



City of  
**LAUNCESTON**

# **COUNCIL AGENDA**

**COUNCIL MEETING**  
**THURSDAY 23 FEBRUARY 2023**  
**1.00PM**

---

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

Date: 23 February 2023

Time: 1.00pm

---

### Certificate of Qualified Advice

#### Background

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

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

#### Certification

I certify that:

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



**Michael Stretton**  
Chief Executive Officer

### **AUDIO of COUNCIL MEETINGS**

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

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

---

**ORDER OF BUSINESS**

<b>1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES.....</b>	<b>7</b>
<b>2. MAYORAL ACKNOWLEDGEMENTS .....</b>	<b>7</b>
<b>3. DECLARATIONS OF INTEREST .....</b>	<b>7</b>
<b>4. CONFIRMATION OF MINUTES.....</b>	<b>7</b>
<b>5. COUNCIL WORKSHOPS .....</b>	<b>8</b>
<b>5.1. Council Workshop Report - 9 and 16 February 2023 .....</b>	<b>8</b>
<b>6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS .....</b>	<b>11</b>
<b>7. COMMUNITY REPORTS .....</b>	<b>11</b>
<b>7.1. Community Report - Kirsty Mate (Owner and Founder) - ReDress Hub .....</b>	<b>11</b>
<b>8. PUBLIC QUESTION TIME .....</b>	<b>11</b>
<b>8.1. Public Questions on Notice.....</b>	<b>11</b>
<b>8.1.1. Public Questions on Notice - Ray Norman - Citizen's Assembly -             15 February 2023.....</b>	<b>11</b>
<b>8.1.2. Public Questions on Notice - Ray Norman - Advisory Committees - 15             February 2023.....</b>	<b>13</b>
<b>8.1.3. Public Questions on Notice - Ray Norman - Queen Victoria Museum             and Art Gallery Management - 15 February 2023.....</b>	<b>14</b>
<b>8.1.4. Public Questions on Notice - Ron Baines - Expressions of Interest for             Birchalls building - 118-122 Brisbane Street and 124 Brisbane Street -             15 February 2023.....</b>	<b>15</b>
<b>8.1.5. Public Questions on Notice - Jim Dickenson - Albert Hall             Redevelopment - 15 February 2023.....</b>	<b>16</b>
<b>8.2. Public Questions Without Notice.....</b>	<b>18</b>
<b>9. PETITIONS.....</b>	<b>19</b>
<b>9.1. Petition - George Manifold - Installation of Public Toilets at Youngtown .....</b>	<b>19</b>

---

<b>10. PLANNING AUTHORITY .....</b>	<b>21</b>
<b>10.1. DA0377/2022 - 228 Golconda Road, Lilydale - Passive Recreation -         Development of a Rail Trail Including Associated Works and Development         of a Vehicle Parking Area at Lilydale Falls .....</b>	<b>21</b>
<b>10.2. DA0744/2023 - 10 St Georges Square, Launceston - Residential - Demolition         of Existing Dwelling and Construction of a New Dwelling .....</b>	<b>47</b>
<b>11. ANNOUNCEMENTS BY THE MAYOR .....</b>	<b>55</b>
<b>11.1. Mayor's Announcements .....</b>	<b>55</b>
<b>12. COUNCILLORS' REPORTS .....</b>	<b>57</b>
<b>13. QUESTIONS BY COUNCILLORS .....</b>	<b>57</b>
<b>13.1. Councillors' Questions on Notice .....</b>	<b>57</b>
<b>13.1.1. Councillors' Questions on Notice - Councillor T G Walker - Deed of                 Agreement (Creative Holdings Pty Ltd and City of Launceston) .....</b>	<b>57</b>
<b>13.2. Councillors' Questions Without Notice .....</b>	<b>58</b>
<b>14. COMMITTEE REPORTS .....</b>	<b>58</b>
<b>14.1. Transport Committee Meeting - 25 January 2023 .....</b>	<b>58</b>
<b>14.2. Tender Review Committee Meeting - 9 February 2023 .....</b>	<b>60</b>
<b>15. ORGANISATIONAL SERVICES NETWORK .....</b>	<b>62</b>
<b>15.1. 2022/2023 Budget - Budget Amendments .....</b>	<b>62</b>
<b>15.2. Personal Micro-Mobility (e-Scooter) Trial Review and Recommendations ..</b>	<b>67</b>
<b>16. CHIEF EXECUTIVE OFFICER NETWORK .....</b>	<b>72</b>
<b>16.1. Disposal of Portion of the Council's Owned Land - 65-85 Murphy Street,         Invermay .....</b>	<b>72</b>
<b>17. MEETING CLOSURE .....</b>	<b>80</b>
<b>18. NEXT COUNCIL MEETING DATE .....</b>	<b>80</b>

**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 9 February 2023 be confirmed as a true and correct record.

**5. COUNCIL WORKSHOPS**

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

**5.1. Council Workshop Report - 9 and 16 February 2023**

**FILE NO:** SF4401

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

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

---

**DECISION STATEMENT:**

To consider Council Workshops conducted since the last Council Meeting.

**RELEVANT LEGISLATION:**

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

**RECOMMENDATION:**

That Council pursuant to Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, notes the Council Workshops conducted since the last Council Meeting, for the purposes described, and the attendance at each Workshop:

1. pre-Council Workshop conducted on 9 February 2023:

***kanamaluka/Tamar Estuary Briefing (Session 3)***

Councillors were provided with information on matters related to the management of the *kanamaluka/Tamar Estuary*.

*In Attendance:* Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton.

2. Workshop conducted on 16 February 2023:

**Thylacines and Seaport**

*Councillors received a briefing on the proposed relocation of the thylacine sculptures, the inclusion of additional greenery options into the Brisbane Street Mall and work being undertaken at the Seaport precinct.*

**Public Art Strategy Final Draft**

*Councillors received information on the rationale for the City of Launceston's inaugural Public Art Strategy (final draft) prior to a Council Meeting.*

**Micro-Mobility Trial Review**

*Councillors received a report and recommendations of the 12-month trial of the ride share operation of Personal Micro-Mobility Devices (e-Scooters) in Launceston.*

---



**Four Year Delivery Plan**

*Councillors were provided with information on the City of Launceston's Four Year Delivery Plan 2020/2021 - 2025/2026 - 2023 Edition.*

**Urban Greening Plan**

*Councillors were provided with a progress report related to the preparation of Launceston's Urban Forest Strategy.*

*In Attendance:* Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton.

---

**REPORT:**

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

Attendance is recorded for noting and reporting in the Council's Annual Report.

**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 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

---

**6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS**

**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. Community Report - Kirsty Mate (Owner and Founder) - ReDress Hub**

**Kirsty will provide information to Council on the ReDress Hub - a social enterprise business that aims to reduce waste and lower consumption of new product by keeping clothing in use for longer through the circular economy practices of repair, remake, reuse and resale. It is located in a shop space in the Quadrant Plaza, Launceston and provides the community with services to help them to keep their clothing in use for longer through education, product sales and expert advice.**

**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 - Ray Norman - Citizen's Assembly - 15 February 2023**

**FILE NO:** SF6381

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

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

---

**QUESTIONS AND RESPONSES:**

The following question, submitted to the Council in writing on 15 February 2023, by Ray Norman, has been answered by Michael Stretton (Chief Executive Officer).

