



City of  
**LAUNCESTON**

# **COUNCIL AGENDA**

**COUNCIL MEETING  
WEDNESDAY 21 SEPTEMBER 2022  
1.00pm**

File No: SP2346  
KH

13 September 2022

Mr Michael Stretton, Chief Executive Officer  
City of Launceston  
PO Box 396  
LAUNCESTON TAS 7250

Dear Michael

**Changes to the 2022 Council Meeting Schedule**

Due to the National Day of Mourning for Queen Elizabeth II, being declared a public holiday, the Council Meeting scheduled for Thursday 22 September 2022 will now need to be convened on Wednesday 21 September 2022.

In addition, it will be necessary to cancel the Council Meeting scheduled for Thursday 3 November due to the expected timing of the declarations of the polls for the 2022 local government elections.

In accordance with regulation 4 of the *Local Government (Meeting Procedures) Regulations 2015* which states:

**4. Convening council meetings**

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

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

Wednesday 21 September	Thursday 20 October	Thursday 1 December
Wednesday 5 October	Thursday 17 November	Thursday 15 December

Commencing at 1pm in the City of Launceston Council Chambers, Town Hall, St John Street, Launceston.

Yours sincerely

  
Councillor A M van Zetten  
**MAYOR**

**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: 21 September 2022**

**Time: 1.00pm**

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### **Certificate of Qualified Advice**

#### **Background**

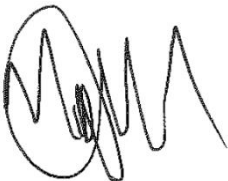
To comply with section 65 of the *Local Government Act 1993* (Tas):

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](http://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](mailto: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 8 September 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).*

**7.1 David Brooks - The Veteran's and Community Wood Centre**

**David will address Council regarding what the Shed can do for the community and what the community can do for the Shed. The Shed has about 50 current members and is well established. It is supported by the Youngtown and Kings Meadows Rotary Clubs and the City of Launceston.**

**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)*

**8.1.1 Public Questions on Notice - Jackie Hannaford - Overhanging Eucalyptus Trees in Salisbury Crescent, West Launceston**

**FILE NO:** SF6381

**AUTHOR:** Anthea Rooney (Council and Committees Officer)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following questions, submitted in writing to the Council on 7 September 2022 by Jackie Hannaford, have been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

**Questions:**

1. Regarding the two *Eucalyptus* gum trees that are overhanging the roadway and footpath outside of 8 Salisbury Crescent, West Launceston can you advise whether these two trees are safe for the public to pass beneath them considering the degree and direction they are leaning and the direction to which they are leaning?

**Response:**

*All trees have an inherent risk. At the City of Launceston trees are assessed using an internationally recognised system which quantifies the risk of harm from tree failure - likelihood and consequences. These trees have been assessed using this methodology and have been rated as acceptable. The City of Launceston will continue to maintain its inspections and if the risk increases, apply mitigation measures to reduce or eliminate.*

*Further information on how the City of Launceston manages trees can be found in its Tree Management Policy (26-PI-005) which is provided on the Council's website at: <https://www.launceston.tas.gov.au/Council/Legislation-and-Policy/Policy> .*

2. Have these trees been inspected by a Launceston City Council arborist or Aurora Energy?

**Response:**

*The City of Launceston's arborist completed an annual inspection of Salisbury Crescent, West Launceston on 2 September 2022. No defects were identified.*

3. Have you viewed the photographs that I supplied when I first visited the Council's offices on Monday, 5 September 2022?

**Response:**

*The provided photographs have been reviewed and show that the trees are growing in a natural environment. Visual inspections are also conducted through routine maintenance.*

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**8.1.2 Public Questions on Notice - Jim Dickenson - Albert Hall Redevelopment**

**FILE NO:** SF6381

**AUTHOR:** Anthea Rooney (Council and Committees Officer)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following questions, submitted in writing to the Council on 14 September 2022 by Jim Dickenson have been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

**Questions:**

1. Tenders were called for this work in *The Examiner* on 25 June 2022. Did the Council receive satisfactory tenders for this work by the closing date of 15 July 2022 and did the tenders meet budget expectations?

**Response:**

*The Council's officers are currently engaged in the evaluation process with the Tender Review Committee to consider tenders at a future meeting. The recommendations of the Tender Review Committee are regularly provided to an open Council Meeting.*

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**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 DA0390/2022 - 123 Paterson Street, 16 Margaret Street also Known as 270 Brisbane Street, and 125-133 Paterson Street, Launceston - Visitor Accommodation Including Associated Restaurant, Function and Wellness Centres, Retail and Bars**

**FILE NO:** DA0390/2022

**AUTHOR:** Iain More (Town Planner)

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

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Commercial Project Delivery
Property:	123 Paterson Street, 125-133 Paterson Street and 16 Margaret Street, Launceston
Zoning:	Urban Mixed Use
Receipt Date:	1/07/2022
Validity Date:	13/07/2022
Further Information Request:	01/08/2022
Further Information Received:	17/08/2022
Deemed Approval:	22/09/2022
Representations:	26

**RELEVANT LEGISLATION:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 13 June 2019 - Agenda Item 8.1 - DA0127/2019 - Construction of a hotel etc. at 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street and 16 Margaret Street, Launceston. Approved by Council. Appealed and subsequently refused by the Resource Management and Planning Appeal Tribunal 7 November 2019

Draft Amendment 66 to the Launceston Interim Planning Scheme 2015, to insert a Specific Area Plan over the properties known as 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street (CT151150/3, CT151150/2 and CT175274/1). Approved by the Tasmanian Planning Commission 4 March 2022

**STANDARDS REQUIRING PLANNING DISCRETION:**

- 15.3.2 Mechanical plant and equipment
- 15.4.1 Building height, setback and siting
- 15.4.2 Location of car parking
- 15.4.3 Active ground floors
- 15.4.11 Frontage and access
- E2.5 Use Standards
- E2.6.1 Subdivision
- E2.6.2 Excavation
- E4.5.1 Existing road accesses and junctions
- E5.1.1 Development subject to flooding
- E6.5.1 Car parking numbers
- E6.5.2 Bicycle parking numbers
- E6.5.4 Motorcycle parking
- E6.6.1 Construction of parking areas
- E6.6.2 Design and layout of parking areas
- E6.6.5 Bicycle facilities
- E18.5.2 Design and siting of signage

**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 DA0390/2022 - Visitor Accommodation including associated restaurant, function centre, wellness centre, retail and bars. Including partial demolition of existing buildings and construction of a hotel in two stages, including signage, consolidation of lots, and new road accesses at 123 Paterson Street (CT151150/3), 16 Margaret Street, also known as 270 Brisbane Street (CT175274/1) and 125-133 Paterson Street (CT151150/2), 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. Stage 1 - Development Application, prepared by Commercial Project Delivery, dated August 2022;
- b. Stage 1 - Contents, prepared by CBG, Drawing No. TP001 - C, dated June 2022;
- c. Stage 1 - Site Plan, prepared by CBG, Drawing No. TP010 - C, dated June 2022;
- d. Stage 1 - Demolition Plan, prepared by CBG, Drawing No. TP011 - C, dated June 2022;
- e. Stage 1 - Existing Site Contours, prepared by CBG, Drawing No. TP012 - C, dated June 2022;
- f. Stage 1 - Basement Floor Plan, prepared by CBG, Drawing No. TP099 - C, dated June 2022;

- g. Stage 1 - Ground Floor Plan, prepared by CBG, Drawing No. TP100 - C, dated June 2022;
- h. Stage 1 - Mezzanine Floor Plan, prepared by CBG, Drawing No. TP101 - C, dated June 2022;
- i. Stage 1 - First Floor Plan, prepared by CBG, Drawing No. TP102 - C, dated June 2022;
- j. Stage 1 - Second Floor (Typ. Levels 2 and 3), prepared by CBG, Drawing No. TP103 - C, dated June 2022;
- k. Stage 1 - Fourth Floor (Typ. Levels 4-8), prepared by CBG, Drawing No. TP104 - C, dated June 2022;
- l. Stage 1 - Ninth Floor Plan, prepared by CBG, Drawing No. TP105 - C, dated June 2022;
- m. Stage 1 - Roof Plan, prepared by CBG, Drawing No. TP106 - C, dated June 2022;
- n. Stage 1 - Elevations, prepared by CBG, Drawing No. TP200 - C, dated June 2022;
- o. Stage 1 - Elevations, prepared by CBG, Drawing No. TP201 - C, dated June 2022;
- p. Stage 1 - Sections, prepared by CBG, Drawing No. TP250 - C, dated June 2022;
- q. Stage 1 - Sections, prepared by CBG, Drawing No. TP2251 - C, dated June 2022;
- r. Stage 2 - Site Plan, prepared by CBG, Drawing No. TP300 - C, dated June 2022;
- s. Stage 2 Demolition Plan, prepared by CBG, Drawing No. TP301 - C, dated June 2022;
- t. Stage 2 Conference Corner Addition, prepared by CBG, Drawing No. TP500 - C, dated June 2022;
- u. Stage 2 Parking Platform Addition, prepared by CBG, Drawing No. TP501 - C, dated June 2022;
- v. Stage 2 Elevations, prepared by CBG, Drawing No. TP600 - C, dated June 2022;
- w. Stage 2 Elevations, prepared by CBG, Drawing No. TP601 - C, dated June 2022;
- x. Stage 2 Shadow Diagrams - June 21, prepared by CBG, Drawing No. TP900 - C, dated June 2022;
- y. Stage 2 Shadow Diagrams - September 21, prepared by CBG, Drawing No. TP901 - C, dated June 2022;
- z. Stage 2 Shadow Diagrams - December 21, prepared by CBG, Drawing No. TP902 - C, dated June 2022;
- aa. Stage 2 External Circulation Plans, prepared by CBG, Drawing No. TP950 - C, dated June 2022;
- bb. Stage 2 SAP Compliance Study, prepared by CBG, Drawing No. TP980 - C, dated June 2022;
- cc. Transport Impact Assessment, prepared by GHD, dated March 2019;
- dd. Preliminary Site Investigation *Gorge Hotel*, prepared by es&d, project No. 6164, dated 2022;
- ee. Flood Levels and Risk Management, prepared by 6ty°, Project No. 18.360, dated 19 November 2018;
- ff. Visual Impact Assessment, prepared by GHD, dated December 2018;
- gg. Streetscape Assessment, prepared by GHD, dated 2017;
- hh. Hydraulic Services, prepared by 6ty°, issue o1, dated 3 November 2018;
- ii. Environmental noise and air emission assessment, prepared by Tarkarri Engineering Pty Ltd, Report No. 5221\_AC\_R\_R2, dated 22 June 2022; and
- jj. Development Application, prepared by Commercial project Delivery, dated 9 August 2022.



## 2. AMENDED PLANS REQUIRED

Prior to the commencement of any work and use, amended plans must be submitted to show:

- a. removal of all references to new or upgraded pavement treatments within the road reserves of Paterson and Margaret Streets.
- b. removal of the implied traffic island or surface treatment extending into the public footpath on Margaret Street at the northern access point.
- c. updated plans incorporating the recommendations contained with the Traffic Impact Assessment:
  - i. minor redesign of the Right Of Way (ROW) easement and adjacent footpath, including relocation of columns, as the building design progresses through future stages, to meet the 1m minimum footpath width and roadway dimensions and radii in accordance with AS 2890.1
  - ii. provision of a channelising island within the hotel *back-of-house* area to channel cyclists to a position where there is improved sight distance to the ramp.
  - iii. allocation of all parking spaces within the multi-storey car park to hotel guests, staff and valet parking, and conference attendees with all other users being directed to the open air car park at the rear of the site.
  - iv. electronic signage provided to indicate the availability of parking spaces on each level.
  - v. a minimum of 2.2m headroom be maintained at the ramp from the upper ground car parking level to the lower mezzanine car parking level.

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

## 3. LEGAL TITLE

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

## 4. EXTERIOR AND SECURITY LIGHTING

Exterior and security lighting must comply with the Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.

## 5. DELIVERY HOURS

Deliveries to and from the site by commercial vehicles (including trade waste collection) must only occur between 6am and 10pm, seven days a week.

## 6. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/01099-LCC, dated 15/07/2022 and attached to the permit.

## 7. 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

## **8. CONSTRUCTION MANAGEMENT PLAN**

Prior to the commencement of works on site the applicant must prepare, and submit for approval, a detailed construction management plan.

The plan must include a construction schedule specifying the nature and duration of any proposed occupation of the road reserve for the undertaking of works and the laying down of materials.

The plan must also include the proposed traffic management works required to facilitate the continued safe use of the roads and footpaths within Margaret Street and Paterson Street.

## **9. SITE LANDSCAPING PLAN**

The landscaping must be:

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

Plant and equipment screening:

Any plant and equipment proposed for the facades or roofs of the buildings must be screened in a manner to ensure they are not recognisable or visible from a ground level public view point.

