any redundant crossovers and driveways must be removed once the new driveway and/or crossover works have been completed and use has commenced.

The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense. Where the driveway crossing works result in changes to existing parking restrictions (bay markings, linemarking and/or signage) these works must be undertaken by Council under an approved Traffic Facilities Plan with the cost of these works to be invoiced to the applicant/developer for payment.

15. 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.

16. CAPPING OF SERVICES

Unused service connections must be capped for possible future use, or permanently sealed with concrete plugs and the disused portion of pipe filled with an approved medium. The location of any capped services must be located on a site plan and provided to Council.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0487/2022. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.

This permit takes effect after:

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Tasmanian Civil & Administrative Appeal Tribunal (TASCAT) 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 (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

B. Restrictive Covenants

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

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

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil & Administrative Tribunal (TASCAT).

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 Tasmanian Civil & Administrative Tribunal (TASCAT) website www.tascat.tas.gov.au <<http://www.tascat.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 Council's Notice to Waive Right of Appeal is attached.

REPORT:

1. THE PROPOSAL

The application proposes several use and development changes over two properties, being 269 and 271 Wellington Street.

1. Change the use of 269 Wellington Street, South Launceston (CT13221/1) to Bulky Goods Sales to allow for a new car display yard with asphalt finish. New landscaping will also be developed along the frontage to this lot;
2. Alter a previous disused building as a proposed car showroom and office, including the development of a new vehicle ramp into the showroom. This will also include a new wheelchair accessible ramp, stairs, windows, and doors;
3. Installation of new signage, including:
 - a. Remove existing 'VW' pylon sign and install a new 'Ssangyong Pylon Sign';
 - b. Install a new light pole with a banner sign;
 - c. Install two new 'Ssangyong' building fascia signs.

The signs will have the following dimensions:

Pylon Sign

6.0m H x 2.2m L x 260mm W (13.2m²)

Illuminated and will have the 'SsangYong' logo, as well as the 'Jackson' motor group logo, and coloured in blue and grey.

Banner Sign

On an 8.0m high light pole, the sign is 3.3m from the ground, with a total height of 6.05m, and a width of 900mm (2.47m²). Will contain the 'JMC' logo and white and blue colours.

Building Fascia Signs

Sign 1:

1.2m H x 12.26m W (14.71m²)

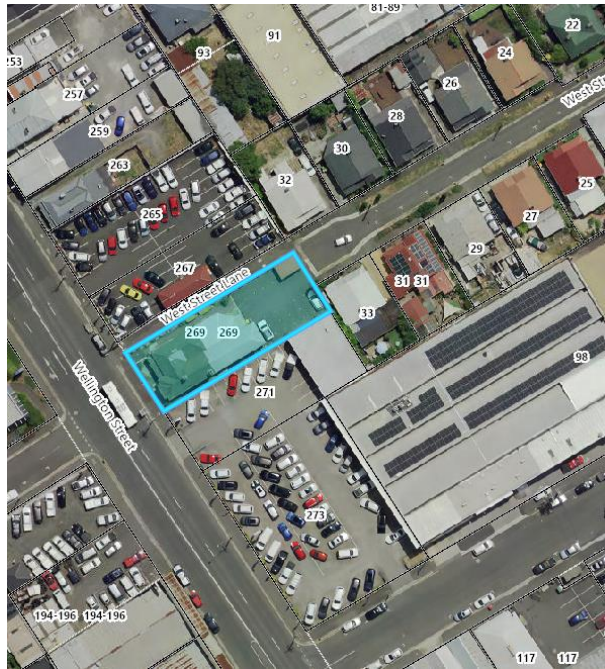
Sign 2:

1.2m H x 16.29m W (19.54m²)

Both signs will have the 'SsangYong' logo, as well as the 'Jackson' motor group logo, and coloured in blue and grey.

The proposal will not change any existing accesses into the site.

2. LOCATION AND NEIGHBOURHOOD CHARACTER



269 Wellington Street South Launceston (not to scale)

The site consists of two titles, being 269 Wellington Street, South Launceston (CT36776/1) and 271 Wellington Street, South Launceston (CT27579/1), with a total site area of 1,333m².