**Questions:**

1. Given the richness of the City of Launceston's citizen experts in a vast array of fields, and the Council's need to determine policy, strategy and planning resolutions on the basis of expert advice, will the Council now proactively review its, all so often communicated disinclination, to avail itself of the wisdom and experience the City's community of experts and its [Communities of Ownership and Interest] via the empanelling of a citizen's assembly - [1] - [2] - [3] - with a randomly appointed and evolving membership in order that the Council may avail itself of more thoroughly researched policy and strategy advice and backgrounding?

[Hyperlinks have been removed]

**Response:**

*Your ongoing concern in relation to Council's position on a Citizen's Assembly is noted. As previously advised, the Council intends to maintain its focus on existing engagement processes such as the Tomorrow Together program.*

---

**8.1.2. Public Questions on Notice - Ray Norman - Advisory Committees - 15 February 2023**

**FILE NO:** SF6381

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

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

---

**QUESTIONS AND RESPONSES:**

The following question, submitted to the Council in writing on 15 February 2023, by Ray Norman, has been answered by Michael Stretton (Chief Executive Officer).

**Questions:**

1. Given the principles set out in the State Governments [Good Governance Guide], will the City of Launceston's Council now move proactively to remove Councillors from these committees in their role of advisors, publish the agendas, minutes and the reporting of all its committees to enable the city's citizenry to be fully informed in regard to their membership and the governance of the municipality and its consequent appropriate management at all levels?

[Hyperlink has been removed]

**Response:**

*There are no plans to remove Councillors from advisory committees established under section 24 of the Local Government Act 1993 (Tas).*

*As noted in the Agenda of the 17 November Council Meeting, the City of Launceston will continue to provide reports to Council Meetings as to the substantive matters discussed at Committees of Council established under the Local Government Act 1993 (Tas). Any decisions made by those Committee's with delegated authority to make decisions, will also continue to be reported to Council Meetings.*

*Recommendations from Committees are presented to Council for consideration when they arise. At this stage there are no plans to modify this approach.*

---

**8.1.3. Public Questions on Notice - Ray Norman - Queen Victoria Museum and Art Gallery Management - 15 February 2023**

**FILE NO:** SF6381

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

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

---

**QUESTIONS AND RESPONSES:**

The following question, submitted to the Council in writing on 15 February 2023, by Ray Norman, has been answered by Shane Fitzgerald (General Manager Creative Arts and Cultural Strategy Network).

**Questions:**

1. Given the identified strategic determination, the aspirations of the institution's Community of Ownership and Interest and Council managements' apparent inability to actually carry forward the agreed upon policy and strategy will Council, and with some urgency, move expediently towards appointing an Interim QVMAG Board of Governors, with a membership of say nine appropriately qualified people, tasked to facilitate the appointment of company members, the development of a standalone interim strategic plan and policy sets, and secure funding commitments from appropriate agencies relevant to the operation of cultural institution such as the QVMAG operating in a 21<sup>st</sup>C context?

**Response:**

*Council's Officers are still in the progress of implementing the QVMAG Futures Plan which may be accessed on the Council's website, [www.launceston.tas.gov.au](http://www.launceston.tas.gov.au). It is not intended to appoint an interim QVMAG Board of Governors in the manner or form suggested.*

---

**8.1.4. Public Questions on Notice - Ron Baines - Expressions of Interest for Birchalls building - 118-122 Brisbane Street and 124 Brisbane Street - 15 February 2023**

**FILE NO:** SF6381

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

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

---

**QUESTIONS AND RESPONSES:**

The following questions, submitted to the Council in writing on 15 February 2023, by Ron Baines, have been answered by Michael Stretton (Chief Executive Officer).

**Questions:**

1. How many Expressions of Interest have so far been received regarding the ex-Birchalls site?
2. If ratepayers can also express Expressions of Interest,
  - When can we access the procedure?
  - How can we access the procedure?
  - What are the parameters?

**Response:**

*The Council acquired the former Birchalls site in 2020 following the closure of the iconic store in 2017.*

*The Council advertised an Expressions of Interest process for the redevelopment of the building shortly afterwards.*

*The Council received 11 applications from developers interested in realising a transformative project on the Birchalls site.*

*After a detailed assessment of various proposals submitted through the Expressions of Interest process, a small number of candidates were shortlisted and assessed further to identify a preferred candidate.*

*The Council is expected to consider a Birchalls redevelopment proposal from the preferred candidate shortly.*

*The EOI process for the Birchalls building has been delayed and complicated by uncertainty over both the future of the neighbouring Paterson St Central Car Park and changing market conditions as a result of the COVID-19 pandemic.*

---

**8.1.5. Public Questions on Notice - Jim Dickenson - Albert Hall Redevelopment - 15 February 2023**

**FILE NO:** SF6381

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

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

---

**QUESTIONS AND RESPONSES:**

The following questions, submitted to the Council in writing on 15 February 2023, by Jim Dickenson, have been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

**Questions:**

1. I have been advised that after the Council Workshop with Councillors on 2 February the public will be provided with a progress update on the Albert Hall Redevelopment. Some two weeks have now elapsed. When will the update be provided?

**Response:**

*The Council Workshop was conducted, however, there was no intention to issue a public statement following this workshop. The procurement model allows for the designer and potential builder to work together on the final design. This process is still occurring and an update will be provided at conclusion of the process, which is expected to be late March/early April 2023.*

2. And why the delay? I have also been advised that no significant changes have been, or are being, made. hape Australia was appointed back in October 2022 to provide consultant advice on design and construction. That seems significant to me. But if it is not, it is now 15 February 2023, some five months later, surely a long enough time for any insignificant work to be carried out. Will a progress report be included in the 23 February Council Meeting Agenda?

**Response:**

*The procurement of the builder and finalising detailed design for the extension renewal is consistent with the planned timeframes.*

3. In the meantime the vacant Albert Hall is being vandalised, with broken glass, boarded up windows. It is all very derelict. The empty coffee shop and City Park have been wasted over two summers. The Tasmanian Symphony Orchestra can not contribute to Launceston's cultural life. Other community organisations are also without a venue. It is all very shameful. If this situation is to be ongoing, what are the Council's short term, long term, management strategies for the Albert Hall?

**Response:**

*It was intended that minor works to improve the use and function of the Hall would currently be occurring, however, the tender for this work was unsuccessful as no tenders were compliant with Code of Tendering and Performance of Building Work 2016 and Australian Government Building and Construction WHS Accreditation Scheme as required by the Australian Government under the grant deed.*

*The lack of tenders are considered to be due to the fact that:*

- 1. there are very few contractors locally that meet the Australian Government requirements;*
- 2. Tasmania is currently experiencing a huge over supply of construction work; and*
- 3. the package of works was relatively small and, therefore, not attractive to qualified contractors*

*These works will be incorporated into the larger renewal project.*

*The Albert Hall is not derelict and is still being actively monitored by the Council's Building Asset Team and our security provider.*

---



**8.2. Public Questions Without Notice**

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

**9. PETITIONS**

**9.1. Petition - George Manifold - Installation of Public Toilets at Youngtown**

**FILE NO:** SF0097

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

**CHIEF EXECUTIVE OFFICER APPROVAL:** Michael Stretton

---

**DECISION STATEMENT:**

To receive a petition submitted by George Manifold regarding the installation of public toilets at Youngtown.