## **10. SIGNAGE**

Prior to the commencement of use, illuminated signage detailed in the plans is subject to the Council approving a Signage Illumination Management Plan prepared to the satisfaction of the Council that allows for the dimmable signage lighting to be dimmed as appropriate after sunset and increased in intensity as appropriated after sunrise and during daylight hours as directed by the Council from time to time.

## **11. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

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

## **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 and 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 (AND 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's eServices web portal or on the approved hard copy form.

All new works must be constructed to the Council's standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg. TasWater, Telstra and TasNetworks, etc). 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 the 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. FACILITIES AND HIGHWAYS BY-LAW**

A permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021) must be issued prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway. No such items are to be placed within the road reserve without approval.

#### **17. NOISE AND AIR EMISSION ASSESSMENT**

The applicant must comply with the Environmental Noise and Air Emission Assessment prepared by Tarkarri Engineering Pty Ltd dated 22 June 2022 and complete all works required in the recommendations. Prior to the commencement of the use, a further report must be submitted by a suitably qualified person, and to the satisfaction to Manager City Development, certifying that the recommendations of the Tarkarri report have been complied with.

#### **18. NOISE MANAGEMENT PROTOCOL**

Prior to commencement of operation, a noise management protocol is to be prepared by an acoustic engineer to manage noise from the rooftop restaurant and function space and the sky bar and lounge is to be developed. A copy of this noise management protocol is to be provided to the Council's Manager Health and Compliance.

#### **19. DEMOLITION**

The developer must:

- a. protect property and services which are to either remain on or adjacent to the site from interference or damage;
- b. not undertake any burning of waste materials or removed vegetation;
- c. remove all rubbish from the site for disposal at a licensed waste disposal site;
- d. dispose of any asbestos found during demolition in accordance with the Safe Work Australia *How to Safely Remove Asbestos: Code of Practice, July 2020*, or any subsequent versions of the document.

#### **20. DUST SUPPRESSION**

Prior to the commencement of the works, the developer must submit to the Council details of measures to be undertaken to control dust emission from the site. The irrigation system(s)/dust suppressant must be installed in accordance with the approved details prior to commencement of works and must be maintained at all times to the satisfaction of the Council.

## **21. CONTAMINATED LAND**

The developer must comply with the environmental site assessment (ESA) report prepared by environmental service and design dated 16 August 2022 and complete all works required in the ESA report's recommendations.

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

## **22. DECOMMISSIONING OF UNDERGROUND STORAGE TANKS**

Prior to the commencement of any work and/or use:

- a. decommission the underground storage tanks in accordance with the requirements of the Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2020, or any subsequent versions of the Regulation;
- b. submit a copy of the decommissioning assessment report to the Manager Health and Compliance; and
- c. provide a statement from a site contamination practitioner certified under the Environment Institute of Australia and New Zealand Inc.'s Certified Environmental Practitioners (Site Contamination) scheme, otherwise known as the CEnvP (Site Contamination) scheme, confirming that the land is suitable for the intended use following decommissioning of the underground storage tanks to the satisfaction of the Manager Health and Compliance.

## **23. CONSTRUCTION NOISE ASSESSMENT**

Prior to the commencement of demolition and construction works, a construction noise assessment report 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 means a residential use or a use involving the presence of people for extended periods such as a caravan park, childcare centre, dwelling, hospital or school. It may also include other uses that may be sensitive to construction noise including, but not limited to, call centres, hospitality venues, temporary accommodation such as hotels, funeral parlours, and television and radio studios;
- b. The proposed duration and period when demolition and construction works will be scheduled;
- c. The likely noise impacts from the various demolition and construction processes and equipment on identified sensitive uses;
- d. Strategies to mitigate demolition and construction noise on identified sensitive uses; and
- e. Any community notification or engagement about the proposed construction noise.

## **24. CONTAMINATED LAND**

The applicant must:

- a. comply with the Environmental Site Assessment Report prepared by Environmental Service and Design dated 16/08/222 and complete all works required in the recommendations. The use and development approved must be undertaken so as to comply with all the recommendations and requirements of the Environmental Site Assessment.

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

- b. prior to the commencement of works for Stage 2, a revised contamination report is to be provided to and signed off by the Manager City Development.

### **Notes**

#### **A. General**

*This permit was issued based on the proposal documents submitted for DA0390/2022. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

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

#### **B. Restrictive Covenants**

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

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

#### **C. Appeal Provisions**

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and 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 and Administrative Tribunal (TASCAT) website [www.tascat.tas.gov.au](http://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 the Council's Notice to Waive Right of Appeal is attached.*

E. Food Businesses

*All food businesses must be registered with the Council in accordance with the Food Act 2003 prior to commencing. Food premises fit out must comply with the National Construction Code TAS Part H102.0 or any subsequent versions of this document.*

F. Cooling Towers

*The owner of a cooling tower or warm water system is required to obtain registration with the Council in accordance with the Public Health Act 1997 and comply with the 'Guidelines for the Control of Legionella in Regulated Systems' or any subsequent versions of the document.*

G. Facilities and Highways By-law (No. 1 of 2021)

*Prior to the placement of any skip bin, security fencing, hoarding, shipping container, site office or amenity within a local highway, a permit must be issued pursuant to the Facilities and Highways By-Law (No. 1 of 2021). No such items are to be placed within the road reserve without approval.*

*Failure to comply with the Facilities and Highways By-Law (No. 1 of 2021) or any permit issued pursuant to the by-law may result in enforcement action including the issuing of infringement notices and penalties in accordance with Schedule 1 of the By-Law.*

H. Signage

*Significant variations from the plans will require further approval.*

I. Demolition

*Planning approval is granted for demolition of the existing building/s so indicated on the endorsed plan. However, building approval for the demolition is required before demolition can proceed.*

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**REPORT:**

**1. THE PROPOSAL**

The proposal is for a new hotel with associated restaurant, bar, conference facilities and retail space, to be developed in two stages. The hotel proposes 145 rooms (approximately 290 beds) with 20 rooms per level on levels 2-8 and five penthouse rooms on level nine. Level 9 also includes a rooftop cocktail bar.

Restaurant and bar facilities will cater for up to 200 people and will be located on the first floor. This area can also be utilised as a conference space when required.

The hotel lobby and access, as well as the retail spaces will be located on the ground level. Car parking will be located at ground level as well as on a mezzanine floor, and basement area, and will consist of 174 car parking spaces.

The building has been designed to achieve pedestrian connectivity and active frontages, and has maintained the tower component deep within the site to reduce building bulk. The tower section of the development will have a total height above ground level of 39m, whilst the podium levels located towards the frontages have a maximum height of 12.4m above ground level. As the site is a corner lot with multiple access and egress areas, the development has adopted these existing crossovers, but altered two-way and one-way traffic.

Landscaping has been incorporated into different sections and elements of the proposal:

- existing landscaping in the ground level car park to be retained.
- landscaping elements are incorporated at entry points to the site and around and within all outdoor dining/bar areas and terraces. The southern wall of the building adjoining 264 Brisbane Street and 22-24 Margaret Street is setback into the site to allow for in ground planting that will grow up suspended cables on the wall face resulting in a *green wall*.
- planting on the ground level is to be generally in built-in planter boxes with roof access to natural ground level where possible.
- elevated planting is proposed above ground level and will occur within custom formed pots.

Three illuminated wall signs measuring 2m x 8m are proposed. One will be located along Margaret Street facing south and two on the corner of Paterson and Margaret Streets.

Access to the hotel will be modified from the current arrangements. From Paterson Street, the existing egress will be reduced from two lanes to one lane and restricted for commercial vehicle access only. Access into the site from Paterson Street for the hotel will be converted to inbound only. The existing access arrangements for the fuel station will be retained in Stage 1 and converted to inbound only in Stage 2.

From Margaret Street, the northern access will remain a two-way access point including access and egress for the proposed hotel and separated egress for the existing fuel station. The crossover will be extended slightly to the north to accommodate the changed arrangements. The southern access from Margaret Street is proposed to be retained for drop-off lane exit point.

The existing Right Of Way (ROW) easement will be retained to provide access for the neighbouring properties west of the site.

Parking proposed in stage 1 is 157 spaces and stage 2, 17 spaces, totalling 174 spaces.

The application proposes consolidation of the three lots comprising the subject site into a single title of title 6,045m<sup>2</sup> in size.

The development is proposed to be constructed over two stages.



Stage 1 includes construction of the hotel, function centre, restaurant, bars and wellness centre, as well as 154 car parking spaces. The existing service station will be retained and operate during stage one.

Stage 2 includes demolition of the service station and canopy, as well as the decommissioning of the underground storage tanks. It will then allow for this area of the site to be developed into a two-storey building, with the ground floor containing the retail space, whilst the first floor comprises two conference rooms. This stage will also involve an additional 17 car parking spaces through a parking platform in the western section of the site.

It is noted that there is nothing in the Planning Scheme, nor anything is the overriding planning legislation that prevents a development to be staged. The staging is proposed due to a lease agreement with the service station. Should approval be provided and Stage 1 commenced or completed, this could be considered substantial commencement, which will allow Stage 2 to be developed at a later time and not be subject to any timeframes of the permit. Alternatively, the stages could be combined and the development proceed together.

## 2. LOCATION AND NEIGHBOURHOOD CHARACTER



123 Paterson Street, 270 Brisbane Street, 18 Margaret Street,  
125-133 Paterson Street and 16 Margaret Street, Launceston  
(not to scale)

The site consists of three titles, being:

Title	CT151150/3
Size	706m <sup>2</sup>
Address	123 Paterson Street, Launceston

Title	CT151150/2
Size	2,446m <sup>2</sup>
Address	125-133 Paterson Street, Launceston

Title	CT175274/1
Size	2,893m <sup>2</sup>
Address	16 Margaret Street, Launceston, also known as 270 Brisbane Street, Launceston

The site is located approximately 520m south west of the Launceston CBD and approximately 330m east of the entrance to the Gorge. Immediately to the south of the site over Brisbane Street are residential uses, to the east over Margaret Street is Launceston College, to the north over Brisbane Street is Kings Park and 210m to the west is the Penny Royal.

The central part of the site has an AHD of 2.75 and the site rises on all sides from this point. The site rises to 3.75AHD in the south western corner adjacent to Brisbane Street, between 4AHD and 4.5AHD along Margaret Street and up to 5.75AHD in the northern corner at the intersection of Paterson and Margaret Streets.

The site currently contains several existing uses, including a service station, bottle shop, the TRC Hotel and public paid car parking.

All titles are currently zoned Urban Mixed Use under the Planning Scheme. The site, as a whole, is irregular in nature, with frontages and access to Paterson, Margaret and Brisbane Streets and West Tamar Road.

### **3. PLANNING SCHEME REQUIREMENTS**

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

### **4. REFERRALS**

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

REFERRAL	COMMENTS
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2022/01099-LCC, dated 15/07/2022.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

## 5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 24 August to 7 September 2022. Twenty-six representations were received. Whilst no pro forma representations were received, there are common themes throughout each representation. 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><b>Issue 1</b> The proponents refer to two stages, however, this has not been referred to in the advertised description.</p>
<p><i>Response 1</i> It is not necessary to fully describe or provide details of how an application will be assessed in the advert description. The purpose of the advertisement is to reasonably describe what is proposed and draw the attention of the public to the application documents, their availability and the ability to make a representation. All advertising materials in this case do, however, state the proposal is to occur in two stages.</p>
<p><b>Issue 2</b> Part of Stage 2 is subject to a long-term lease along with the car parking area in the south west of the site. The nature of these stages and differing issues that subsequently arises either in the interim until they are proceeded with or once constructed, are conflicting. The practical progression of part of what is described as Stage 2, cannot because of a lengthy lease in place, be developed within the life of any Permit that can be issued at this point in time, so how can the Council consider that part and issue a Permit for those works under these circumstances?</p>
<p><i>Response 2</i> The expressed concern has two elements. Firstly, that a staged development cannot be approved and secondly, that due to the existing lease agreement for Stage 2, that the permit would lapse prior to this stage being developed. There is nothing in the Planning Scheme, nor anything in the <i>Land Use Planning and Approvals Act 1993</i> that prevents an application from being lodged, assessed and approved as a staged development. Further, if the proposal moves forward to construction and is considered to be substantially commenced prior to the permit lapsing, or any extension granted, the permit will exist in perpetuity.</p>

**Issue 3**

**There is insufficient evidence to demonstrate that all uses are directly associated and subservient to the visitor accommodation use. As such, some of the uses should be assessed separately, the SAP is not applicable to those uses.**

*Response 3*

*The application has been clearly made to benefit from the Gorge Hotel Specific Area Plan. It is the determination of the Council's officers that the application should be assessed accordingly.*

*It is considered that there are a number of uses within the proposal that are subservient to the visitor accommodation use class. These have been described in the application. All proposed uses support the primary function of the site as a visitor accommodation use and are of a nature and scale commonly found within larger visitor accommodation complexes.*

*The Council assessment recognises that the application of the use standards in the Urban Mixed use zone does not apply to the Visitor Accommodation use class. Notwithstanding assessments have been made to ensure any impacts of the subservient uses are effectively managed and these assessments have informed some recommended conditions.*