Number 269 Wellington Street previously contained a single dwelling which obtained a permit to be demolished. It is now currently vacant. Number 271 Wellington Street is owned by JMC Motor Group, and in conjunction with 273 Wellington Street and 98 Galvin Street, owns and operates a car sales yard and servicing centre. The site contains a single servicing garage and car yard, as well as signage and landscaping. The site is well established, flat, and connected to all services, with existing access. The site adjoins potentially contaminated land.

3. PLANNING SCHEME REQUIREMENTS

The assessment against the Launceston Interim Planning Scheme 2015 is detailed in Attachment 1.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	N/A
State Growth	N/A

TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 7 September 2022 to 21 September 2022. An extension to the advertising period was granted until 23 September 2022 to allow for the statutory acceptance of two representations. Five (5) representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<p>Issue 1: The flood lighting blinds pedestrians and vehicles along West Street. It would be better if all lighting, existing or proposed, face away from West Street.</p>
<p><i>Response 1</i> Any existing lighting developed as part of DA0711/2018 is subject to the following condition of the previous permit: Exterior Lighting and Security lighting to comply with the Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting" or any subsequent versions of the document If lighting is not in accordance with the above condition, Councils compliance team is able to follow up. A new condition has also been placed on the current permit that will require all proposed lighting be baffled to prevent nuisance to neighbours.</p>
<p>Issue 2 The removal of the dwelling and shed at 269 Wellington Street has meant more noise from Wellington Street travels through to West Street. A sound barrier should be installed, along with vegetation, to assist in noise mitigation to the residences of West Street.</p>
<p><i>Response 2</i> The dwelling was removed as part of DA0017/2022. This was a permitted application and was not required to be advertised. There are no mechanisms within the current Planning Scheme for the current proposal that would require a sound barrier to be installed due to the removal of the dwelling.</p>
<p>Issue 3 Access should be blocked from the rear of 269 Wellington Street to West Street. More vehicles entering West street pose a safety risk to residence and pedestrians.</p>
<p><i>Response 3</i> The access from West Street is existing. There are no mechanisms within the Planning Scheme for the current application that would require the access to be removed.</p>

Issue 4

Bollards have been placed at the end of West Street lane which makes it difficult for emergency vehicles to access West Street, and other vehicles to turn around at the end of the street. Has the developer got permission to place these bollards here?

Response 4

At Council's direction, the bollards have been put in place to prevent vehicles utilising the laneway. Notwithstanding Council's Infrastructure and Assets Network have been notified of the issues regarding these bollards and will investigate the concerns.

Issue 5

Aesthetically it is visually unappealing. The owner should put in something solid such as a fence, acoustic fence, sliding gate, or landscaping to reduce the visual intrusion.

Response 5

There is nothing in the Planning Scheme that would require fencing or similar to be installed along the West Street frontage. It is further noted any such recommendation would hinder the existing right to access the property has from West Street.

Issue 6

How will vehicles be brought into the property?

Response 6

The sites form part of a larger JMC commercial vehicle sales yard. There are multiple entrances to the site. Number 269 Wellington Street has legal access from both Wellington Street and West Street.

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.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND 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 the economic, environmental and social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

Land Use Planning and Approvals Act 1993
Launceston Interim Planning Scheme 2015

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. DA0484 2022 269 Wellington Street South Launceston Planning Scheme Assessme (2) [9.2.1 - 9 pages]
2. D A 0487-2022 - 269 Wellington Street South Launceston - Plans to be Endorsed [9.2.2 - 3 pages]
3. D A 0487-2022 - 269 Wellington Street South Launceston - Representations [9.2.3 - 7 pages]

9.3. DA0494/2022 - 14 Audrey Avenue, St Leonards - Residential - Construction of an Outbuilding

FILE NO: DA0494/2022

AUTHOR: Catherine Mainsbridge, (Senior Town Planner)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Jason Mark Carr, Leah Jane Carr
Property:	14 Audrey Avenue, St Leonards
Zoning:	Low Density Residential
Receipt Date:	11/08/2022
Validity Date:	13/09/2022
Further Information Request:	18/08/2022
Further Information Received:	13/09/2022
Deemed Approval:	25/10/2022
Representations:	3