**STATUTORY REQUIREMENTS:**

*Local Government Act 1993 (Tas)*

**RECOMMENDATION:**

That Council, pursuant to section 58(2) of the *Local Government Act 1993 (Tas)*, receives the petition regarding the installation of public toilets in Youngtown, submitted by George Manifold and tabled by the Chief Executive Officer.

---

**REPORT:**

A paper petition, containing 219 signatures, was received from George Manifold on 27 January 2023. This petition meets the general requirements of section 57(2) of the *Local Government Act 1993 (Tas)* (the Act).

The petition requests that the City of Launceston install new public toilets at the Alma Street playground in the Youngtown Regional Park by the end of 2023 or as soon as practical thereafter.

This petition has been forwarded to Shane Eberhardt (General Manager Infrastructure and Assets Network) for action. As required under section 60(2)(b) of the Act, a report will be brought back to Council within 42 days for Council to determine any action to be taken in respect of the petition.

The Chief Executive Officer will give reasonable notice to George Manifold of when Council is to consider this petition.

**RISK IMPLICATIONS:**

There are no risk implications associated with receipt of a petition.

---

**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 Chief Executive Officer have no interests to declare in this matter

**ATTACHMENTS:**

1. Petition - George Manifold - Installation of Public Toilets in Youngtown [9.1.1 - 2 pages]

**10. 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.

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

**FILE NO:** DA0377/2022

**AUTHOR:** Ashley Brook (Planning Consultant)

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

---

**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Dorset Council
Property:	Part of the North East Corridor, Adjoining Public Roads Crossed and 228 Golconda Road, Lilydale
Zoning:	Open Space, Rural Resource, Utilities
Receipt Date:	27/06/2022
Validity Date:	15/07/2022
Further Information Request:	29/07/2022
Further Information Received:	15/08/2022
Deemed Approval (extension granted):	24/02/2023
Representations:	34

**RELEVANT LEGISLATION:**

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

**STANDARDS REQUIRING PLANNING DISCRETION:**

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

---

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

**RECOMMENDATION:**

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

**1. ENDORSED PLANS AND DOCUMENTS**

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

- a. Proposal Plans, prepared by Dorset Council, Project Reference: Proposed North East Rail Trail, pages 1, 2 and 3, dated 14 January 2021.
- b. Proposal Plans (with aerial image), prepared by Dorset Council, Project Reference: Proposed North East Rail Trail, pages 1, 2 and 3, dated 14 January 2021.
- c. Car Park Plan, prepared by Woolcott Surveys, Job Number: L221122, dated 23 January 2023 (Amended Plan Required).
- d. Planning Application Supporting Report, prepared by Dorset Council, dated 24 June 2022.
- e. Site History Review, prepared by pitt&sherry, Project Reference: Rail Trail - Wyena to Lilydale Falls (Area in Close Proximity to 843 Golconda Road, Lebrina), dated 7 June 2022.
- f. Traffic Impact Statement, prepared by Traffic & Civil Services, Project Reference: Proposed Lilydale Falls Carpark Upgrade, 228 Golconda Road, Lilydale, dated 13 April 2022.
- g. Response to Further Information Request (DA0377/2022), prepared by Dorset Council, dated 15 August 2022.
- h. Traffic Safety Assessment, prepared by Dorset Council, Project Reference: Road Crossings (North East Rail Trail), dated September 2022.

**2. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

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

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

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

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

### **3. AMENDED PLANS REQUIRED**

Prior to the commencement of any work and/or use, amended plans must be submitted to the satisfaction of the Council's Manager City Development to replace plans annotated as *Amended Plans Required* and attached to the Permit. Once approved, these amended plans will be endorsed by the Council and will then form part of the Permit. The amended plans must show the extension to existing car parking at Lilydale Falls Reserve having the following features:

- a. conversion of the existing parallel overflow car parking area to provide 12 fully sealed and suitably drained 90° car parking spaces not less than the dimensions specified in AS2890.1 for User Class 2 parking area for 12 cars and one bus parking bay;
- b. widening of the existing access strip to provide a minimum sealed width of 5.8m on a suitable constructed pavement in line the aisle width specified in AS2890.1 for User Class 2;
- c. linemarking on widened access strip delineating 5m wide access such that the remaining 0.8m provides a buffer between the parked vehicles and the moving traffic;

- d. provision of a parallel parking *pick-up/drop-off* area of sufficient dimension for use by shuttle buses including approach and departure tapers;
- e. provision of a 2m wide compacted gravel path from the car parking area to the rail trail; and
- f. provision of all necessary linemarking, signage and barriers to prevent unauthorised vehicle access to areas other than the car park.

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.

#### **4. HOURS OF CONSTRUCTION**

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

7am to 6pm - Monday to Friday

8am to 5pm - Saturday

No works on Sunday or Public Holidays

#### **5. CONSTRUCTION NOISE MANAGEMENT PLAN**

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

- a. identification of sensitive land uses which may be impacted by construction noise. Sensitive use includes a residential use or a use involving the presence of people for extended periods such as a caravan park, childcare centre or school. It also includes other uses such as temporary accommodation and hospitality venues.
- b. the proposed duration and period when decommissioning and construction works will be scheduled;
- c. the likely noise impacts from the various decommissioning and construction processes and equipment on identified sensitive uses;
- d. strategies to mitigate decommissioning and construction noise on identified sensitive uses; and
- e. any community notification or engagement about the proposed decommissioning and construction noise.

#### **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. 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.

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

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

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

Prior to the commencement of the construction works, detailed plans and specifications must be submitted to the General Manager Infrastructure 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.
- 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.