*The substance of this representation has been shared with the applicant and further legal arguments have been provided by the applicant outlining how they believe the application should be assessed. This legal advice is attached to this assessment.*

**Issue 4**

**Clause 15.3.2 Mechanical plant and equipment is required to be addressed for the community meeting and entertainment, food services, general retail and hire and hotel industry uses.**

*Response 4*

*The proposal is assessed as visitor accommodation, with ancillary and subservient uses associated with that use. The Visitor Accommodation use does not require an assessment on the impacts of mechanical plant and equipment against Clause 15.3.2.*

*Notwithstanding, recognising that the subservient uses have the potential for a detrimental impact, an assessment against the clause has been undertaken which determined that the proposal would be compliant with the standard.*

**Issue 5**

**Traffic**

- **The traffic from the development will cause traffic disruption at the Paterson Street and Margaret Street intersection;**
- **The proposal will cause further congestion on roads that were not built to cope with increased volume;**
- **There is already limited car parking within the area, this development will increase this demand; and**
- **What will happen to public car parking spaces during construction?**

*Response 5*

*The submitted Traffic Report has been prepared by a suitably qualified person and reviewed by the Council's officers. It is accepted that road network will be able to accommodate the increase in traffic. Overall, the development provides for more parking than is required by the scheme. This is considered to be beneficial to the existing parking spaces on the street.*

*A construction management plan will need to be created and adhered to at construction phase.*

**Issue 6**

**There is no need for the hotel. There is standing around 104 hotels within the Launceston central area - 34 being four star rating or higher and many exceeding 100 rooms. Tourism Research Australia states 2017-2018 shows the highest year of tourism visitors to Launceston at around 120,000. Which equates to 18% of Tasmanian tourism (660,000) it could be argued Launceston does not require another 160+ room hotel.**

*Response 6*

*Visitor Accommodation is a Permitted use within the zone. It is a decision for the applicants to determine the need and/or viability of proposed developments.*

**Issue 7**

**Scale:**

- **The hotel is too big, too tall and is of a significant size and scale;**
- **It will dominate and dwarf surrounding properties, including blocking views of and from West Launceston hillside;**
- **It does not fit into the heritage character of the area;**
- **The height and overall size of the project is such that it will inevitably affect the micro-climate in its vicinity. In addition to affecting wind velocity, the significant amount of glass will inevitably cause reflection and glare creating a nuisance and irritation to nearby residents, small businesses and vehicle drivers.**

*Response 7*

*The proposal is compliant with Clause F11.7.1, Acceptable Solution A1.1 of E11.0 Gorge Hotel Specific Area Plan. The height, bulk, size and scale of the building is not a discretion under the Planning Scheme.*

*The potential impact of the building in terms of scale and size has been assessed as acceptable by the Tasmanian Planning Commission when they considered and approved, Amendment 66 to the scheme to insert the Gorge Hotel Specific Area Plan.*

**Issue 8**

**The proposal, due to its size and location, will cause mass overshadowing of the surrounding area.**

*Response 8*

*The proposal is compliant with Clause F11.7.1, Acceptable Solution A1.1 of E11.0 Gorge Hotel Specific Area Plan. Overshadowing impacts were assessed and considered acceptable by the Tasmanian Planning Commission when they assessed and approved Amendment 66 to the scheme to insert the Gorge Hotel Specific Area Plan.*

<p><b>Issue 9</b> <b>RMPAT Appeal (58/19P) has already refused the proposal as it is currently proposed.</b></p>
<p><i>Response 9</i> <i>The original Council approval for the hotel was overturned at the RMPAT, however, a Specific Area Plan has been approved by the Tasmanian Planning Commission which allowed the proposal to be considered within a defined building envelope and revised acceptable solution.</i></p> <p><i>This application is, therefore, being considered under a different drafted scheme.</i></p>
<p><b>Issue 10</b> <b>Seismic:</b></p> <ul style="list-style-type: none"><li>• <b>There are two major fault lines passing each side of the development site; and</b></li><li>• <b>The building will inevitably fail due to seismic activity.</b></li></ul>
<p><i>Response 10</i> <i>Seismic activity is not a consideration under the Planning Scheme.</i></p> <p><i>Notwithstanding, seismic activity has been a point of contention for the community over the course of the proposal. This concern was raised during the hearings for Amendment 66, and the Tasmanian Planning Commission. The Commission ultimately accepted the evidence by Dr Wayne Griffion, a geotechnical engineer, that seismic concerns can be mitigated by designing the buildings in accordance with the relevant Australian Standards.</i></p> <p><i>The applicant provided this report as part of the current application.</i></p>
<p><b>Issue 11</b> <b>Flooding:</b></p> <ul style="list-style-type: none"><li>• <b>The site is located on a flood prone area and with climate change flooding will be more frequent and more damaging.</b></li></ul>
<p><i>Response 11</i> <i>A Flood Levels and Risk Management Report, prepared by a suitably qualified person, was provided as part of the application. The conclusion of the report states the proposed development and use of the land for a multistorey hotel will not significantly increase the risk of damage or pollution within the flood areas.</i></p>
<p><b>Issue 12</b> <b>Cataract Gorge implications:</b></p> <ul style="list-style-type: none"><li>• <b>The hotel will be visible from inside the Gorge; and</b></li><li>• <b>The hotel will dwarf the entrance to the Gorge and will impact on user's experience of the Gorge.</b></li></ul>
<p><i>Response 12</i> <i>The proposal is compliant with Clause F11.7.1, Acceptable Solution A1.1 of E11.0 Gorge Hotel Specific Area Plan. Visual impacts were assessed and considered acceptable by the Tasmanian Planning Commission when they assessed and approved Amendment 66 to the scheme to insert the Gorge Hotel Specific Area Plan.</i></p> <p><i>This application complies with the acceptable solution for height contained within the Specific Area Plan.</i></p>

<p><b>Issue 13</b> <b>Studies:</b></p> <ul style="list-style-type: none"><li>• The Reimagining the Cataract Gorge White Paper (2015) noted that <i>any adjacent accommodation would also need to be low impact and sensitive to the environment;</i></li><li>• The Building Height and Massing Study (2018) response from the community suggests the community was for a maximum height of around 15m;</li><li>• The Paul Davies Study recommended an absolute maximum limit of 24m across the city area;</li><li>• Previous consultation for the Greater Launceston Plan Vision Statement (December 2012) also highlighted that the community definitely did not want to see <i>high rise development and futuristic architecture;</i> and</li><li>• Gehl Architects' Launceston Public Spaces and Public Life (2011) positively identified that <i>The city is very fortunate in having preserved large numbers of old city buildings with low building heights, narrow frontages and rich architectural forms, forming very pleasant and human-scale streetscapes.</i></li></ul>
<p><i>Response 13</i> <i>The application is assessed against the provisions of the Planning Scheme in place at time of lodgement.</i></p>
<p><b>Issue 14</b> <b>If approved the proposal will set a precedent for bigger and higher buildings.</b></p>
<p><i>Response 14</i> <i>Any future applications for taller buildings will be subject to assessment against the Planning Scheme at time of lodgement.</i></p>
<p><b>Issue 15</b> <b>The hotel is not iconic as described within the application.</b></p>
<p><i>Response 15</i> <i>How the application is described by the applicants is not a planning consideration.</i></p>
<p><b>Issue 16</b> <b>The new development and use has the potential issue of increased noise and light pollutions as well as increased littering.</b></p>
<p><i>Response 16</i> <i>An environmental noise and air emission assessment was completed by a suitably qualified person that provided recommendations for noise mitigation that will reduce the potential noise emission from the proposal. A lighting condition has been recommended that exterior and security lighting must comply with the Australian Standard AS4282 - 1997 - Control of the obtrusive effects of outdoor lighting.</i></p> <p><i>There are no provisions within the Planning Scheme that consider any potential increase in littering and therefore, this is not a relevant matter.</i></p>
<p><b>Issue 17</b> <b>Servicing:</b></p> <ul style="list-style-type: none"><li>• A development of this size will have a negative effect on the sewerage system; and</li><li>• The proposal will have difficulty managing drainage.</li></ul>
<p><i>Response 17</i> <i>The application was referred to TasWater who is the regulated entity for sewerage, water and stormwater as the site is located within the combined drainage area. TasWater has not opposed the development, with any increase in sewerage or stormwater able to be managed.</i></p>



<b>Issue 18</b> <b>Council have not met their statutory obligations as a planning authority.</b>
<i>Response 18</i> <i>All statutory requirements have been adhered to.</i>
<b>Issue 19</b> <b>The approval of the Specific Area Plan simply moved the goal posts for the developer, leaving the community with no faith in the planning system. It should not have been approved.</b>
<i>Response 19</i> <i>The Specific Area Plan has been considered and approved by the Tasmanian Planning Commission and came into effect on 22 March 2022. Applying for an amendment to a Planning Scheme where a use or development may not be possible is a legal and common approach to planning.</i>  <i>The community has many differing views on the proposal, however it must be considered that the Planning Scheme amendment followed due process which included a public advertising and hearing process.</i>
<b>Issue 20</b> <b>Is there adequate considerations or guarantees that the proposed development and/or business will not soon be sold off after completion to overseas investors as many large hospitality businesses have.</b>
<i>Response 20</i> <i>This is not relevant to a planning matter.</i>
<b>Issue 21</b> <b>The proposal is not consistent with E7.0 Scenic Management Code - Tamar Estuary Precinct.</b>
<i>Response 21</i> <i>The site is not located within a scenic management area.</i>
<b>Issue 22</b> <b>How will the State Heritage registered house at 264 Brisbane Street be retained and not impacted on by the proposal?</b>
<i>Response 22</i> <i>The site at 264 Brisbane Street does not form part of this application.</i>
<b>Issue 23</b> <b>The reflective glass will stand out and it is unclear what potential damage this may do to pedestrians, people in offices facing the building or Launceston College students.</b>
<i>Response 23</i> <i>Reflections from windows are not generally considered likely to damage their surroundings.</i>
<b>Issue 24</b> <b>The land should be utilised for something else other than visitor accommodation and at a lower height.</b>
<i>Response 24</i> <i>The Council can only assess an application as proposed against the provisions of the Planning Scheme, at time of lodgement.</i>
<b>Issue 25</b> <b>The proposal will have a detrimental effect on the owners, occupiers and customers of 22 Margaret Street, the Golden Brumby.</b>



*Response 25*

*The impacts on 22 Margaret Street have been extensively considered as part of the planning processes for the proposed building over a number of years. The impacts are considered within the scope of the planning scheme.*

## **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. DA0390/2022 - 123 Paterson Street, Launceston - Planning Scheme Assessment [9.1.1 - 34 pages]
2. DA0390/2022 - 123 Paterson Street, Launceston - Proposal Plans [9.1.2 - 28 pages]
3. DA0390/2022 - 123 Paterson Street, Launceston - Planning Report [9.1.3 - 121 pages]
4. DA0390/2022 - 123 Paterson Street, Launceston - Transport Impact Assessment [9.1.4 - 49 pages]
5. DA0390/2022 - 123 Paterson Street, Launceston - Environmental Site Assessment [9.1.5 - 119 pages]
6. DA0390/2022 - 123 Paterson Street, Launceston - Gorge Hotel Flood Report [9.1.6 - 9 pages]
7. DA0390/2022 - 123 Paterson Street, Launceston - Seismic [9.1.7 - 15 pages]
8. DA0390/2022 - 123 Paterson Street, Launceston - Photomontages [9.1.8 - 22 pages]
9. DA0390/2022 - 123 Paterson Street, Launceston - Visual Impact Assessment [9.1.9 - 84 pages]

10. DA0390/2022 - 123 Paterson Street, Launceston - Streetscape Assessment  
[9.1.10 - 31 pages]
11. DA0390/2022 - 123 Paterson Street, Launceston - Environmental Noise Air Emission Assessment [9.1.11 - 44 pages]
12. DA0390/2022 - 123 Paterson Street, Launceston - Infrastructure Report  
[9.1.12 - 6 pages]
13. DA0390/2022 - 123 Paterson Street, Launceston - TasWater SPAN  
[9.1.13 - 3 pages]
14. DA0390/2022 - 123 Paterson Street, Launceston - Representations  
[9.1.14 - 126 pages]
15. DA0390/2022 - 123 Paterson Street, Launceston - Page Seager Legal Advice  
[9.1.15 - 7 pages]

**9.2 DA0443/2022 - 19 Quarry Road, West Launceston - Residential - Construction of a Dwelling**

**FILE NO:** DA0443/2022

**AUTHOR:** Iain More (Town Planner)

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

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Emily Jayne Susanah Casburn and Paul Brian Casburn
Property:	19 Quarry Road, West Launceston
Zoning:	Low Density Residential
Receipt Date:	18/07/2022
Validity Date:	28/07/2022
Further Information Request:	08/08/2022
Further Information Received:	12/08/2022
Deemed Approval (extension granted):	22/09/2022
Representations:	Five

**RELEVANT LEGISLATION:**

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

**STANDARDS REQUIRING PLANNING DISCRETION:**

12.4.2 Building height, setback and siting  
E6.6.1 Construction of parking areas

**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0443/2022 - Residential - Construction of a dwelling at 19 Quarry Road, West Launceston, subject to the following conditions:

## **1. ENDORSED PLANS AND DOCUMENTS**

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

- a. Sheet 1 - Site Plan, prepared by Warren French Architect, dated 09/08/2022;
- b. Sheet 2 - Plan, prepared by Warren French Architect, dated 14/06/2022;
- c. Sheet 3 - Elevations, prepared by Warren French Architect, dated 30/06/2022; and
- d. Sheet 4 - Shadow Analysis, prepared by Warren French Architect, dated 20/01/2022.