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Launceston Interim Planning Scheme 2015

PREVIOUS COUNCIL CONSIDERATION:

DA0163/2008 - Subdivision - Subdivide land to create 15 lots plus public open space and road (Part Class 5 Land Stability Area) - under delegation

STANDARDS REQUIRING PLANNING DISCRETION:

10.4.3 Setbacks

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0494/2022 Residential - Construction of an outbuilding at 14 Audrey Avenue, St Leonards, subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Site Plan, Prepared by Steve Jordan Drafting, Drawing No. SJD 22/39-01, Scale 1:250, Dated June 2022.
- b. Foundation Plan, Prepared by Skyline Roofing Pty Ltd, Job No SKSG33461. Sheet 1 of 8, Dated 10/8/2022.
- c. Elevations, Prepared by Skyline Roofing Pty Ltd, Job No SKSG33461. Sheet 7 of 8, Dated 10/8/2022.

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 and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

4. OUTBUILDINGS

The use of outbuildings is not permitted for human habitation and is limited to residential storage and related residential activities only.

5. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to Council 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 Council infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

6. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of General Manager Infrastructure & Assets Network is required prior to undertaking works where the works:

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

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

7. SOIL AND WATER MANAGEMENT PLAN

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

8. AMENITY

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

9. NO BURNING OF WASTE

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0494/2022. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.

This permit takes effect after:

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Tasmanian Civil & Administrative Appeal Tribunal (TASCAT) 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 (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

B. Restrictive Covenants

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

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

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil & Administrative Tribunal (TASCAT).

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 Tasmanian Civil & Administrative Tribunal (TASCAT) website www.tascat.tas.gov.au <<http://www.tascat.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 Council's Notice to Waive Right of Appeal is attached.

REPORT:

1. THE PROPOSAL

A 10.5m x 12m outbuilding is proposed on the vacant residential lot. It will be in association with a dwelling, with plans to be lodged within the coming month.

2. LOCATION AND NEIGHBOURHOOD CHARACTER



The site is located in a developing residential yet mixed charactered area on the eastern hillside above the township of St Leonards. Audrey Avenue travels between Abels Hill Road and Benvenue Road and contains a 'dip' in the road just north east of the site. The site itself rises approximately 10m from the north western front corner to the south east rear corner.

The majority of lots along Audrey Avenue are relatively large and zoned Low Density Residential, as are some of the lots in the adjoining Tenzing Drive. Along the cross roads and further west land is zoned General Residential while uphill to the east land is Rural, with Rural Living along the higher end of Abels Hill Road.

3. PLANNING SCHEME REQUIREMENTS

The assessment against the Launceston Interim Planning Scheme 2015 is detailed in Attachment 1.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 17 September 2022 to 4 October 2022. Two submissions with three signatures were received as representations. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<p>Issue 1 The proposal clearly does not meet the acceptable solutions of the low density residential zone, ie bulk and form, scale of the garage, floor area and height of the wall and overall height.</p>
<p><i>Response 1</i> <i>The proposal meets all of the acceptable solutions of the now applicable Tasmanian Planning Scheme, which are less stringent than under the Interim Planning Scheme</i></p>

2015, other than the side setback. Assessed against the performance criteria the proposed side setback is the only discretion of the application and this element will not cause an unreasonable loss of amenity to adjoining properties. The adjoining L-shaped lot proposes development to the rear of the subject site which is well away from the proposal as outlined in the report.

Issue 2

The application encroaches on the 3m side setback and building height envelope to remove the "openness" offered by buildings setback.

Response 2

The side setback requirement is 5m (under the Tasmanian Planning Scheme) and therefore the proposed 1m setback does not meet the acceptable solution at 8.4.2.A1. Assessed against the merits of the performance criteria, P1, as noted above, the proposal is assessed as being satisfactory.