#### **10. CONSTRUCTION OF WORKS**

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager Infrastructure and Assets Network. The required infrastructure works must be as shown in the application documents and



endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a. Car parking construction at Lilydale Falls Reserve
  - i. construction of a fully sealed and drained parking area for 12 cars and one bus parking bay
  - ii. provision of a 2m wide compacted gravel path from the car parking area to the Rail Tail
  - iii. provision of all necessary linemarking, signage and barriers to prevent unauthorised vehicle access to areas other than the car park.
- b. Bacala Road Crossing treatment consisting of the following in line with the recommendations of the Traffic Safety Assessment, prepared by Dorset Council, Project Reference: Road Crossings (North East Rail Trail), dated September 2022:
  - i. bollard treatment (three bollards - one central and two side, with a maximum 1.6m separation between each - each setback 5m from the existing road seal edge) in accordance with Austroads GRD06A (2021) standards;
  - ii. provision of W6-8B and R1-2AA signs on Rail Trail approaches to the corridor crossing location at Bacala Road; and
  - iii. provision of W6-7B and W8-23B warning signs on each Bacala Road approach to the corridor crossing location, positioned 120m prior to the crossing point.
- c. Golconda Road (adjacent to 843 Golconda Road, Lebrina) crossing treatment consisting of the following in line with the recommendations of the Traffic Safety Assessment, prepared by Dorset Council, Project Reference: Road Crossings (North East Rail Trail), dated September 2022:
  - i. staggered fence treatment, in accordance with Austroads GRD06A (2021) standards, and each setback up to 7.5m from the existing road seal edge of Golconda Road to account for clear zone requirements for the operating speed and traffic volumes;
  - ii. provision of W6-8B and R1-2AA signs on Rail Trail approaches to the corridor crossing location at Golconda Road; and
  - iii. provision of W6-7B and W8-23B warning signs on each Golconda Road approach to the corridor crossing location, positioned 120m prior to the crossing point.
- d. Golconda Road (near Kempeners Road, Lilydale) Crossing treatment consisting of the following in line with the recommendations of the Traffic Safety Assessment, prepared by Dorset Council, Project Reference: Road Crossings (North East Rail Trail), dated September 2022:
  - i. staggered fence treatment, in accordance with Austroads GRD06A (2021) standards, and each setback up to 7.5m from the existing road seal edge of Golconda Road to account for clear zone requirements for the operating speed and traffic volumes;
  - ii. provision of W6-8B and R1-2AA signs on Rail Trail approaches to the corridor crossing location at Golconda Road; and
  - iii. provision of W6-7B and W8-23B warning signs on each Golconda Road approach to the corridor crossing location, positioned 120m prior to the crossing point.
- e. Stormwater discharges to water courses:
  - i. any design and construction of any stormwater discharge into watercourses resulting from the works are to be consistent with the requirements and findings of the CEMP so as to minimise the loss of biological values to watercourses caused by the discharge of stormwater.

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

- a. construction requirements,
- b. appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities,
- c. Construction Audit inspections,
- d. Practical Completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

#### **11. 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.

#### **12. COMPLETION OF WORKS**

All works must be carried out to the Council 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.

#### **13. 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.

#### **14. CHAINSAW OPERATION AUTHORISATION**

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

#### **15. REMOVAL OF FELLED VEGETATION AND DEBRIS**

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

#### **16. ONSITE WASTE WATER MANAGEMENT SYSTEM**

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

## 17. EXTERIOR AND SECURITY LIGHTING

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

## 18. 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), salvaged, reclaimed or recycled. Sleepers may be retained on-site within the corridor, neatly stacked and positioned at least 50m from watercourses.

## 19. LITTER MANAGEMENT

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

### Notes

#### A. General

*This permit was issued based on the proposal documents submitted for DA0377/2022. You should contact 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 & 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 & Administrative Tribunal (TASCAT).*

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

*For more information see the Tasmanian Civil & Administrative Tribunal (TASCAT) website [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au) <<http://www.tascat.tas.gov.au>>*

**D. Permit Commencement**

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

---

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

**1. REPORT:**

**1.1 Proposed Rail Trail Section and Associated Works**

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

The proposal involves part of a linear corridor that formerly was part of the State rail network and has been designated for specified recreational uses. It will be developed to accommodate cycling and walking activities both to the local community and visitors. It is, therefore, referred to as a Rail Trail. Its establishment will involve:

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

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

**1.2 Proposed Parking Area and Associated Works**

The proposal includes the development of vehicle parking at Lilydale Falls Reserve, which will be associated with the Rail Trail. Additionally, the vehicle access to 228 Golconda Road is proposed to be upgraded to provide driveable culvert headwalls for safety purposes.

Concerns were raised in the representations relating to impacts on recreational values and visual amenity associated with the property due to the new parking area proposed in the south-west corner. The applicant (Dorset Council) has undertaken consultation with the Lilydale District Progress Association (LDPA) and subsequently provided a modified vehicle parking proposal.

The modified proposal involves abandoning the new parking area and reconfiguring the existing parking area at the property. This would result in a total provision of 25 vehicle spaces, including 20 car spaces, one accessible car space for persons with a disability, one shuttle bus space and three RV spaces. It would include reconfiguring parallel parking on the eastern side of the driveway access to provide a combination of 45° and 90° angled car parking (total of 11 spaces). The 45° parking would provide spaces with dimensions of 2.6m (width) x 5.7m (length) and the 90° spaces would have dimensions of 3m (width) x 5.7m (length). The modified proposal will also include widening of the driveway access by up to 700mm to the west (to a width of 5.2m). The increase in hardstand area associated with the reconfigured and expanded parking area is 300m<sup>2</sup>.

The existing parking area provides parking for 18 cars and three RVs. The modified proposal therefore would involve a net increase of four spaces, including two car spaces, one accessible car space and one shuttle bus space.

A 2m wide compacted gravel path between the car parking area and the boundary of Lilydale Falls Reserve with the North East Corridor will be provided. Further, the modified proposal identifies that an informal walking track between boundary of the property and the Rail Trail will be formalised. The alignment and gradient of the track within the corridor will be made to be accessible for persons with a disability. Therefore, its current alignment will need to be modified, into a meandering track, which will necessitate the removal of vegetation predominantly including ground cover and shrubs.

The modified proposal minimises the impact on trees and grassed areas within Lilydale Falls Reserve. It is a minor modification in the context of the overall part of the Rail Trail that is subject of the development application. The Council is, therefore, able to include a condition requiring the proposal to be undertaken in accordance with the amended plan that was prepared to show the reconfigured and expanded parking area.

The Council's Infrastructure and Assets Network (IAN) was involved in the discussions between the applicant and the LDPA. It has advised that the modified proposal does not include all of its requirements and that the following further modifications are required:

The parallel parking on the eastern side of the driveway access is to be reconfigured into 90° parking only, which will provide a total of 12 car spaces in this location. The 90° spaces are to have dimensions not less than those specified in Australian Standard 2890.1:2004 (Parking facilities, Part 1: Off-street car parking) for User Class 2. The minimum dimensions are 2.5m (width) x 5.4m (length); and the driveway access is to be widened to 5.8m to satisfy the manoeuvring aisle width required by AS2890.1, for turn movements into and out of the 90° car parking spaces. Linemarking is to delineate a 5m wide access for vehicles proceeding along the driveway, with the remaining 0.8m to provide a buffer between parked vehicles and moving traffic.

The further modifications required by IAN would, therefore, enable the width and length of the car parking spaces on the eastern side of the driveway access to be reduced. This would enable the provision of one additional car space; resulting in a total provision of 26 vehicle spaces and a net increase of five vehicle spaces. It will also offset the increase in the width of the driveway access to the west. Therefore, the increase in hardstand area associated with the reconfigured and expanded parking area, as a result of the further modifications required by IAN, will still be approximately 300m<sup>2</sup>.