## **2. WINDOWS**

Prior to an occupancy permit being granted, the following must occur:

- a. the eastern facing window to the dining room and kitchen must have an opaque finish to 1.7m above floor level; and
- b. the eastern facing window to master bedroom must have a fully opaque finish.

## **3. LEGAL TITLE**

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

## **4. NON REFLECTIVE EXTERIOR FINISH**

All external cladding and roofing of the building(s) must be of a non-reflective nature and must be finished in muted colours to the satisfaction to the Council.

## **5. 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

## **6. SITE LANDSCAPING PLAN**

Prior to the commencement of works, a landscape plan must be submitted for approval by Manager City Development. The plan must be drawn to scale and must include the following details:

- a. suitable vegetation to screen the undercroft from prime viewpoints.

Once approved, the plan will be endorsed and will form part of the permit. The landscaping must be:

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

## **7. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

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

## **8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

The explicit permission of General Manager Infrastructure and 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.

## **9. SINGLE STORMWATER CONNECTIONS**

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

## **10. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS**

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements 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.

## **11. VEHICULAR CROSSINGS (AND 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's eServices web portal or on the approved hard copy form.

All new works must be constructed to the Council's standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg. TasWater, Telstra and TasNetworks, etc). 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 the Council under an approved Traffic Facilities Plan with the cost of these works to be invoiced to the applicant/developer for payment.

## **12. SOIL AND WATER MANAGEMENT PLAN**

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

## **13. 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.

## **14. 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 (eg. Launceston Waste Centre), reclaimed or recycled.

## **15. PROTECTION OF PUBLIC OPEN SPACE**

The Public Open Space is to be protected from damage during the construction works by ensuring that:

- a. prior to commencing any work on the subject site the owner must erect fencing on the boundary between the Public Open Space and the subject site.
- b. no building material, stockpiles, skip bins or machinery are to be stored on the Public Open Space.
- d. no excavation or fill works within the subject site are permitted to extend into, impact upon the stability of, or reduce the ability of the Council to maintain, the Public Open Space.
- e. no access to the subject site is permitted via the Public Open Space without express written consent from the General Manager Infrastructure and Assets Network.
- f. where permission is granted to access subject site via the Public Open Space, any and all damage caused to the Public Open Space is to be remediated within the timeframe specified in the written consent to access.

## 16. RESERVES, PARKS AND GARDENS BY-LAW

Pursuant to Clause 7(7) of City of Launceston By-law, Reserves, Parks and Gardens By-Law No.4 of 2009, boundary fences abutting the public open space (Woods Reserve) are not permitted to have any openings or gates allowing pedestrian or vehicular access to or from the private property into the reserve. No approval for such an access is given and failure to comply with this condition may result in the issue of a fine pursuant to the by-law.

### Notes

#### A. General

*This permit was issued based on the proposal documents submitted for DA0443/2022. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

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

#### B. Restrictive Covenants

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

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

#### C. Appeal Provisions

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and 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 and Administrative Tribunal (TASCAT) website [www.tascat.tas.gov.au](http://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 the Council's Notice to Waive Right of Appeal is attached.*

E. Heat Pump Use

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

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**REPORT:**

**1. THE PROPOSAL**

It is proposed to construct a small, split level dwelling on the site which will have a total gross floor area of 105m<sup>2</sup>. The proposal also includes a new crossover to allow for two vehicle parking spaces on a timber deck, accessed from Quarry Road. Existing steps will allow pedestrian access to the dwelling through to the upper floor level which contains living and dining areas as well as the kitchen. Internal stairs allow access to the lower floor which contains the master bedroom, bathroom, laundry and secondary bedroom.

The dwelling will be setback 9.61m from the front boundary, 3.56m from the eastern side boundary, 2.93m from the western side boundary and 19m from the rear boundary. Minor excavation of less than 500mm is proposed, with no retaining structures required. The maximum height of the dwelling will be 5.33m above the existing ground level.

To allow for the development the northern garden shed will be moved under the parking deck, whilst the southern outbuilding will be demolished. No existing trees or shrubs are proposed to be removed.

The dwelling will be constructed out of trim deck cladding, aluminum framed windows and doors, steel columns, and trim deck roofing.



## 2. LOCATION AND NEIGHBOURHOOD CHARACTER



19 Quarry Road West Launceston (not to scale)

The site is located at 19 Quarry Road, West Launceston. It is zoned Low Density Residential and is within the Cataract Gorge Management Area (Management Unit 5).

The irregular shaped lot is steep 794m<sup>2</sup>, from 100m AHD along the front boundary to the north, falling to 85m AHD to the rear boundary to the south over 39m (approximately 21.5%). It currently contains two outbuildings, as well as scattered trees and shrubs. It is connected to all reticulated services, and accessed via a single access from Quarry Road.

### 3. PLANNING SCHEME REQUIREMENTS

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

#### 4. REFERRALS

REFERRAL	COMMENTS
	<b>INTERNAL</b>
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
	<b>EXTERNAL</b>
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 August to 31 August 2022. Five 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><b>Issue 1</b> The area suffers from sewerage issues and Quarry Road was not built for such a capacity. A comprehensive survey needs to be undertaken.</p>
<p><i>Response 1</i> Sewerage is a service maintained by TasWater who manage the reticulated service.</p>
<p><b>Issue 2</b> There is a lack of information regarding the height of the building along the eastern facing sections as well as the finished floor levels.</p>
<p><i>Response 2</i> The upper section of the dwelling, has a northern height of 3.2m and southern height of 5.1m. The lower section of the dwelling has a northern height of 3.2m and a southern height of 5.2m. The floor level of the northern section will have a maximum height of 2.4m above natural ground level, and the southern section a floor height of 2.6m above existing ground level.</p>
<p><b>Issue 3</b> Due to the height of the building and height of the floor levels, there will be overlooking into adjoining properties as well as overshadowing.</p>
<p><i>Response 3</i> The concern for overlooking is noted and a condition has been recommended to ensure the windows facing the east are opaque in nature to ensure overlooking is minimised.</p>

**Issue 4**

**Due to the height and location of the building, the proposal may impact on the amenity of adjoining properties, particularly to the east.**

*Response 4*

*An assessment of the overshadowing has occurred and there will be minimal overshadowing due to the hill to the north. Notwithstanding, any overshadowing of the eastern property will not cause a noticeable effect until mid-afternoon, which is considered reasonable.*

**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. DA0443/2022 - 19 Quarry Road, West Launceston - Planning Scheme Assessment  
[9.2.1 - 8 pages]
2. DA0443/2022 - 19 Quarry Road, West Launceston - Plans to be Endorsed  
[9.2.2 - 4 pages]
3. DA0443/2022 - 19 Quarry Road, West Launceston - Representations  
[9.2.3 - 10 pages]

**9.3 DA0067/2022 - 25 Hillary Street, St Leonards - Residential - Construction of an Additional Dwelling**

**FILE NO:** DA0067/2022

**AUTHOR:** Anushka Gardiye (Town Planner)

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

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	BVZ Designs
Property:	25 Hillary Street, St Leonards
Zoning:	General Residential
Receipt Date:	14/02/2022
Validity Date:	16/02/2022
Further Information Request:	24/02/2022
Further Information Received:	01/08/2022
Deemed Approval (extension granted):	29/09/2022
Representations:	Six

**RELEVANT LEGISLATION:**

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

**STANDARDS REQUIRING PLANNING DISCRETION:**

10.4.2 Setbacks and building envelope for all dwellings  
E4.6.2 Road accesses and junctions

**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 DA0067/2022 - Residential - Construction of an additional dwelling at 25 Hillary Street, St Leonards, 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. Cover Page, Prepared by BVZ Designs, Rev.06, Dated 14/07/2022;
- b. Locality Plan, Prepared by BVZ Designs, Drawing No. YAT0222 -2/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- c. Existing Site Survey Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 3/14, Rev.06, Dated 14/07/2022;
- d. Site Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 4/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- e. Landscaping Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 5/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- f. Strata Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 6/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- g. Site Plumbing Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 7/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- h. Soil and Water Management Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 8/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- i. Car parking Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 9/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- j. Existing Floor Plan Unit 1, Prepared by BVZ Designs, Drawing No. YAT0222 - 10/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- i. Floor Plan Unit 2, Prepared by BVZ Designs, Drawing No. YAT0222 - 11/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- j. Elevations, Prepared by BVZ Designs, Drawing No. YAT0222 - 12/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- k. Elevations, Prepared by BVZ Designs, Drawing No. YAT0222 - 13/14, Rev.06, Dated 14/07/2022, Amended Plans Required; and
- l. Roof Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 14/14, Rev.06, Dated 14/07/2022, Amended Plans Required.

## **2. AMENDED PLANS REQUIRED**

Prior to the commencement of any work and use, amended plans must be submitted to show:

- a. a tandem visitor parking space allocated for each dwelling;
- b. the relocation of the existing fence between the existing dwelling and the proposed dwelling to be clear of the drainage easement and enable overland flows to be conveyed through the drainage easement;
- c. removal of the unapproved fill placed in the drainage easement to minimise the potential for overland flows to enter the proposed dwelling;
- d. updated landscaping plan reflecting the change in the boundary between the two lots; and
- e. updated drawing identifying the proposed dwelling as Unit 1 and the existing dwelling as Unit 2.

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

Amended plans should include identification information such as updated revision numbers, revision date and revision description. The changes are to be highlighted in red clouds or a format agreed with the planning officer.

### **3. LEGAL TITLE**

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

### **4. 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

### **5. MULTIPLE DWELLINGS - SERVICE FACILITIES**

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

- a. mail receptacles must be provided and appropriately numbered for each dwelling unit.
- b. each multiple dwelling must be provided with a waste storage area of 1.5m<sup>2</sup> per dwelling located in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling.

### **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. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

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

### **8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

The explicit permission of General Manager Infrastructure and 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.

#### **9. SINGLE STORMWATER CONNECTIONS**

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

#### **10. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS**

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements 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.

#### **11. VEHICULAR CROSSINGS (AND 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's eServices web portal or on the approved hard copy form.

All new works must be constructed to the Council's standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg. TasWater, Telstra and TasNetworks, etc). 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 the Council under an approved Traffic Facilities Plan with the cost of these works to be invoiced to the applicant/developer for payment.

## 12. SOIL AND WATER MANAGEMENT PLAN

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

## 13. FACILITIES AND HIGHWAYS BY-LAW

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). No such items are to be placed within the road reserve without approval.

## 14. STRATA LOT NUMBERS AND ADDRESSES FOR DWELLINGS

The following number and addressing is to be assigned to the development consistent with the residential addressing standard: Australian Standard AS4819:

Dwelling No	Strata Lot No.	Street Address
Proposed	1	1/25 Hillary Street
Existing	2	2/25 Hillary Street

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

## 15. AMENITY

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

## 16. NO BURNING OF WASTE

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

## Notes

### A. General

*This permit was issued based on the proposal documents submitted for DA0067/2022. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.*



*This permit takes effect after:*

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

**B. Restrictive Covenants**

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

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

**C. Appeal Provisions**

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and 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 and Administrative Tribunal (TASCAT) website [www.tascat.tas.gov.au](http://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 the Council's Notice to Waive Right of Appeal is attached.*

**E. Heat Pump Use**

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

**F. Sections 13 and 14 of Urban Drainage Act 2013**

*Pursuant to sections 13 and 14 of the Urban Drainage Act 2013, a person must not, without the consent of the General Manager cause or permit any prescribed structure to be built or and filling to be placed over an easement.*

*The General Manager may serve on the person a written notice to remove or remedy the works and carry out other such works as are necessary to restore the public stormwater system. Where such works are not carried out, the Council may undertake those works and recover costs from the person on whom the notice is served.*

*That person may also be guilty of an offence under the Act. The penalty for an offence in the case of an individual, is a fine not exceeding 200 penalty units, or in the case of a body corporate, a fine not exceeding 500 penalty units.*

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## REPORT:

### 1. THE PROPOSAL

The proposal is for the construction of an additional dwelling at 25 Hillary Street, St Leonards. The lot is currently developed with a dwelling and the site has the access via an existing crossover from Hillary Street. An additional crossover is proposed to serve the proposed dwelling.

The proposed dwelling is single storey with an approximate floor area of 130m<sup>2</sup>. The proposed dwelling will comprise of a single garage, two bedrooms, a bathroom, a kitchen, a dining area, a living room and three decks. The development will have three dedicated car parking spaces per dwelling including a visitor parking space as part of a condition. The maximum height of the proposed dwelling is 5.2m.