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.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND 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 the economic, environmental and social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

Land Use Planning and Approvals Act 1993
Launceston Interim Planning Scheme 2015

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. DA0494 2022 14 Audrey Avenue St Leonards Planning Scheme Assessment (1) [9.3.1 - 4 pages]
2. D A 0494-2022 - 14 Audrey Avenue St Leonards - Plans to be Endorsed [9.3.2 - 3 pages]
3. D A 0494-2022 - 14 Audrey Avenue St Leonards - Representations [9.3.3 - 2 pages]

10. ANNOUNCEMENTS BY THE MAYOR

10.1. Mayor's Announcements

FILE NO: SF2375

Sunday 9 October 2022

- Officiated at the *Nepalese Cultural Parade* in Civic Square
- Officiated at the *Annual Probus District Church Service* at the Salvation Army Citadel

Tuesday 11 October 2022

- Officiated at the *Launceston Competitions AGM* in East Launceston

Wednesday 12 October 2022

- Hosted a Civic Function for *Order of Australia* recipients
- Attended the *North 2022 Opening* at Dare Darlin

Friday 14 October 2022

- Attended the *Tamar Valley Writers Festival Official Gala Opening* at Peppers Silo Hotel
- Attended the *Cape Hope Foundation Charity Cocktail Party*

Sunday 16 October 2022

- Attended the *Vice-Chancellors Rowing Challenge* at Riverbend Park
- Officiated at the *5k and 10k run4reef race presentations* in Civic Square

Monday 17 October 2022

- Officiated at the *Special Olympics Australia National Games - Lighting of the Cauldron* in Civic Square
- Hosted a Civic Function to welcome the *Special Olympics Australia National Games* to Launceston
- Officiated at the *Special Olympics Australia National Games Opening Ceremony* at the Silverdome

Tuesday 18 October 2022

- Officiated at the *Seniors' Morning Tea* at the Migrant Resource Centre, Northern Suburbs

Wednesday 19 October 2022

- Officiated at the *Seniors' Morning Tea* at the Starting Point Neighbourhood House
 - Attended *Opening Night of Garden on the Moon* by *Mudlark Theatre* at the Earl Art Centre
-

11. COUNCILLORS' REPORTS

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

12. QUESTIONS BY COUNCILLORS

12.1. Councillors' 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 Chief Executive Officer of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be provided in writing).

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

12.2. Councillors' 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. COMMUNITY AND PLACE NETWORK

13.1. Community Grants 2022/2023 Round 1

FILE NO: SF7405

AUTHOR: Stephanie Berns (Grants and Sponsorship Officer)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

To consider applications for Community Grants received in Round 1, 2022/2023.

PREVIOUS COUNCIL CONSIDERATION:

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

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

RECOMMENDATION:

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

Organisation	Project/Activity	Score	Requested \$	Recom \$
Starting Point Neighbourhood House	Adventuring On	82%	\$5,000	\$5,000
Launceston Benevolent Society	Food Pantry Project	80%	\$3,400	\$2,550
RANT Arts	Northern Journeys	80%	\$5,000	\$3,750
GroWaverley	GroWaverley Food Co-op	79%	\$5,000	\$3,750
Self Help Workshop Inc	Kitchen Garden Greenhouse	78%	\$5,000	\$3,750
Bravehearts Foundation Limited	Ditto's in a Box - Teachers Resource - Personal Safety Program - Schools and Kinders	77%	\$4,500	\$3,375
Australian Red Cross	In Search of Safety / Pathways to Protection	74%	\$5,000	\$3,750
Community Gardens Australia - Tasmania (Northern Suburbs)	Flavours of Launceston Cookbook	63%	\$5,000	\$3,750

Sawtooth Ari Inc	SAW: Sawtooth Artist Workshops	63%	\$5,000	\$3,750
TOTAL			\$42,900	\$33,425
TOTAL AVAILABLE				\$35,000
BALANCE				\$1,575

2. That the following Community Grant Organisations application not receive funding by Council of 50% (\$2,100), rather receive funding of \$1,575 as a result of the Round 1 2022/2023 budget allocation being fully committed and this application receiving the lowest assessment score.