### **1.3 Broader Rail Trail Project**

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

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

## **2. LOCATION AND NEIGHBOURHOOD CHARACTER**

### **2.1 Subject Land**

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

<b>Description</b>	<b>Owner/Authority</b>	<b>Title Reference (Folio of the Register)</b>
<b>Lilydale Falls Reserve, 228 Golconda Road, Lilydale</b>	LAUNCESTON CITY COUNCIL	F/R 161846/1
<b>Part of the North East Corridor from Lilydale Falls to Tonganah</b>  (SECTION BETWEEN LILYDALE FALLS AND WYENA)	CROWN LAND ADMINISTERED BY THE MINISTER FOR INFRASTRUCTURE AND TRANSPORT. THE MINISTER HAS APPOINTED DORSET COUNCIL THE CORRIDOR MANAGER.	NO TITLES EXISTS FOR MOST LAND INVOLVED, WITH THE EXCEPTION OF: – F/R228715/1 – PART F/R174118/2 – F/R36823/2 – PART F/R250093/1

<b>Roads crossed</b>	<b>ROADS MAINTAINED BY LAUNCESTON CITY COUNCIL</b>	<b>NO TITLES EXIST</b>
– GOLCONDA ROAD (TWO CROSSINGS)		
– BACLA ROAD		
– TUNNEL STATION ROAD		
– TUNNEL ROAD		
– CRONINS ROAD		
– BUTLERS ROAD		

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

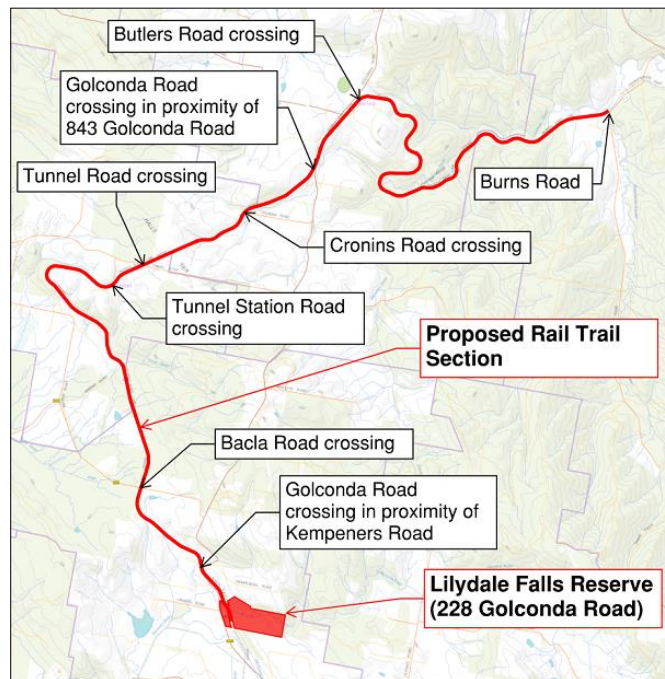


Figure 1 – Location Plan for the Subject Land

## 2.2 Lilydale Falls Reserve

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

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

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

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

The SIC Act identifies that it is:

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

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

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

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

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

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

The above mentioned parts of F/R174118/2 and F/R250093/1 is Corridor land (owned by the Crown) which extends through larger lots, associated with 765 Golconda Road and 21 Butlers Road at Lebrina respectively, the balance of which are in private ownership. The other two titles referred to above wholly form part of the Corridor.



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

The relevant part of the Corridor involved in the development application contains rail infrastructure including formation, ballast, drainage, sleepers, lines and fastenings together with associated bridge crossings. The cross sections through the former railway are typically flat with embankments on either side. Apart from some very minor pockets of juvenile vegetation individuals (predominantly weed varieties interspersed with native varieties) growing amongst the rail ballast, the formation is absent of vegetation.

## **2.4 Road Crossings**

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

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

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

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

## **2.5 Locality Description**

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

# **3. PLANNING SCHEME REQUIREMENTS**

## **3.1 Status of the Application**

The Launceston Interim Planning Scheme 2015 (Planning Scheme) was in operation when the development application was validly lodged and it, therefore, remains applicable to the planning assessment.

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

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

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

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

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

The definition for *routine works* in section 3 of the SIC Act is:

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

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

The *corridor safety and use objectives* are defined in section 3 of the SIC Act as:

*in relation to a corridor, means –*

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

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

### **3.2 Use Categorisation**

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

Clause 8.2.3 states that:

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

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

Passive Recreation is described as follows in Table 8.2:

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

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

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

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

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

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

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

The land at 228 Golconda Road is Lilydale Falls Reserve, which is predominantly used for Passive Recreation purposes. The reconfigured and expanded parking area will continue to provide vehicle parking for users of the reserve and for those associated with the Rail Trail within the North East Corridor. The definition for the term *site* in Clause 4.1.3 indicates that it comprises the lot or lots on which a use or development is proposed to be located. The lot associated with 228 Golconda Road is identified as forming part of the site for the purposes of the development application. The parking area, therefore, falls within the Passive Recreation use class.

Similarly, the upgraded access will continue to service the existing driveway and parking area within the property and these works, therefore, also fall within the Passive Recreation use class.

### 3.3 Zoning

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

#### *Lilydale Falls Reserve (228 Lilydale Road, Lilydale)*

The land within the property is zoned Open Space. Its associated vehicle access in Golconda Road is within the Rural Resource Zone.

#### *Part of the North East Corridor from Lilydale Falls to Tonganah*

The relevant part of the Corridor, which will be redeveloped into the proposed Rail Trail, is zoned Utilities.

#### *Road Crossings*

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

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

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

### 3.4 Overlays

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

- *Scenic Road Corridor*  
As identified in Figure 2, the overlay is associated with Golconda Road. It also applies to parts of the subject land that are within 100m of its road reservation. This includes the relevant part of 228 Golconda Road that will contain the reconfigured and expanded parking area.



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

- **Scenic Management Area (Rural Hills Precinct)**  
As identified in Figure 3, the overlay applies to an area north-east of Tunnel Road, and adjacent to Cronins Road, within the Lebrina locality.

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

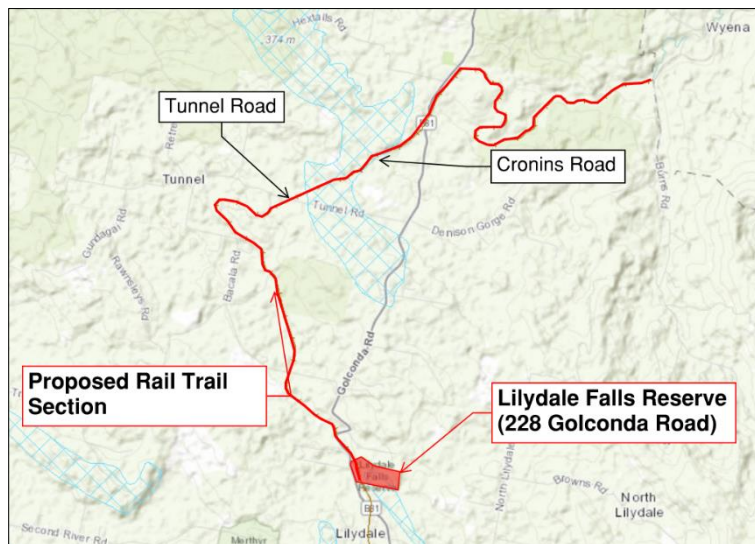


Figure 3 - Proximity of the Scenic Management Area Overlay (Blue Hatch)  
to the Relevant Part of the Proposed Rail Trail