### 2. LOCATION AND NEIGHBOURHOOD CHARACTER



25 Hillary Street St Leonards (not to scale)

The property, 25 Hillary Street, St Leonards is located within the General Residential Zone of the Launceston Interim Planning Scheme 2015 and the Hillary Street Specific Area Plan (SAP) is applicable to the property. The site is an irregular shape lot with an area of 1,149m<sup>2</sup> and is developed with a dwelling. The site is connected to all urban services. The site slopes down towards western side at an approximate grade of 7%. Majority of the adjoining lots are currently developed with residential uses and predominantly single dwellings are located within the vicinity. A large pipeline and services easement passes through the site.

**3. PLANNING SCHEME REQUIREMENTS**

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

**4. REFERRALS**

<b>REFERRAL</b>	<b>COMMENTS</b>
<b>INTERNAL</b>	
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
<b>EXTERNAL</b>	
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 6 August to 22 August 2022. Six representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<p><b>Issue 1</b>  <b>There is no parking plan for the development and no provision for visitor parking space with the developer citing <i>ample on street parking</i> as one of the reasons for lack of car parking plan.</b></p>
<p><i>Response 1</i>  <i>In response to the concerns raised by the representors, the applicant proposed to provide dedicated tandem visitor car parking spaces for each dwelling and this will meet the E6.5.1 A1 of the Parking and Sustainable Transport Code. A condition will be recommended on the planning permit.</i></p>

**Issue 2**

The position of the crossover for the proposed development will mean the remaining on street parking will be directly opposite Ashfield Court. Current on-street parking in the area causes issues with vehicles moving up Hillary Street, veering to incorrect side of road to pass these parked vehicles, with potential accidents from those exiting Ashfield Court.

*Response 2*

*The safety issues highlighted by the representors were forwarded to the Infrastructure Department for their attention and they have advised there are no concerns with the proposed additional crossover or the additional vehicle movements resulting from the development.*

**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. DA0067/2022 - 25 Hillary Street, St Leonards Planning Scheme Assessment [9.3.1 - 13 pages]
2. DA0067/2022 - 25 Hillary Street, St Leonards - Plans to be Endorsed [9.3.2 - 14 pages]
3. DA0067/2022 - 25 Hillary Street, St Leonards - Representations [9.3.3 - 9 pages]

**9.4 DA0566/2021 - 362-364 St Leonards Road, St Leonards - Subdivision -  
Subdivision of One Lot into Six Lots**

**FILE NO:** DA0566/2021

**AUTHOR:** Duncan Payton (Town Planner)

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

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Mark Gerard Beckett
Property:	362-364 St Leonards Road, St Leonards
Zoning:	General Residential
Receipt Date:	5/10/2021
Validity Date:	27/07/2022
Further Information Request:	28/10/2021
Further Information Received:	27/07/2022
Deemed Approval:	22/09/2022
Representations:	Five

**RELEVANT LEGISLATION:**

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

**STANDARDS REQUIRING PLANNING DISCRETION:**

10.4.16 Frontage and access  
10.4.19 Integrated urban landscape  
10.4.20 Walking and cycling network  
10.4.23 Neighbourhood road network  
10.4.24 Public transport network  
E10.6 Development Standards  
E2.6.1 Subdivision  
E2.6.2 Excavation  
E4.6.4 Sight distance at accesses, junctions and level crossings  
E9.6.1 Development in the vicinity of a watercourses and wetlands

**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0566/2021 - Subdivision - subdivision of one lot into six lots at 362-364 St Leonards Road, St Leonards, subject to the following conditions:

**1. ENDORSED PLANS AND DOCUMENTS**

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

- a. Servicing Plan, prepared by 6ty Pty Ltd, project no. 22.119, Subdivision at 362-364 St Leonards Road, Launceston, revision C, page no. Cp12, dated 20/07/2022;
- b. Servicing Information, prepared by 6ty Pty Ltd, project no. 22.119, Subdivision at 362-364 St Leonards Road, Launceston, issue 01, dated 15/07/2022; and
- c. Email, prepared by Mark Beckett, Subdivision at 362-364 St Leonards Road, St Leonards, dated 25/07/2022.

**2. FINAL PLAN OF SURVEY**

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

**3. LEGAL TITLE**

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

**4. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/01779-LCC, 17/08/2022 and attached to the permit.

**5. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

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

**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 and 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. FILLING OF LAND**

Where it is proposed to place fill on the site which exceeds 300mm, the applicant must provide a detailed plan showing the location and depth of such fill.

Any fill that is proposed to be located within the road reserve must be certified as being carried out in accordance Australian Standard AS 3798 and the endorsed plan. Prior to the commencement of any infrastructure placement.

#### **9. PERMIT TO UNDERTAKE WORKS IN STATE ROAD**

St Leonards Road is a State Road and is under the jurisdiction of the Department of State Growth (DSG).

A works permit pursuant to Section 16 of the *Roads and Jetties Act 1935* must be obtained to undertake works within the state road reservation. No works on or affecting the State Road must commence until the required permit has been issued by DSG. A copy of the DSG permit must be submitted to the Council's General Manager Infrastructure and Assets Network prior to the commencement of the works.

#### **10. SUBMISSION AND APPROVAL OF PLANS**

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the General Manager Infrastructure and 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 including:
  - i. electricity infrastructure including street lighting.
  - ii. communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
  - iii. evidence of assessment by TasGas Networks re provision of reticulated gas network.
- 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 and Final inspections.

## 11. CONSTRUCTION OF WORKS

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager Infrastructure and Assets Network.

The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a. Stormwater
  - i. Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve including all necessary upgrades of existing infrastructure;
  - ii. The provision of a DN 100 connection to the lowest point of each lot; and
  - iii. Provision of an overland flow path for flows up to a 100 year ARI storm event.
- b. Roads
  - i. Provision of a fully constructed road 8.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel;
  - ii. Provision of a 1,500mm wide footpath located on one side of the proposed road and all necessary pedestrian kerb ramps;
  - iii. Provision of a single vehicular crossing for each lot within the subdivision;
  - iv. Removal of the existing driveways directly from St Leonards Road serving No. 362-364 and No. 368 St Leonards Road;
  - v. Provision of a new driveway crossing to serve No. 368 St Leonards Road from the proposed new road;
  - vi. Construction of the footpath link along the St Leonards Road frontage of the site including all necessary pedestrian kerb ramps;
  - vii. Provision of a sealed temporary turning head of a suitable size for incomplete roads; and
  - viii. Provision of all necessary line marking, signage and other traffic control devices.
- c. Electricity, Communications and Other Utilities
  - i. An underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority; and
  - ii. An underground telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority.



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

- a. construction requirements;
- b. appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange the Council's audit inspections and other responsibilities;
- c. construction audit inspections; and
- d. practical completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

## **12. WORKS REQUIRED FOR EACH LOT IN A STAGE**

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

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

## **13. CONSTRUCTION DOCUMENTATION**

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

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

## **14. EASEMENTS**

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

### **15. SEALING PLANS OF SUBDIVISION**

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

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

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

### **16. CONVEYANCE OF ROADS**

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

### **17. COMPLETION OF WORKS**

All works must be carried out to the Council's standards and to the satisfaction of the General Manager Infrastructure and 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 the Council's standards will be required prior to issue of the Certificate of Practical Completion.

### **18. AS CONSTRUCTED PLANS**

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

### **19. AMENITY - RESIDENTIAL**

The construction of the development permitted by this permit must not unreasonably 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 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.

### **20. 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 (eg. Launceston Waste Centre), reclaimed or recycled.

## **21. POTENTIAL SITE CONTAMINATION - NEW INFORMATION**

Any new information which comes to light during demolition or construction works that has the potential to alter previous conclusions about site contamination must be notified to Council (and the Environmental Protection Authority if relevant) immediately upon discovery. Works on site must immediately cease until the new information has been assessed. Works can only recommence:

- a. once the site has been assessed by a site contamination practitioner certified under the Environment Institute of Australia and New Zealand Inc.'s Certified Environmental Practitioners (Site Contamination) scheme; and
- b. in accordance with any additional recommended control measures as specified by the site contamination practitioner.

## **22. PAYMENT IN LIEU OF PUBLIC OPEN SPACE**

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

## **23. STREET LANDSCAPING PLAN**

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

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

### **Notes**

#### **A. General**

*This permit was issued based on the proposal documents submitted for DA0566/2022. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

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

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

**B. Restrictive Covenants**

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

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

**C. Appeal Provisions**

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

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

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

**D. Permit Commencement**

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

**E. Further Subdivision**

*This permit does not imply approval of further subdivision, shown as Potential Future Subdivision on the balance lot, has been or will be granted.*

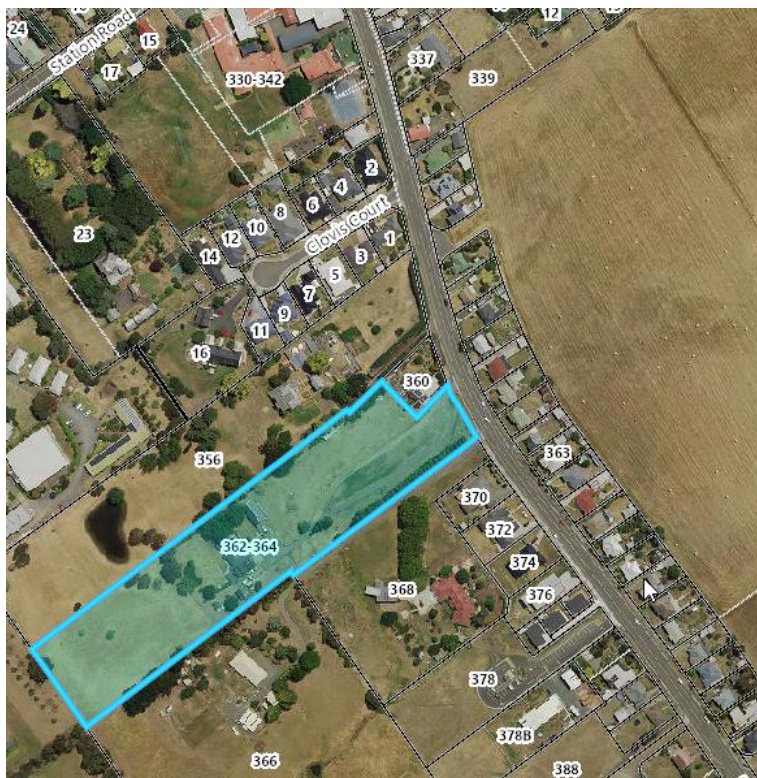
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**REPORT:**

**1. THE PROPOSAL**

It is proposed to subdivide 362-364 St Leonards Road, St Leonards into six lots, with five new residential lots ranging between 620m<sup>2</sup> and 902m<sup>2</sup> and a balance lot of approximately 15,060m<sup>2</sup> which will retain the existing dwelling. The proposal includes the construction of around 110m of new road (18m wide reserve with 8m wide seal) to provide access to the proposed residential lots.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**



362-364 St Leonards Road, St Leonards (not to scale)

The subject site is an irregular lot of 21,410m<sup>2</sup>, located on the south western side of St Leonards Road, some 350m south of the junction with Station Road. The site contains an existing dwelling and outbuildings. The land falls generally southwards, with a gradient of around 8%. The site is connected to the public water, sewer and stormwater services.

The proposed lots and new roadway are located in the north-eastern end of the lot, adjacent to St Leonards Road and are generally surrounded by existing dwellings. The Steiner School adjoins the southern boundary of the site.