Organisation	Project/Activity	Score	Request \$	Recom \$	Amended Recom \$
Rapid Relief Team (RRT) Ltd	2022 Launceston Festive Food Box Project	55%	\$4,200	\$2,100	\$1,575
TOTAL			\$4,200	\$2,100	\$1,575
TOTAL AVAILABLE					\$1,575
BALANCE					\$0

3. notes the following Community Grant Organisation's application will not be funded by Council, as the application received a score less than the recommended level for funding (ie. <50%).

Organisation	Project/Activity	Score	Requested \$	Recommended \$
Launceston Chinese Association Inc.	Saturday - Cultural Activities for Children	45%	\$3,000	\$0
TOTAL			\$3,000	\$0
TOTAL AVAILABLE				\$0
BALANCE				\$0

REPORT:

Organisation Applications

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

Assessment Points

- Identifies a clear community need for the project;
- Outcomes directly benefit the Launceston Community;
- Outlines clear engagement and collaboration with the community, enabling social connections and community participation;
- Project plan demonstrates good organisational planning for the project/activity; and

- The project budget is detailed, realistic and:
 - demonstrates the applicant is co-contributing at least 20% towards the project in addition to the funding requested (co-contribution can be either in-kind or financial);
 - outlines how the City of Launceston funding will be utilised.

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

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

The total value of eligible requests received for Community Grants Round 1 2022/2023 is \$50,100. Based on the assessment results, the recommended allocation of funds for Round 1 2022/2023 is \$35,000.

Individual/Team/Group Applications

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

Community Grants (Individuals/Teams/Groups) applications approved from 1 July 2022

Individual/Team/Group	Activity	\$ Approved
Team - Stompin	AYDF (Australian Youth Dance Festival) 2022 - 3-8 of July 2022	\$150
Individual	School Sports Australia Swimming Championships Brisbane, QLD	\$100
Individual	School Sports Australia Swimming Championships Brisbane, QLD	\$100
Individual	School Sports Australia Swimming Championships Brisbane, QLD	\$100
Individual	School Sports Australia Swimming Championships Brisbane, QLD	\$100
Individual	School Sports Australia Swimming Championships Brisbane, QLD	\$100
Individual	School Sports Australia Swimming Championships Brisbane, QLD	\$100
Individual	School Sports Australia Swimming Championships Brisbane, QLD	\$100
Individual	School Sports Australia Swimming Championships Brisbane, QLD	\$100
Individual	School Sports Australia Swimming Championships Brisbane, QLD	\$100
Individual	School Sports Australia Swimming Championships Brisbane, QLD	\$100

Individual	School Sports Australia Swimming Championships Brisbane, QLD	\$100
Team - Launceston Christian School Science Challenge Team	National Science & Engineering Challenge finals in Bendigo on the 21st of October 2022	\$450
Team - Tasmanian Thunder Under 14 Girls Touch Football Team	DoorDash National Youth Championships - QLD	\$450
Team - Tasmania U13 Boys Hockey Team	Hockey Event in Hobart	\$75
TOTAL REQUESTED		\$2,225
FUNDS REMAINING		\$7,775

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Approval of the recommended grants will result in a positive economic impact for those individuals/teams/groups and organisations by enabling projects and activities to be undertaken, will have minimal impact on the environment and will provide a number of valuable educational, social, health and lifestyle benefits to the Launceston community.

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:

1. To provide for the health, safety and welfare of the community.

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

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

Focus Areas:

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

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

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

Focus Areas:

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

BUDGET AND FINANCIAL IMPLICATIONS:

Community Grants - Organisations	\$
Available funds for Round 1 2022/2023	\$35,000
Amount recommended for Round 1 2022/2023	\$35,000
BALANCE (Round 1)	\$0

Community Grants - Individual/Team/Group	\$
Available Funds 2022/2023	\$10,000
Amount Allocated 2022/2023	\$2,225
BALANCE	\$7,775

The total budget for Community Grants for 2022/2023 is \$80,000. There are two funding rounds per year as per the Community Grants (Organisations) Policy (05-PI-018).