- *Priority Habitat*

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

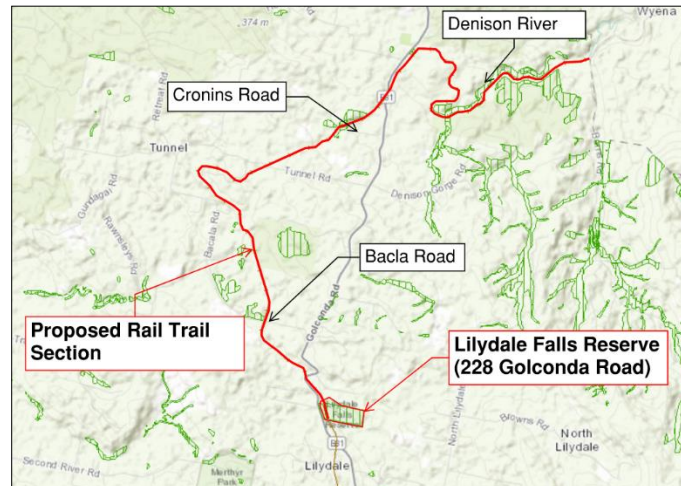


Figure 4 - Proximity of the Priority Habitat Overlay (Green Hatch) to the Relevant Parts of the Proposed Rail Trail

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

Additionally, the former railway (and proposed Rail Trail) crosses or is within 30m of multiple watercourses according to hydrology information available on *TheLIST* database. There are also several dams located within 30m. The waterway crossings include Second River which extends through 228 Golconda Road, Third River which is to the north of Swains Road, Dennison River in the eastern part of the alignment and Shepherds Rivulet which flows into the Denison River near the LGA boundary at Wyena. The remaining watercourses are identified as tributaries.

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

The only other relevant overlays include a Bushfire-Prone Area which applies to all of the land that is subject of the development application, and the Forestry Specific Area Plan which applies to F/R250093/1 in the eastern part of the proposed Rail Trail alignment. The provisions for the Bushfire-Prone Areas Code do not apply because the proposal is not for the subdivision of land and does not involve a vulnerable or hazardous use as defined in the Code. The only standard in the Forestry Specific Area Plan is applicable to subdivision (which is not proposed).

### 3.5 Planning Assessment

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

#### 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	The development application is accompanied by permission from the Department of State Growth, under delegation from the Minister for Infrastructure and Transport, in accordance with 52(1B) of the <i>Land Use Planning and Approvals Act 1993</i> dated 14 July 2022, in relation to the Corridor land involved.
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

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

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

<p><b>Issue 1</b>  <b>Contamination issues associated with the disturbance and crushing of the rail ballast including the release of heavy metals (eg. arsenic) and hydrocarbons into surface water and watercourses and/or onto farmland, and associated impacts on agricultural operations.</b></p>
<p><i>Response 1</i>  The Planning Scheme provisions relevant to this issue are contained in the Water Quality Code. The Code is applicable because the development of the Rail Trail will involve land within 30m of watercourses and dams. It will also involve cleaning, repair and utilisation of the drainage system associated with the former railway.</p> <p>The purpose statement for the Code seeks to ensure adverse impacts on water quality are managed by development. The applicable standards require adverse impacts on</p>

*water quality to be minimised and not be unreasonable. These requirements can be achieved with appropriate permit conditions.*

*Potential impacts on water quality, associated with stormwater discharges, were considered during the planning appeal for the recently approved 26km Rail Trail section in the Dorset LGA (M de Bomford versus Dorset Council [2021] TASCAT 08). Sampling undertaken identified the presence of heavy metals and hydrocarbons within the former railway. However, the associated risks were identified as being capable of being adequately managed to minimise impacts.*

*The decision of TASCAT in relation to the abovementioned planning appeal included permit requirements for:*

*A Construction Environmental Management Plan (CEMP) incorporating:  
A contamination risk assessment of all areas near watercourses including sampling and testing for polycyclic aromatic hydrocarbons (PAH) and arsenic;  
and  
Best practice construction measures to minimise dust, soil and other rail infrastructure materials from becoming airborne and from otherwise existing the path formation of the Rail Trail by erosion and stormwater. Preparation and approval of engineering designs and drawings for the discharge of stormwater into watercourses in a manner that is consistent with the CEMP.*

*Conditions based on the abovementioned requirements are recommended for inclusion on the planning permit for the Rail Trail section that is subject of the current development application (Conditions 2 and 9(e)).*

## **Issue 2**

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

## **Response 2**

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

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

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



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

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

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

*Subdivision; and/or*

*Excavation.*

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

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

### **Issue 3**

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

#### **Response 3**

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

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

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

### **Issue 4**

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

#### **Response 4**

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

**Issue 5**

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

*Response 5*

*In relation to this issue, the applicant (Dorset Council) has undertaken consultation with the Lilydale District Progress Association and subsequently provided he modified vehicle parking proposal.*

*The original vehicle parking proposal included a new parking area in the south-western part of the property. This would have included 12 car spaces and one shuttle bus space within 970m<sup>2</sup> of new hardstand, in addition to 21 vehicle spaces (18 car spaces + three RV spaces) within the existing parking area at the property. The development of the new parking area would have involved the removal of several trees and a grassed area.*

*The modified vehicle parking proposal involves abandoning the new parking area and reconfiguring of the existing parking area at the property. This will increase the parking provision by up to five spaces, including a net increase of up to three car spaces, one accessible car space and one shuttle bus space. This will be in addition to the existing provision for 18 cars and three RVs within the parking area (resulting in a total provision of up to 26 spaces). It will include reconfiguring parallel parking on the eastern side of the driveway access to provide angled parking. It will also include widening of the driveway access to the west. The increase in hardstand area associated with the reconfigured and expanded parking area will be approximately 300m<sup>2</sup>.*

*The modified vehicle parking proposal minimises the impact on trees and grassed areas within the property. The existing parkland setting will be substantially retained, whilst providing for an appropriate level of parking for the Rail Trail use.*

*The Council's Infrastructure and Assets Network was involved in the discussions between the applicant and the LDPA. It has advised that the modified proposal does not meet all of its requirements. It has, therefore, required further modifications to be undertaken for the purposes of ensuring convenient, safe and efficient movement and parking of vehicles within the car park.*

*The further modifications would enable the width and length of the reconfigured car parking spaces on the eastern side of the access to be reduced, by complying with the minimum dimensions for 90° in of Australian Standard AS2890.1:2004. This would offset the increase in width of the driveway access to the west, as required for consistency with the relevant minimum manoeuvring aisle dimension in the Australian Standard. Therefore, the further modifications required by IAN will not result in a further increase in the additional hardstand area associated with the reconfigured and expanded parking area, or the impact on the parkland setting.*