**3. PLANNING SCHEME REQUIREMENTS**

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

**4. REFERRALS**

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

REFERRAL	COMMENTS
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2021/01779-LCC, 22/10/2021.
State Growth	Consent provided for the application and further approval required prior to any works in the road reserve.
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 20 August 2022 to 5 September 2022. 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><b>Issue 1</b> <b>Not opposed to the subdivision - would like to see the row of poplar trees saved.</b></p>
<p><i>Response 1</i> <i>There is no capacity in the planning scheme to require the retention of the poplar trees, however, the applicant has advised that whilst some will be removed in the upgrade of the existing stormwater drainage, it is their intent to retain as many of the existing trees as practicable.</i></p>
<p><b>Issue 2</b> <b>Not opposed to the subdivision - would like to see a footpath constructed along this section of St Leonards Road to link with the existing footpath on either side of the subject site and overcome the current need to walk on the road.</b></p>
<p><i>Response 2</i> <i>Appropriate conditions are proposed by the Council's Infrastructure Assets Network to ensure construction of a footpath for the proposed road and the St Leonards Road frontage.</i></p>
<p><b>Issue 3</b> <b>The proposed road works will result in environmental dust that will lead to maintenance issues for representor's solar panels, water tanks and air conditioning. A works timetable is requested to enable budgeting for maintenance costs.</b></p>
<p><i>Response 3</i> <i>The applicant advises that they are happy to liaise with any neighbouring property owners where possible to help minimise any negative impacts created by the construction. Some impact on surrounding amenity during the proposed works will be unavoidable and the applicant is required by other legislation to ensure this does not cause unreasonable harm or nuisance.</i></p>

**Issue 4**

**Impact upon flora and fauna. The current pine trees are over 120 years old and will be removed or modified to their detriment. Resident possums, frogs and cockatoos have already been impacted by previous subdivision and stormwater works.**

*Response 4*

*The pine trees in the area are not on the subject land and as noted, the applicant seeks to retain as many of the poplar trees as practicable. The subject site and surrounding land is zoned General Residential and ongoing residential development throughout the area is encouraged. Notwithstanding that, the native fauna in the area is somewhat acclimatised to the urban environment and some disturbance is inevitable. The applicants advise that the stormwater drain is dry for most of the year. There are no ponds or creeks on the site and frogs or other native fauna have not been observed in this grassed drain.*

**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. DA0566/2021 - 362-364 St Leonards Road, St Leonards Planning Scheme Assessment [9.4.1 - 11 pages]
2. DA0566/2021 - 362-364 St Leonards Road, St Leonards - Plans to be Endorsed [9.4.2 - 3 pages]

3. DA0566/2021 - 362-364 St Leonards Road, St Leonards - Amended TasWater SPAN  
[9.4.3 - 4 pages]
4. DA0566/2021 - 362-364 St Leonards Road, St Leonards - Representations  
[9.4.4 - 7 pages]



**10. ANNOUNCEMENTS BY THE MAYOR**

**10.1 Mayor's Announcements**

**FILE NO:** SF2375

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**Thursday 8 September 2022**

- Attended the opening night of *The Complete Works of William Shakespeare* at the Earl Arts Centre

**Friday 9 September 2022**

- Joined in the *Out of the Shadows - a walk to remember those we have lost to suicide* from the City Park Band Rotunda

**Saturday 10 September 2022**

- Officiated at the launch of *Hanging by a Thread* at the Launceston Harvest Market
- Attended the *2022 Northern Tasmanian Football Association's Premier Division Grand Final President's Lunch* at UTAS Stadium
- Attended the *Barber of Seville* at the Princess Theatre

**Sunday 11 September 2022**

- Officiated at and participated in the *Women's 5K Walk/Run* from City Park

**Monday 12 September 2022**

- Attended the *Australian Tourism Awards Networking Function* in Canberra

**Tuesday 13 September 2022**

- Attended the *2022 Australian Top Tourism Awards* in Canberra

**Wednesday 14 September 2022**

- Officiated at the VIP Opening for *Junction Arts Festival*

**Thursday 15 September 2022**

- Attended *Junction Art Festival's COLLISION* at the Queen Victoria Museum and Art Gallery

**Saturday 17 September 2022**

- Attended the 2022-2023 Season opening day at the North Launceston Bowls and Community Club
- Attended *I am a Lake* by Mudlark: from the Archives at Tasdance Studio

**Tuesday 20 September 2022**

- Officiated at a Citizenship Ceremony at the Tramsheds, Inveresk

**Wednesday 21 September 2022**

- Officiated at the *Migrant Resource Centre's Graduation - Aged Care Program* at the Door of Hope
-

**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. COMMITTEE REPORTS

#### 13.1 Northern Youth Coordinating Committee Meetings - 26 July and 6 September 2022

**FILE NO:** SF0136

**AUTHOR:** Claudia Taylor (Community Development Officer, Youth)

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

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#### **DECISION STATEMENT:**

To receive a report from the Northern Youth Coordinating Committee.

#### **RECOMMENDATION:**

That Council receives the report from the Northern Youth Coordinating Committee Meetings held on 26 July and 6 September 2022.

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#### **REPORT:**

The Northern Youth Coordinating Committee (NYCC) met on Tuesday, 26 July and Tuesday, 6 September 2022 with the following business being conducted:

- Presentation from Dorset Community House on their successful grant application for *Bright Futures* Project. Dorset Community House will go on to employ two youth workers for four years working on six youth-based programs (0.8 FTE role). Dorset Council has pledged that, if successful, they will employ one full time Community Development Officer.
  - Presentation on City of Launceston's *Full Gear* Motorcycle Safety Program. Funded by a Community Road Safety Grant via the Road Safety Advisory Council, the *Full Gear* program was established at the Glenorchy City Council in 2017 to address the issue of unsafe, unlicensed and illegal motorcycle riding and was successful in promoting behaviour change and compliance in young motorcycle riders aged 16 -25 years. In 2022, the Launceston program was delivered in Ravenswood and Rocherlea. An evaluation of the program was provided to members.
  - Youth Network of Tasmania is currently working with Brand Tasmania to develop the Tasmanian Youth Story. Consultation with young people aged 18-25 years is currently being undertaken across Tasmania. The *Tasmanian Youth Story* will capture the unique experiences of what it is like being a young person living in Tasmania. This will help decision-makers better understand the opportunities, challenges, wants and needs of young people 18-25 years and to influence public policy, projects and initiatives that impact them.
  - Committee Members agreed to fund \$1,250 towards Headspace's Launceston's Mental Health Week event, *Covered in Colour Run*, to be held at Riverbend Park on Saturday, 15 October 2022.
-

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

Nil

### 13.2 Homelessness Advisory Committee Meeting - 1 September 2022

**FILE NO:** SF7447

**AUTHOR:** Caralisa Farrell (Team Leader Community Development)

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

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#### **DECISION STATEMENT:**

To receive a report from the Homelessness Advisory Committee.

#### **RECOMMENDATION:**

That Council receives the report from the Homelessness Advisory Committee Meeting held on 1 September 2022.

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#### **REPORT:**

The inaugural Meeting of the Homelessness Advisory Committee was held on 1 September 2022. The Meeting was attended by Councillors Krista Preece (Chairperson) and Andrea Dawkins from City of Launceston and a Council representative from Northern Midlands Council (Councillor Janet Lambert), Meander Valley Council (Councillor Rodney Synfield), West Tamar Council (Councillor Jess Greene) and George Town Council (Councillor Greg Dawson). In addition, staff from local service providers, Communities Tasmania, Tasmania Police, Community Member Representatives and City of Launceston staff were in attendance.

The new Committee Members were briefed on the background and purpose of the Committee, including work that had been progressed in recent times by the then Homelessness Response Group.

Sara Redman, who attended as a guest, facilitated a discussion between Committee members. The facilitated session included:

- establishment of ground rules for the Committee - suggested and agreed to by attendees.
- reiteration of the Committee's purpose as defined in the Terms of Reference.
- identification of initial shared goals which the committee can commit to in the short-term, mid-term and longer term, along with possible associated priority actions, and related relevant themes.

Committee members agreed to attend a second Meeting of the Committee only four weeks after the first to build on the early momentum and further develop the shared goals and possible initial actions. This will be held on 29 September 2022.

#### **RISK IMPLICATIONS:**

Not considered relevant to this report.

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**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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.

*Greater Launceston Plan*

2.4 Social Issues. The consultations and research have identified a number of social and demographic challenges that confront greater Launceston and the wider region. These include: access to affordable housing, social support and equitable access to services

**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

**14. COMMUNITY AND PLACE NETWORK**

**14.1 Draft Public Art Strategy**

**FILE NO:** SF3547

**AUTHOR:** Mengda Liu (Cultural Development Officer)

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

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**DECISION STATEMENT:**

To consider the endorsement of the draft Public Art Strategy for the purposes of re-engaging with the community prior to its adoption.

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 18 August 2022 - Draft Public Art Strategy

**RECOMMENDATION:**

That Council:

1. agrees that the Draft Public Art Strategy (ECM Doc Set ID 4783572) 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 Plan to a future Council meeting to consider its final endorsement.
- 

**REPORT:**

Council adopted the ten year Cultural Strategy in November 2020 with five strategic focus areas, namely:

1. Value and Respect Aboriginal Culture
2. Realise the potential of our Cultural Places and Assets
3. Foster Creative Practice
4. Reveal our Cultural Stories
5. Build and Extend Partnerships

The fourth strategic focus area did include the potential strategy *Develop a Public Art policy and program*. Once the Cultural Advisory Committee was established in 2021, their suggestions for a strategic action plan reinforced the development of a Public Art Strategy.



A consultant was appointed in late 2021 and the development of the Public Art Strategy has been guided by an internal working group from the City of Launceston and informed by a consultation process involving a number of one-on-one interviews with key members of the Council's staff and the local community. In addition, two focus groups with the arts community, a Council Workshop and a public meeting with the general community were held to facilitate group discussions. A series of presentations were made to various Council Committees and to a meeting of Councillors to seek input and advice. An online survey was held, receiving over 300 responses.

From this input, the Draft Public Art Strategy has been developed.

Whilst the Council has engaged widely in the development of the draft strategy, there is no doubt that there is a broader community interest in this matter and it is appropriate that the draft strategy be release for public input, prior to Council considering its final endorsement. Given that currently there is a Local Government election period, it is intended that the community engagement process will be carried out 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:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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. Draft Public Art Strategy (05-Plx-023) [14.1.1 - 44 pages]

**15. ORGANISATIONAL SERVICES NETWORK**

**15.1 Lease - Launceston Rugby Union Club Incorporated**

**FILE NO:** SF4513

**AUTHOR:** Michele Polley (Lease and Licensing Officer)

**GENERAL MANAGER APPROVAL:** Louise Foster (Organisational Services Network)

**DECISION STATEMENT:**

To consider leasing part of an area of land at Royal Park (part of CT138979/10) to the Launceston Rugby Union Football Club Incorporated.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

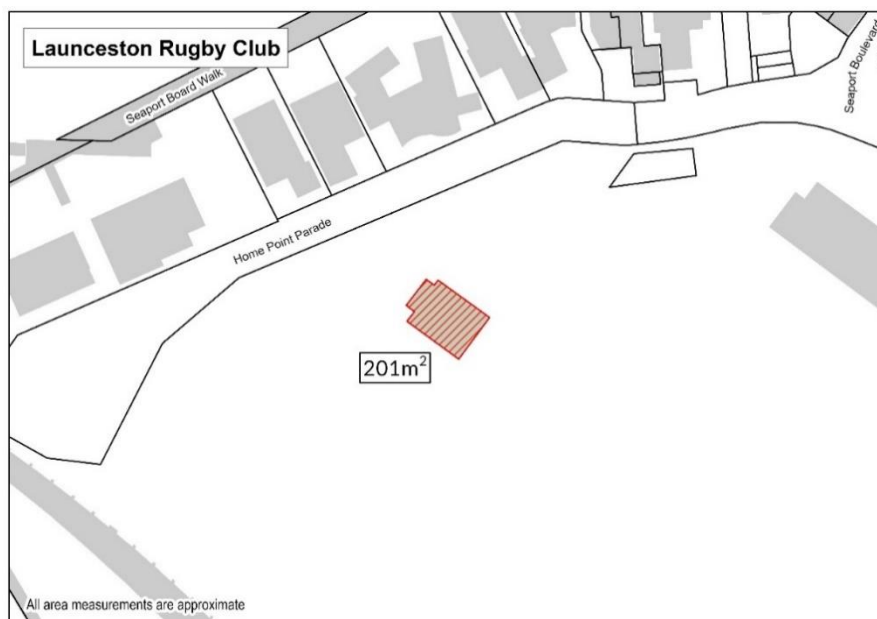
**PREVIOUS COUNCIL CONSIDERATION:**

Council - 27 February 2017 - Agenda Item 18.1 - Lease - Launceston Rugby Football Club Inc

**RECOMMENDATION:**

That Council:

1. pursuant to section 179 of the *Local Government Act 1993 (Tas)*, disposes of by lease to the Launceston Rugby Union Football Club Incorporated, that part of land at 78 Paterson Street, Launceston as marked on the plan below:



2. authorises the Chief Executive Officer to enter into the lease in accordance with the following requirements:
    - the term is to be five years commencing on 1 July 2022 or as determined by the Chief Executive Officer.
    - the annual rent is to be 182 fee units as determined under the *Fee Units Act 1997* (\$309.40 per annum in the 2022/2023 financial year):
    - tenant is to be responsible for:
      - energy costs;
      - volumetric and connection charges for water;
      - contents insurance; and
      - other service charges if any.
    - tenant is to:
      - keep clear all noxious growth from premises;
      - keep the premises clean at all times;
      - hold public liability insurance of at least \$20 million.
    - the Council is required to maintain the structure of the building
    - the exact dimensions of land to be leased and all remaining terms to be determined by the Chief Executive Officer.
  3. authorises the Chief Executive Officer to exercise any right, option or discretion exercisable by Council under the lease.
  4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
- 

#### **REPORT:**

The Launceston Rugby Union Football Club Incorporated (the Club) has been based at Royal Park sports ground for more than 30 years. During that time, the Club has constructed its own Club Rooms and increased their membership.

As a long term lessee at this site they have been model tenants, it is recommended that the Council offers a lease with the lessee to cover all charges in respect of power usage, water and sewerage rates and charges plus public liability insurance.

In accordance with the Lease and License Policy, the Council will maintain the structure of the building. As part of this new process and to the extent necessary, the Club's ownership of the building will be transferred to the Council.