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

13.2. Special Events Sponsorship - 2022/2023 - 2023 Men's and Women's Tasmanian Open (Golf)

FILE NO: SF5892

AUTHOR: Stephanie Berns (Grants and Sponsorship Officer)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

To consider Special Event Sponsorship for 2023 Men's and Women's Tasmanian Open (Golf).

PREVIOUS COUNCIL CONSIDERATION:

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

RECOMMENDATION:

1. That the following Special Event Sponsorship funding application is not to be supported by Council, as the application received a score less than the recommended level for funding (ie. <50%).

Organisation	Event	Score	\$Request	\$Assess	\$Recom
Golf Australia	2023 Men's and Women's Tasmanian Open (Golf)	46%	\$30,000	\$30,000	\$0
Total			\$30,000	\$30,000	\$0

REPORT:

The Tasmanian Open comprises a women's, men's and all abilities event, played together at the same time and venue, in a 54-hole stroke play over three competition days.

A total of 144 players participate: 40 professional golfers, 40 amateur men, 40 amateur women and 24 all abilities (reduced after 36-holes). The Tasmanian Inclusive Championship is for golfers with a physical, sensory or intellectual disability.

Prize money is provided with one overall prize purse of \$35,000 distributed across the events. The event is included on the Australian Summer of Golf schedule and provides points to various for athletes. The event forms part of the Adidas PGA Pro-am Series on the PGA of Australia schedule. For amateur players, it is a counting event on the R&A and USGA's World Amateur Golf Ranking and is a Golf Australia Order of Merit event. For the all abilities players, it is a World Ranking Event for Golfers with a Disability (WR4GD).

As detailed above the 2023 Men's and Women's Tasmanian Open (Golf) event scored 46%, therefore resulting in no funding being recommended. The Event Sponsorship Assessment Panel's rationale behind the score of 46% was that the application was not an accurate fit for the Special Event Sponsorship Category with the economic return to the city not warranting the requested level of funding.

Assessment Criteria

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

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

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

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

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

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

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

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

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

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

The recommendation will have minimal social impacts and minimal impacts on the environment and economy.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

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.

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.

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

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

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

Focus Areas:

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

BUDGET AND FINANCIAL IMPLICATIONS:

Event	Budget	Pre-committed	\$Recom	Balance
2022/2023 Special Events Budget	\$70,000	-\$37,500 [^]	\$0	\$81,275*

**includes the previous transfer of \$16,650 from Small Event Sponsorship Budget and \$32,125 from the Major Event Budget.*

[^]Launnie Can Dance approved for funding of \$22,500 and Longford GPX Cruise Night approved for funding of \$15,000.

Should the recommendation of the 2023 Men's and Women's Tasmanian Open (Golf) event to receive \$0 be approved, there will be a balance remaining in the 2022/2023 Special Events Sponsorship Budget of \$81,275.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

14. CREATIVE ARTS AND CULTURAL SERVICES NETWORK

14.1. QVMAG Activity Report July-September 2022

FILE NO: SF5478

AUTHOR: Karina West (Manager Museum Operations)

GENERAL MANAGER: Shane Fitzgerald (Creative Arts and Cultural Services Network)

DECISION STATEMENT:

To receive the Queen Victoria Museum and Art Gallery July-September 2022 activity report.

RECOMMENDATION:

That Council receives the Queen Victoria Museum and Art Gallery's activity report for the period July-September 2022 (ECM Doc Set ID 4765495) (Attachment 1).