**Issue 6**

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

*Response 6*

*The development application was advertised in accordance with the requirements of the Land Use and Planning Approvals Act 1993. The requirement for further consultation with the community is beyond the scope of the planning assessment. However, the applicant (the Dorset Council) has undertaken consultation with the Lilydale District Progress Association and subsequently provided the modified vehicle parking proposal, which is also subject of the requirements of the Council's Infrastructure and Assets Network.*

**Issue 7**

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

*Response 7*

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

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

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

**Issue 8**

**Majority public support for the Rail Trail does not exist.**

*Response 8*

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

**Issue 9**

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

*Response 9*

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

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

**Issue 10**

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

*Response 10*

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

**Issue 11**

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

*Response 11*

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

**Issue 12**

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

*Response 12*

*This issue is beyond the scope of the planning assessment.*

**Issue 13**

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

*Response 13*

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

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

*Staggered fence treatment setback 7.5m from the existing road seal edge.*

*Provision of Road Ahead and Give Way signs where the Rail Trail will approach the road crossings. Provision of the warning signs where traffic on Golconda Road will approach the Rail Trail (positioned 120m before the crossings).*

*These measures are considered to be acceptable.*

**Issue 14**

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

*Response 14*

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

**Issue 15**

**Risk of bushfire.**

*Response 15*

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

<b>Issue 16</b> <b>Capital and maintenance costs to ratepayers.</b>
<i>Response 16</i> <i>This issue is beyond the scope of the planning assessment.</i>
<b>Issue 17</b> <b>Lack of maintenance of the Corridor by the Corridor Manager.</b>
<i>Response 17</i> <i>This issue is beyond the scope of the planning assessment.</i>
<b>Issue 18</b> <b>Lack of use of the Scottsdale to Billycock Rail Trail section.</b>
<i>Response 18</i> <i>This issue is beyond the scope of the planning assessment.</i>
<b>Issue 19</b> <b>Vulnerable species in proximity of the proposed works.</b>
<i>Response 19</i> <i>The proposed Rail Trail and associated parking area has been assessed as compliant with the requirements of the Biodiversity Code, to the extent that some of the land involved in the development application is shown as Priority Habitat on the overlay maps.</i>
<b>Matters Raised in Support</b> <ul style="list-style-type: none"><li>• <b>The proposal represents the best use for the underutilised corridor, as identified in the Legislative Council Review.</b></li><li>• <b>Business opportunities associated with the Rail Trail leading to positive economic and social outcomes.</b></li><li>• <b>Opportunities for recreational activity and enhancement of community health.</b></li><li>• <b>Request for a high-quality trail surface to ensure its safe and convenient use.</b></li><li>• <b>Request from an off-road link from Lilydale township to Lilydale Falls Reserve.</b></li></ul>
<i>Response</i> <i>Noted.</i>

## 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. DA0377-2022 - Planning Scheme Assessment [**10.1.1** - 32 pages]
2. DA0377-2022 - Planning Application Supporting Report [**10.1.2** - 52 pages]
3. DA0377-2022 - Response to Further Information Request [**10.1.3** - 7 pages]
4. DA0377-2022 - Traffic Impact Statement [**10.1.4** - 32 pages]
5. DA0377-2022 - Site History Review [**10.1.5** - 85 pages]
6. DA0377-2022 - 228 Golconda Road Lilydale - Representations [**10.1.6** - 135 pages]
7. DA0377-2022 - Traffic Safety Assessment [**10.1.7** - 12 pages]
8. DA0377-2022 - Revised Car Park Plan - To be amended [**10.1.8** - 1 page]
9. DA0377-2022 - Advertised Proposal Plans [**10.1.9** - 7 pages]

---

**10.2. DA0744/2023 - 10 St Georges Square, Launceston - Residential - Demolition of Existing Dwelling and Construction of a New Dwelling**

**FILE NO:** DA0744/2022

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

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

---

**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Cumulus Studio
Property:	10 St Georges Square, East Launceston
Zoning:	General Residential
Receipt Date:	15/12/2022
Validity Date:	19/12/2022
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	28/02/2023
Representations:	Six

**RELEVANT LEGISLATION:**

*Land Use Planning and Approvals Act 1993*  
Tasmania Planning Scheme - Launceston

*8.4.2 P3 Setbacks and building envelopes for all dwellings*  
*C2.6.2 P1 Design and layout of parking areas*

**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmania Planning Scheme - Launceston, a permit be refused for DA0744/2023 - Residential - demolition of existing dwelling and construction of a new dwelling at 10 St Georges Square, Launceston, on the following grounds:

1. the siting and scale of the proposed dwelling causes an unreasonable loss of amenity to adjoining properties through the overshadowing of the private open space of a dwelling on an adjoining property and does not satisfy clause 8.4.2 P3 (a)(ii); and
  2. the siting and scale of the proposed dwelling causes an unreasonable loss of amenity to adjoining properties through the visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property and does not satisfy clause 8.4.2 P3 (a)(iv) of the scheme.
-

**REPORT:**

**1. THE PROPOSAL**

It is proposed to demolish the existing dwelling, wall and outbuilding at 10 St Georges Square, East Launceston and to construct a new two-storey dwelling.

The new dwelling will be located similarly close to the frontage. The ground level will be built to the southern boundary, with the existing boundary wall, adjacent to 12 St Georges Square, to be rebuilt. The wall adjacent to 4 Scott Street will have a 100mm setback. The boundary walls are effectively single-storey. At the front of the proposed dwelling the wall is to the four-car garage, with the upstairs section of the dwelling being setback some 2.5m, reducing to 1.5m for the stairwell. At the rear (adjacent to 4 Scott Street) the wall is to a single-storey rumpus room.

The upstairs section will be setback the required 3m from the northern boundary (clause 8.4.6 A2(a)) and will contain multiple windows and a deck.

The proposed building protrudes beyond the building envelope (clause 8.4.2 A1 and A3) making the proposal discretionary.

The existing vehicular access to St Georges Square is to be retained.

The existing front fence will be removed and replaced with an 1800mm high fence of vertical poles, compliant with the scheme exemption at table 4.6.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**



10 St Georges Square East Launceston - not to scale

The subject site is a generally level lot of approximately 482m<sup>2</sup> and contains a single-storey dwelling.

Opposite the site, to the east, is the large public park, St Georges Square. This parkland, bisected by High Street, features many mature exotic trees and is a popular recreational



area. There is also a busy take away food shop on this section of the Square, north of the subject site, whilst on the southern end of the square are the ABC offices, a butcher, cafe and a florist/gift shop.

To the north, west and south, the site is surrounded by a mix of single- and double-storey dwellings.

Whilst some dwellings in the area are relatively new, the character of the area is clearly residential in a setting of established parks and gardens and mature trees, including the two significant sequoia trees in the garden of the heritage listed Torkington (56 Ann Street, East Launceston) which are clearly visible landmarks from multiple view-points.