It is recommended that, under the terms and conditions of a new lease that the Council requires the lessee to provide a quarterly written report in March, June, September and December of each year, consisting of participation data broken down into details of usage by team, male and female and age group range.

Section 178 of the *Local Government Act 1993* (Tas) which requires that the leases of public land that exceed five years be advertised. Given that this lease does not exceed five years then public notice is not required.

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**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Economic and environmental impact no considered relevant to this report. There is no social impact with this proposal other than to allow long term tenants to continue to provide an important recreational opportunity for the community of Launceston.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.

**BUDGET 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

**15.2 Lease - 4th Launceston Scout Group (Nunamina Avenue Reserve)**

**FILE NO:** SF2729

**AUTHOR:** Michele Polley (Lease and Licensing Officer)

**GENERAL MANAGER APPROVAL:** Louise Foster (Organisational Services Network)

**DECISION STATEMENT:**

To consider leasing the property of Nunamina Avenue Reserve occupied by the Scout Association of Australia Tasmanian Branch known as the 4<sup>th</sup> Launceston Scout Group.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

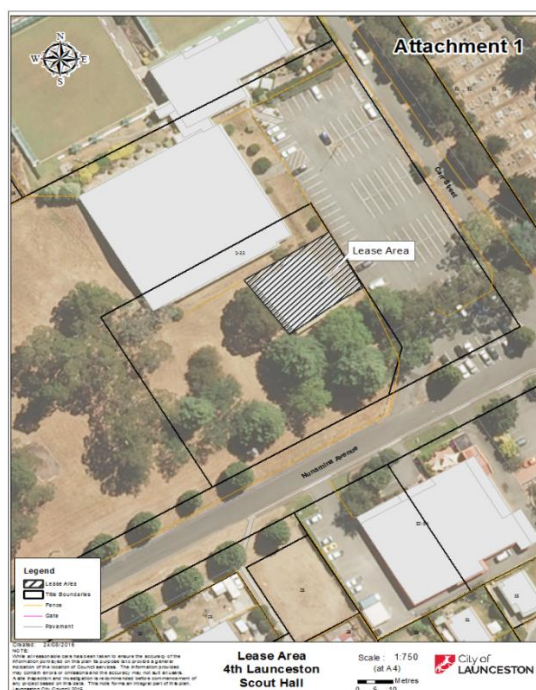
**PREVIOUS COUNCIL CONSIDERATION:**

Council - 12 September 2016 - Agenda Item 18.2 - Scouts Leases

**RECOMMENDATION:**

That Council:

1. pursuant to section 179 of the *Local Government Act 1993 (Tas)*, disposes of by lease to the Scout Association of Australia Tasmanian Branch, that part of the land at 31-33 Nunamina Avenue, Kings Meadows as identified on the plan below:



2. authorises the Chief Executive Officer to enter into the lease in accordance with the following requirements:
    - the term is to be five years commencing on 1 July 2022 or as determined by the Chief Executive Officer.
    - the annual rent is to be 182 fee units as determined under the *Fee Units Act 1997* (\$309.40 per annum in the 2022/2023 financial year):
    - tenant is to be responsible for:
      - energy costs;
      - volumetric and connection charges for water;
      - contents insurance; and
      - other service charges if any.
    - tenant is to:
      - keep clear all noxious growth from premises;
      - keep the premises clean at all times;
      - hold public liability insurance of at least \$20 million.
    - the Council is required to maintain the structure of the building
    - the exact dimensions of land to be leased and all remaining terms to be determined by the Chief Executive Officer.
  3. authorises the Chief Executive Officer to exercise any right, option or discretion exercisable by Council under the lease.
  4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
- 

#### **REPORT:**

Scouting in Tasmania has been around since 1909. Scouting Tasmania celebrated their 110<sup>th</sup> anniversary in 2019. There are currently over 1,594 youth members and 415 adult members. The 4<sup>th</sup> Launceston Scout group has occupied the premises at Nunamina Avenue, Kings Meadows for 11 years, managing and maintaining the building.

The most recent lease was at \$1 per annum if demanded but with the tenant to pay all rates, government taxes, sewer and water costs. The new Lease and License Policy requires a rental of \$309.40 yearly and a maximum five year term.

Section 178 of the *Local Government Act 1993* (Tas) which requires that the leases of public land that exceed five years be advertised. Given that this lease does not exceed five years then public notice is not required.

#### **RISK IMPLICATIONS:**

Not considered relevant to this report.

#### **ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

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**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.

**BUDGET 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

### 15.3 2022/2023 Budget - Budget Amendments

**FILE NO:** SF7463/SF6939

**AUTHOR:** Nathan Williams (Manager Finance)

**GENERAL MANAGER APPROVAL:** Louise Foster (Organisational Services Network)

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#### **DECISION STATEMENT:**

For Council to:

1. consider changes to the Council's 2022/2023 Statutory Estimates.

*Recommendation 1. requires an absolute majority of Council.*

2. consider adjustments made during 1 July to 31 August 2022 by the Chief Executive Officer to the 2022/2023 Budget.

#### **RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

#### **RECOMMENDATION:**

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993 (Tas)* and by an absolute majority, approves the following changes to the 2022/2023 Statutory Estimates:
    - (a) Revenue
      - i. the net decrease in revenue from external grants and contributions of \$240,000.
    - (b) Expenses
      - i. the net increase in operations expenditure of \$302,345.
    - (c) Capital Works Expenditure
      - i. the net decrease in expenditure from external funds of \$240,000.
      - ii. the decrease in the Council's funded expenditure of \$302,345.
  2. notes that amendments from Recommendation 1. result in:
    - (a) the operating surplus being amended to \$16,998,703 (including capital grants of \$23,673,285) for 2022/2023.
    - (b) the capital budget being decreased to \$38,666,511 for 2022/2023.
  3. pursuant to section 82(7) of the *Local Government Act 1993 (Tas)*, receives the Chief Executive Officer's report on adjustments to the 2022/2023 budget for the period 1 July to 31 August 2022.
-



**REPORT:**

**1. Budget Amendments**

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

	<b>Operations \$'000</b>	<b>Capital \$'000</b>
<b>Statutory Budget as 01/07/2022</b>	(4,931)	16,737
Adjustments Approved by Council to 01/07/2022	22,472	22,472
Balance Previously Advised as at 01/07/2022	17,541	39,209
 <u>Amendments</u>		
Additional Council Funds	0	0
Capital to Operations	(302)	(302)
Operations to Capital	0	0
External Funds	(240)	(240)
External Funds Not Received	0	0
<b>Statutory Budget as at 31/08/2022</b>	<b>16,999</b>	<b>38,667</b>
Deduct Capital Grants and Contributions	(23,673)	
<b>Underlying Operating Budget Surplus/(Deficit)</b>	<b>(6,674)</b>	

The table summarises all other Budget Agenda Items and includes reconciliations of the budgeted operating result and capital expenditure.

Details of the amendments are as follows:

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

<b>Project Number</b>	<b>Project Description</b>	<b>Current Approved Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>	<b>New Budget</b>
CP24429	Vulnerable Road User Program 2022/2023	\$150,000	\$100,000	\$0	\$50,000
OPM25179	Westbury/Peel Pedestrian Refuge	\$0	\$0	\$100,000	\$100,000
	<b>TOTALS</b>	<b>\$150,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$150,000</b>

**The project scope of works:**

The City of Launceston has planned a project to address pedestrian safety at the Westbury Road/Peel Street intersection.

The budget to fund this project is expected to come from the Vulnerable Road User Program 2022/2023 and therefore, a transfer from Capital to Operations is required.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP23570	Launceston Waste Centre Western Extension Temporary Capping	\$474,648	\$62,345	\$0	\$412,303
OPM25194	Launceston Waste Centre Machinery Shed Relocation	\$0	\$0	\$62,345	\$62,345
	<b>TOTALS</b>	<b>\$474,648</b>	<b>\$62,345</b>	<b>\$62,345</b>	<b>\$474,648</b>

**The project scope of works:**

The Launceston Waste Centre machinery shed, which houses the compactor and dozer for landfill operations, requires relocating ahead of a scheduled change due to filling location.

The Launceston Waste Centre Western Extension Temporary Capping Capital project has reduced the scope of work to be undertaken allowing for a transfer from Capital to be possible.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24087	Road Safety Centre Stabilisation	\$2,660,000	\$120,000	\$0	\$2,540,000
OPM25191	Georgetown/Woodland Pedestrian Refuge	\$0	\$0	\$35,000	\$35,000
OPM25192	Invermay/Bedford Traffic Calming	\$0	\$0	\$45,000	\$45,000
OPM25193	Punchbowl Primary School Crossing	\$0	\$0	\$40,000	\$40,000
	<b>TOTALS</b>	<b>\$2,660,000</b>	<b>\$120,000</b>	<b>\$120,000</b>	<b>\$2,660,000</b>

**The project scope of works:**

Construction has been temporarily postponed on the Road Safety Centre Stabilisation project, which has meant that project will not be open to the public by the required date for Phase One of the Local Roads and Community Infrastructure grant.

A variation of the grant has been approved which allows the City of Launceston to move the funding from the Road Safety Centre project into nominated Major Operational projects.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24427	Transport - Other Asset Renewal	\$280,000	\$20,000	\$0	\$260,000
OPM25185	Glenwood Road Safety Improvement	\$0	\$0	\$20,000	\$20,000
	<b>TOTALS</b>	<b>\$280,000</b>	<b>\$20,000</b>	<b>\$20,000</b>	<b>\$280,000</b>

**The project scope of works:**

Operational work which commenced last financial year on Glenwood Road needs to have some operational work finalised.

This budget amendment will fund this expenditure.

<b>Capital to Operations</b>	<b>Operations</b>	<b>Capital</b>
Vulnerable Road User Program 2022/2023	\$100,000	(\$100,000)
Launceston Waste Centre Western Extension Temporary Capping	\$62,345	(\$62,345)
Road Safety Centre Stabilisation	\$120,000	(\$120,000)
Transport - Other Asset Renewal	\$20,000	(\$20,000)
<b>TOTAL</b>	<b>\$302,345</b>	<b>(\$302,345)</b>

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

<b>Project Number</b>	<b>Project Description</b>	<b>Current Approved Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>	<b>New Budget</b>
CP24428	Blackspot Program 2022/2023	\$200,000	\$100,000	\$0	\$100,000
CP24429	Vulnerable Road User Program 2022/2023	\$50,000	\$40,000	\$0	\$10,000
CP24430	Safer Rural Roads Program 2022/2023	\$150,000	\$100,000	\$0	\$50,000
GL.10.0.1075.1 000.12731	Roads Capital Grants - State	(\$240,000)	\$0	\$240,000	\$0
	<b>TOTALS</b>	<b>\$160,000.00</b>	<b>\$240,000.00</b>	<b>\$240,000.00</b>	<b>\$160,000.00</b>

**The project scope of works:**

Upon review of the 2022/2023 capital works program, a decision has been made to not progress the projects in relation to the Blackspot, Vulnerable Road User and Safer Rural Roads Programs in the current financial year due to current industry difficulties with delivering infrastructure works.

Therefore, it is appropriate to remove the budget in relation to these projects and the associated income account number as these funds are no longer going to be received, or expended this financial year.

There is still \$10,000 of the Council's funded budget remaining on the Vulnerable Road User project. At this stage, it is expected that these funds will still be utilised for a smaller project aligned with the program.

<b>External Funding</b>	<b>Operations</b>	<b>Capital</b>
Blackspot Program 2022/2023	\$100,000	(\$100,000)
Vulnerable Road User Program 2022/2023	\$40,000	(\$40,000)
Safer Rural Roads Program 2022/2023	\$100,000	(\$100,000)
<b>TOTAL</b>	<b>\$240,000</b>	<b>(\$240,000)</b>

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

<b>Project Number</b>	<b>Project Description</b>	<b>Current Approved Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>	<b>New Budget</b>
CP24425	Footpath Reconstruction Program 2022/2023	\$700,000	\$700,000	\$0	\$0
CP24414	Footpath Reseal Program 2022/2023	\$70,000	\$0	\$700,000	\$770,000
	<b>TOTALS</b>	<b>\$770,000</b>	<b>\$700,000</b>	<b>\$700,000</b>	<b>\$770,000</b>

The project scope of works:

Combining footpath reseal (asphalt) and reconstruction (concrete) into single program for delivery efficiencies.

<b>Project Number</b>	<b>Project Description</b>	<b>Current Approved Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>	<b>New Budget</b>
CP24424	Road Reconstruction Program 2022/2023	\$2,850,000	\$2,850,000	\$0	\$0
CP24215	Opossum Road Reseal	\$150,000	\$150,000	\$0	\$0
CP24428	Blackspot Program 2022/2023	\$100,000	\$100,000	\$0	\$0
CP24430	Safer Rural Roads Program 2022/2023	\$50,000	\$50,000	\$0	\$0
CP24462	Cimitiere Street Reconstruction - Tamar to St John Streets	\$0	\$0	\$1,100,000	\$1,100,000
CP24186	Sandown Road Rehabilitation	\$0	\$0	\$950,000	\$950,000
CP24152	Hillside Crescent Pavement Rehabilitation	\$100,000	\$0	\$1,100,000	\$1,200,000
	<b>TOTALS</b>	<b>\$3,250,000</b>	<b>\$3,150,000</b>	<b>\$3,150,000</b>	<b>\$3,250,000</b>

The project scope of works:

This amendment aims to move budget from the road reconstruction program into individual reconstruction projects as the current reconstruction estimates have exceeded those initially budgeted for.