REPORT:

The Queen Victoria Museum and Art Gallery's (QVMAG) activity report outlines key activities during the July-September 2022 reporting period and includes reporting across the following areas of the QVMAG:

- Exhibitions
- Public programs
- Education programs, including Science Week
- Collection digitisation
- Collection care
- Archives
- The Arts Foundation
- The Friends of QVMAG
- Social media, website, marketing and media
- Commercial performance
- Partnering with community

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

The QVMAG's activities and programs are intended to attract new audiences to the museum and to the region, particularly those communities who have previously been under-represented.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

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

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

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

Focus Areas:

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. QVMAG activity report July- Sept 2022 FINAL [14.1.1 - 37 pages]

15. INFRASTRUCTURE AND ASSETS NETWORK

15.1. Action on Petition - North East Rail Line

FILE NO: SF0097/SF0619

AUTHOR: Leanne Purchase (Manager Governance)

GENERAL MANAGER APPROVAL: Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider action on petitions received by the Council in respect of the North East Rail Line.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Council – 5 October 2022 - Item 10.1 - Petition – Paul Cabalzar, Wayne Venn and Dianne Venn – North East Rail Line

RECOMMENDATION:

That Council asks the Chief Executive Officer to write to Dorset Council, requesting that Dorset Council undertake community consultation directly with the Lilydale community to establish community sentiment in relation to construction of the Rail Trail and associated works at the Lilydale Falls Reserve, such sentiment to be used to inform the City of Launceston's position on consent to commence the work.

REPORT:

Background

Petitioners Paul Cabalzar, Wayne Venn and Dianne Venn submitted two paper petitions including 78 and 206 signatures respectively and one electronic petition containing 307 signatures to Council. The petitions met the general requirements of section 57(2) of the *Local Government Act 1993 (Tas)* and were tabled at the Council Meeting held on 5 October 2022.

The petitions call on Council to:

We, the ratepayers and residents of the Launceston Municipality, petition the Councillors to urge the Mayor and Councillors of Dorset Council to cease and desist from all plans and activities leading to the destruction of the integrity of the North East Rail Line and associated infrastructure between Lilydale Falls and Wyena, being that part of the North East Rail Line within the Launceston Municipality.

Section 60(2)(b) of the *Local Government Act 1993* (Tas) requires that Council determines any action to be taken in respect of the petitions within 42 days of their tabling.

Action on petition

Councillors will note that the Development Application 0377/2022 - 228 Golconda Road, Lilydale – Passive Recreation – Development of a Rail Trail including Associated Works and Development of a Vehicle Parking Area at Lilydale Falls was considered by the Planning Authority earlier in the agenda for this Council Meeting. The Planning Authority is required to determine the Development Application by assessing it against the Planning Scheme. The petitions that are the subject of this report do not form part of that process.

Council consented as landowner to accept the above Development Application. However, if a Planning Permit is issued, the Council's consent does not extend to approval to commence the work at the Lilydale Falls Reserve.

Given the contentious nature of the proposed development and the concerns raised by members of the Lilydale community – which includes these petitions – the Chief Executive Officer has formed the view that it is appropriate for the Council to consider whether it will authorise the works to occur at the Lilydale Falls Reserve, in preference to the decision being made by the Chief Executive Officer with delegated authority.

With a view to obtaining information that will inform the Council's position on consent, this report's Recommendation asks that the Council determines to write to Dorset Council, requesting that Dorset Council undertake public consultation directly with the Lilydale community and informs City of Launceston of the outcome.

Contamination risks

At the Council Meeting on 5 October 2022, Councillor Alan Harris asked that this report address contamination risks associated with disturbing sleepers and rail ballast. The Council's attention is drawn to the Development Application 0377/2022 which is included earlier in this agenda - particularly to the Recommendation's Condition 2 and the Report's Item 4 (Representations) which discuss contamination matters in detail.

RISK IMPLICATIONS:

The City of Launceston is committed to attending to this matter judiciously, to reduce the risk of any reduction in the value to the community of the Lilydale Falls Reserve.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

See **Risk Implications** above.