The Opossum Road reseal is no longer occurring, reconstruction instead will occur at a future date.

Delivery constraints (internal and external) suggest that blackspot and safer rural roads projects will not be able to proceed this year. The Council's funding is to be moved to supplement road reconstruction program.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24087	Road Safety Centre Stabilisation	\$2,540,000	\$540,000	\$0	\$2,000,000
CP24308	Crowded Places Protection	\$100,000	\$0	\$90,000	\$190,000
CP24463	Lilydale Pool Building Refurbishment	\$0	\$0	\$300,000	\$300,000
CP24460	Lilydale Memorial Hall Floor Replacement	\$0	\$0	\$150,000	\$150,000
	<b>TOTALS</b>	<b>\$2,640,000</b>	<b>\$540,000</b>	<b>\$540,000</b>	<b>\$2,640,000</b>

### The project scope of works:

Construction has been temporarily postponed on the Road Safety Centre Stabilisation project. Funding related to the Local Roads and Community Infrastructure program needs to be reallocated into the approved nominated Capital projects under the program.

## 2. Chief Executive Officer's Report on Adjustments

Pursuant to section 82(6) of the *Local Government Act 1993* (Tas), Council has authorised the General Manager (Chief Executive Officer) to adjust budgets up to \$500,000 so long as the adjustments do not alter revenue, expenditure, borrowings or capital works estimates in total. The Budget Management Policy (12-PI-001), adopted by Council on 13 October 2014, refers to section 82(7) of the *Local Government Act 1993* (Tas) which requires the Chief Executive Officer to report any adjustment and an explanation of the adjustment at the first Ordinary Meeting of the Council following the adjustment.

Project Number	Project Description	Budget Before This Adjustment	Adjustment	Revised Budget	Type of Change
24436	Sports Facilities Renewal Program 2022/2023	\$300,000	(\$100,000)	\$200,000	Decrease
24442	Town Hall Annexe Accessible Toilets	\$250,000	(\$250,000)	\$0	Decrease
24440	LCH City Heart Design	\$500,000	(\$50,000)	\$450,000	Decrease
24371	Park Street Toilet Refurbishment	\$250,000	\$400,000	\$650,000	Increase
24405	Town Hall and Annexe Plant and Equipment	\$40,000	(\$24,000)	\$16,000	Decrease

Project Number	Project Description	Budget Before This Adjustment	Adjustment	Revised Budget	Type of Change
24469	Council Chamber Chair Renewal	\$0	\$24,000	\$24,000	Increase
24144	UTAS Stadium Building Management System Upgrade	\$95,000	(\$95,000)	\$0	Decrease
24453	Invermay Park Car Park 2022/2023	\$97,432	(\$15,000)	\$82,432	Decrease
24459	UTAS Stadium Function Centre HVAC	\$0	\$110,000	\$110,000	Increase
24448	QVMAG Inveresk Building Compliance	\$300,000	(\$85,000)	\$215,000	Decrease
24464	QVMAG Inveresk Humidifier Installation	\$0	\$85,000	\$85,000	Increase
24019	Theatre Safety Compliance Program	\$179,400	(\$87,400)	\$92,000	Decrease
24337	City of Launceston Air Conditioners 2021/2022	\$25,000	\$87,400	\$112,400	Increase
	<b>TOTALS</b>	<b>\$696,832</b>	<b>\$0</b>	<b>\$720,832</b>	

The following capital project adjustments have occurred in the period 1 July to 31 August 2022:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24436	Sports Facilities Renewal Program 2022/2023	\$300,000	\$100,000	\$0	\$200,000
24442	Town Hall Annexe Accessible Toilets	\$250,000	\$250,000	\$0	\$0
24440	LCH City Heart Design	\$500,000	\$50,000	\$0	\$450,000
24371	Park Street Toilet Refurbishment	\$250,000	\$0	\$400,000	\$650,000
	<b>TOTALS</b>	<b>\$1,300,000</b>	<b>\$400,000</b>	<b>\$400,000</b>	<b>\$1,300,000</b>

**The project scope of works:**

Works are being undertaken to improve the amenities available to the public at the Park Street Toilet site, which includes the addition of showers.

This budget amendment will cover part of the costs of the improvements that are required, following on from a prior budget amendment in the 2021/2022 financial year.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24405	Town Hall and Annexe Plant and Equipment	\$40,000	\$24,000	\$0	\$16,000
24469	Council Chamber Chair Renewal	\$0	\$0	\$24,000	\$24,000
	<b>TOTALS</b>	<b>\$40,000</b>	<b>\$24,000</b>	<b>\$24,000</b>	<b>\$40,000</b>

**The project scope of works:**

The Council Chamber chairs were due to be replaced and the purchase of new Town Hall and Annexe Plant and Equipment will not utilise the whole budget.

This budget amendment will fund the cost for the purchase of the new chairs.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24144	UTAS Stadium Building Management System Upgrade	\$95,000	\$95,000	\$0	\$0
24453	Invermay Park Car Park 2022/2023	\$97,432	\$15,000	\$0	\$82,432
24459	UTAS Stadium Function Centre HVAC	\$0	\$0	\$110,000	\$110,000
	<b>TOTALS</b>	<b>\$192,432</b>	<b>\$110,000</b>	<b>\$110,000</b>	<b>\$192,432</b>

**The project scope of works:**

Urgent works are required to have the Heating Ventilation and Air Conditioning (HVAC) in the UTAS Stadium Function Centre replaced.

At recent events on this site, it has been necessary to use temporary heating in order to keep the room warm.

The UTAS Stadium Building Management System Upgrade project was cancelled so the allocated funds were available and a transfer is required. As there were two AFL games scheduled in August the project was prioritised and these budget amendments allowed the works to take place.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24448	QVMAG Inveresk Building Compliance	\$300,000	\$85,000	\$0	\$215,000
24464	QVMAG Inveresk Humidifier Installation	\$0	\$0	\$85,000	\$85,000
	<b>TOTALS</b>	<b>\$300,000</b>	<b>\$85,000</b>	<b>\$85,000</b>	<b>\$300,000</b>

**The project scope of works:**

The *Archie 100* exhibition is being shown at the QVMAG Inveresk site. As part of the agreement to host the *Archie 100* exhibition the QVMAG was required to demonstrate a level of consistent humidity for a period of four weeks.

The exhibition was expected to be shown at QVMAG Royal Park, however, due to the size of the artwork it was required to move the exhibition to the Inveresk site. As the humidity was not at an acceptable level at Inveresk, the installation of a humidifier was required. This budget amendment will fund the installation of a humidifier.

<b>Project Number</b>	<b>Project Description</b>	<b>Current Approved Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>	<b>New Budget</b>
24019	Theatre Safety Compliance Program	\$179,400	\$87,400	\$0	\$92,000
24337	City of Launceston Air Conditioners 2021/2022	\$25,000	\$0	\$87,400	\$112,400
	<b>TOTALS</b>	<b>\$204,400</b>	<b>\$87,400</b>	<b>\$87,400</b>	<b>\$204,400</b>

**The project scope of works:**

The Theatre Safety Compliance Program is being covered in the Princess Theatre Master Plan work. There is a remaining budget of \$87,400 on this project. The Building Asset Management team has identified the air conditioning unit at the Earl Arts Centre is operating on R22 gas.

R22 gas containing hydrochlorofluorocarbons has been heavily restricted since January 2020 with a total ban from January 2030. The Earl Arts Centre air conditioning unit is also currently leaking, which requires replacement immediately.

This budget amendment will ensure we can replace the unit which in turn will also contribute to reducing Council's greenhouse gas emissions and a correctly functioning unit.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.



**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

**BUDGET AND FINANCIAL ASPECTS:**

As per the report.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

Nil

**15.4 Councillor Appointments to Tender Review and Emergency Management Committees**

**FILE NO:** SF2233/SF0095

**AUTHOR:** Leanne Purchase (Manager Governance)

**GENERAL MANAGER APPROVAL:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider appointments to the Tender Review and Emergency Management Committees, following the resignation of Councillor J G Cox.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*  
*Emergency Management Act 2006 (Tas)*

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 12 November 2020 - Agenda Item 19.1 - Council Appointments to Internal and External Committees

**RECOMMENDATION:**

That Council:

1. pursuant to section 21(2) of the *Emergency Management Act 2006 (Tas)* determines to appoint Councillor D H McKenzie to the role of Municipal Chairperson; and
  2. notes that pursuant to section 21(4) of the *Emergency Management Act 2006 (Tas)*, the Municipal Chairperson is the chair of the Municipal Emergency Management Committee established by section 20(a) of that Act; and
  3. nominates Councillor (name to be inserted) for appointment to the Tender Review Committee; and
  4. nominates Councillor P S Spencer as Chairperson of the Tender Review Committee; and
  5. appoints the Councillor nominated at 3. above to the Tender Review Committee and appoints the Councillor nominated at 4. above as Chairperson of the Tender Review Committee; and
  6. notes that these appointments will be reviewed within three months of the 2022 local government elections, when Council will consider all Councillor appointments to Council and Special Committees, Specific Purpose Committees and External Organisations.
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**REPORT:**

Councillor J G Cox resigned from the office of Councillor effective 31 August 2022. Councillor Cox was active on a number of Committees to which appointments from Council were made. Except for the two Committees that are the subject of this report, the Committee roles vacated by Councillor Cox will be filled when Committee appointments are reviewed by Council after the 2022 local government elections.

To allow for continuity in the operation of the Emergency Management Committee and the Tender Review Committee, appointments to these Committees is sought for the short time until Council reviews all Councillor appointments to Council and Special Committees, Specific Purpose Committees and External Organisations following the 2022 local government elections.

**Emergency Management Committee**

The Emergency Management Committee is established by section 20(a) of the *Emergency Management Act 2006* (Tas). Section 21(2) of that Act requires that the Council determine who is to be the Municipal Chairperson. Section 21(4) of that Act says that the Municipal Chairperson is the chairperson of the Municipal Committee.

The Municipal Chairperson has statutory authority to manage the operation and administration of Launceston's Emergency Management Committee.

**Tender Review Committee**

The Tender Review Committee is a Special Committee of Council, established pursuant to section 24 of the *Local Government Act 1993* (Tas). The Tender Review Committee has delegated authority from Council to accept tenders in accordance with the recommendation of a Tender Evaluation Panel for:

- projects that are in the current year's budget or are carryover projects from previous years, providing the projects are within budget allocations or conform to the exceedance criteria established in the operating procedures.
- periodic supply tender lists.
- preferred supplier lists or pre-qualified contractor lists.

**RISK IMPLICATIONS:**

As both these Committees operate with statutory or delegated authority, it is appropriate that they have every opportunity to function with a complete membership and most importantly a chair, during the period of the 2022 local government elections. This mitigates the risk of the Committees not being able to operate effectively should they be required to activate at short notice during the election period.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

**BUDGET 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 End of Term Report 2018-2022**

**FILE NO:** SF6858

**AUTHOR:** Pepper Griffiths (Team Leader Performance and Planning)

**GENERAL MANAGER APPROVAL:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider the End of Term Report for the City of Launceston's 2018-2022 Council.

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 7 July 2022 - End of Term Report

Workshop - 1 September 2022 - Draft End of Term Report 2018-2022

**RECOMMENDATION:**

That Council receives the End of Term Report 2018 - 2022 (Doc Set ID No 4782722).

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**REPORT:**

The purpose of the End of Term Report 2018-2022 is to acknowledge and objectively comment on progress against the City of Launceston's strategic goals set in 2018. The End of Term Report 2018-2022 summarises the activities and achievements of the City of Launceston and its Councillors over the last four years since the last election and sets the strategic scene for the incoming Councillors for their 2022-2026 term.

The City of Launceston's strategic goals are articulated in the Corporate Strategic Plan 2014-2024. The Corporate Strategic Plan was originally adopted by the then, newly-elected Council, on 24 November 2014, following the former Council's endorsement of the Greater Launceston Plan on 10 June 2014.

The Corporate Strategic Plan 2014-2024: 2019 Review was adopted by the current Council on 30 May 2019.

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

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**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:

2. To lead the implementation of the Greater Launceston Plan via collaborative and constructive relationships with our regional partners.

**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. End of Term Report 2018-2022 (Final) [**16.1.1** - 37 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 Launceston Leisure and Aquatic Centre Agreement with Rio Tinto Aluminium (Bell Bay) Limited**

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:

- (c) commercial information of a confidential nature that, if disclosed, is likely to:
  - (i) prejudice the commercial position of the person who supplied it; or
  - (ii) confer a commercial advantage on a competitor of the council; or
  - (iii) reveal a trade secret;

**17.3 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 Wednesday, 5 October 2022 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.**