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 AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

16. CHIEF EXECUTIVE OFFICER NETWORK

16.1. Draft Aboriginal Partnership Plan

FILE NO: SF5555

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

DECISION STATEMENT:

To determine if the City of Launceston Draft Aboriginal Partnership Plan is suitable to undergo a community engagement process.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 26 May 2022 - Draft Aboriginal Partnership Plan: Community Engagement Strategy

RECOMMENDATION:

That Council:

1. agrees that the Draft Aboriginal Partnership Plan (ECM Doc Set ID No 4798133) (Attachment 1) is suitable to undergo a community engagement process; and
 2. requests that the Chief Executive Officer conduct a suitable community engagement process and submit the final draft of the Aboriginal Partnership Plan to a future Council Meeting to consider its endorsement.
-

REPORT:

The City of Launceston has a strong desire and responsibility to respond to the needs of Aboriginal people in the Launceston region. This can include an advocacy and facilitation role regarding Aboriginal cultural heritage and its contemporary expression, health, wellbeing and economic issues.

The City of Launceston genuinely values its relationship with the local Aboriginal community and for some time now, have been on a journey of understanding and learning in this space.

Over the term of the current Council, a number of forward positive steps have been made on the journey.

For the first time, the Aboriginal flag permanently flies over Town Hall and the Council no longer supports the celebration of Australia Day activities on 26 January.

It is important that continued views are represented of all members and the community, as well as finding new ways to celebrate shared pride in the country. In order to achieve this,

a need to have a more meaningful partnership with Aboriginal people and the community has been identified.

The Draft Aboriginal Partnership Plan (the Plan) has been developed to guide and enhance the City of Launceston's engagement with Aboriginal people in the context of the City of Launceston Community Engagement Framework and Strategy.

The Plan has been developed through meaningful conversations with a range of Aboriginal people in Launceston and surrounds, together with Councillors and the Council's employees.

Throughout this process, a number of themes and focus areas emerged as particularly relevant and important to the development of the Plan.

Consistent with the City of Launceston's Community Engagement Framework, three key areas moving forward will be focussed on:

1. Continuous improvement
2. Building internal capacity
3. Closing the loop

It is believed that it is important to promote to the broader community what the Plan stands for. The City of Launceston aspires to be a respected leader of all its community and it is felt that the Plan will provide a focused and agreed approach for the City of Launceston to engage with our Aboriginal people in a culturally respectful and genuine manner.

Whilst engagement with the members of the Aboriginal community in the development of the Plan has occurred, there is no doubt that there is a broader community interest in this matter and it is appropriate that the Plan be released for public input, prior to Council considering its final endorsement. Given that a Local Government election period is currently underway, it is intended that the community engagement process will be conducted over the next couple of months, with the final Plan to be presented to the newly formed Council late in 2022.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

The Draft Aboriginal Partnership Plan, consistent with the approaches and practices of other levels of government, are being guided by the *Closing the Gap* initiative.

Closing the Gap began in response to a call for governments to commit to achieving equality for Aboriginal and Torres Strait Islander people in respect of health and life expectancy within a generation. The priorities of the initiative have changed over time and so *Closing the Gap* (2020) has evolved from health and life expectancy measures to overcome inequality faced by too many Aboriginal and Torres Strait Islander people so their life outcomes are equal to all Australians.

Under this initiative there has been a greater focus on partnerships between governments and Aboriginal and Torres Strait Islander people. At the centre of this new way of working is local action and a determination to achieve change.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

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

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.

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 AND FINANCIAL IMPLICATIONS:

Should the Council agree with the recommendations of this report there will be a cost for the delivery of the community engagement process, however, this will be managed within existing resources.

DISCLOSURE OF INTERESTS:

The Chief Executive Officer has no interests to declare in this matter.

ATTACHMENTS:

1. Draft Aboriginal Partnership Plan [16.1.1 - 11 pages]

17. CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

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

17.1 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.

17.2 Corporate Applications Replacement Program (Enterprise Resource Planning)

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:

- (d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

17.3 Launceston City Heart Project

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:

- (d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.
- (f) proposals for the council to acquire land or an interest in land or for the disposal of land.
- (i) matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council.

17.4 End of Closed Session

To be determined in Closed Council.

18. MEETING CLOSURE

19. NEXT COUNCIL MEETING DATE

The next Ordinary Meeting of Council will be held at 1.00pm on 17 November 2022 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.