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

The assessment against the Tasmania Planning Scheme - Launceston 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	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2022/02091-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

### **5. REPRESENTATIONS**

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 24 December 2022 to 16 January 2023. 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>Extensive and detrimental impact on the single-storey dwelling and garden at 1 Spencer Street. Given limited mobility the resident relies upon the garden and courtyard for outdoor recreation, the privacy of which will be significantly reduced by the increased size of and overlooking from the new two-storey dwelling.</b></p>
---

**Response 1**

*The representor's submission provides a sketched up image of the scale and bulk of the proposed building, as seen from their courtyard. Whilst this clearly presents as imposing, the majority of the structure is within the building envelope and consideration is largely confined to the impact of that component projecting beyond the envelope - in this case it is the top of the roof line and the top of the window and deck section. Being the top of the building and the top of the windows and open deck, this draws the neighbour's attention to the size of the structure and the scale of the windows and openings facing their properties - notwithstanding that the windows meet the prescribed 3m setback. As such, the representor's concerns regarding visual impact are supported.*

**Issue 2**

**The increased size of the building exceeds the prescribed 50% site coverage, with 80% coverage.**

**Response 2**

*Site coverage is defined as the proportion of a site, excluding any access strip, covered by roofed buildings. The proposed building, therefore, has an area of approximately 254m<sup>2</sup>, or some 53% site coverage. An assessment against the relevant performance criteria is included in the report. The suggestion of 80% site coverage is based on total floor area rather than the area of the site covered by roofed buildings and is incorrect.*

**Issue 3**

**The proposal plans do not correctly show the footprint of 1 Spencer Street and the location of trees adjacent to the boundary.**

**Response 3**

*The plans show the indicative location of structures on adjoining properties close to the boundaries. It is correct that the two trees shown as being on 1 Spencer Street are indeed on the subject site, however, the impact of this is inconsequential as all relevant parties were aware of the error, as evidenced by it being raised in the representations.*

**Issue 4**

**The Council has required the proponents of other developments in Launceston to install landscaping or screening to reduce the impact of overlooking (eg. 26 Welman Street and 6 Spencer Street).**

**Response 4**

*Screening and landscaping are often used to reduce potential overlooking issues where the proposal relies upon performance criteria and every proposal is considered on its merits. In this particular case, the proposed northern windows and deck are all located with more than the 3m separation prescribed in the acceptable solution.*

**Issue 5**

**The proposal includes up to six car parking spaces which seems excessive and may result in noise and traffic issues. Is this for a commercial use?**

**Response 5**

*The proposal includes garaging for four cars and the potential for additional cars (eg. visitors) to park in the driveway. Car parking is assessed in the report. Essentially, the relevant code seeks the provision of not less than two car parking spaces and does not set a maximum or require further assessment for additional spaces. There is no suggestion that there will be any commercial use of the site and the application is for a single dwelling. If the parking of vehicles associated with the use of the dwelling creates a nuisance through noise, this will be dealt with through the appropriate legislation separate of the planning approval process.*

**Issue 6**

The demolition of the boundary wall between 10 and 12 St Georges Square will surely cause extensive damage to the north side access, walkway and drainage of 12 St Georges Square. The front security gates are attached to the wall and will have to be detached, resulting in a loss of privacy and security for the resident and dog. Access to the side door, gas and bin storage will be compromised.

**Response 6**

*The planning scheme does not provide for inconvenience and disturbance during the construction process. Nevertheless, if approval is granted, it would be reasonable to include a requirement for a construction management plan having regard to the safety and security of neighbouring properties.*

**Issue 7**

Removal of the boundary wall and construction of a new one could impact the structural integrity of the 1930's brick dwelling at 12 St Georges Square. Is it necessary to remove the wall or can it be retained and used as part of the new dwelling.

**Response 7**

*The planning scheme does not provide for consideration of potential damage to adjacent buildings. Nevertheless, if approval is granted, it would be reasonable to include a requirement for a construction management plan having regard to the safety and security of neighbouring properties.*

**Issue 8**

The proposed diagrams show that 12 St Georges Square will lose all of its winter sun to the north and west sides, rear courtyard and clothes drying area. These are my only outside areas, which the second-storey of the development will completely overshadow.

**Response 8**

*The overshadowing of adjoining properties as a result of the proposed building projecting beyond the building envelope is addressed in consideration of the performance criteria at clause 8.4.2 P3. The test is whether or not the overshadowing of private open space causes an unreasonable loss of amenity and the test should be measured against what is proposed rather than what might be possible within the prescribed envelope. The proponents shadow plans demonstrate that both 12 St Georges Square will lose nearly all of their winter sunlight to their private open space on 21 June. This is considered to be an unreasonable impact on the residential amenity of those two properties.*

**Issue 9**

There is a proposed south facing stairwell window which looks directly into the courtyard at 12 St Georges Square. Could this have obscure glass?

**Response 9**

*The relevant clause, 8.4.6 A2, refers to a window or glazed door to a habitable room. The stairwell is not a habitable room and the clause does not apply. Overlooking from the stairwell is likely to be only incidental and not unreasonable.*

**Issue 10**

The paling fence on the northern boundary of 12 St Georges Square should not be disturbed and any damage to the fence or garden should be restored.

**Response 10**

*This is beyond the jurisdiction of the planning scheme. Nevertheless, the construction management plan, as mentioned above, could also address this.*

<p><b>Issue 11</b> I ask that the builder undertake a Dilapidation Report on my home before the start of construction and that there be some discussion regarding protection of privacy, safety and security as well as repairs or compensation for damage.</p>
<p><b>Response 11</b> <i>This is beyond the jurisdiction of the planning scheme. The representor's home does not form part of the subject site of the application.</i></p>
<p><b>Issue 12</b> The wall on the northern boundary of 4 Scott Street may be on our property rather than forming the boundary.</p>
<p><b>Response 12</b> <i>A condition may be imposed requiring the location of the wall to be confirmed by a registered land surveyor as works are limited to the subject property. It is noted that the applicants have provided a boundary and detail survey plan that the wall is wholly within 10 St Georges Square.</i></p>
<p><b>Issue 13</b> Our exterior laundry wall is incorporated in the boundary wall, which also supports laser-lite roofing providing a sheltered area fitted with external storage units. Demolition of the wall will have a major detrimental impact.</p>
<p><b>Response 13</b> <i>The wall is wholly within 10 St Georges Square. Any rights the representor may have to rely upon this wall are beyond the scope of the planning scheme and the representor may wish to seek independent advice. It would be expected that the construction management plan, referred to above, would make provision for any attachments to the wall to be removed.</i></p>
<p><b>Issue 14</b> New wall footings could significantly damage the house at 4 Scott Street.</p>
<p><b>Response 14</b> <i>This is beyond the scope of the planning scheme and should be addressed through the construction management plan.</i></p>
<p><b>Issue 15</b> Winter shadows from the proposed new structure will almost entirely block the winter sun from the northern aspect of 4 Scott Street.</p>
<p><b>Response 15</b> <i>The majority of overshadowing on 4 Scott Street will be from its own structures and vegetation. Nevertheless, there is likely to be some additional overshadowing from the proposed new building and this will reduce what little direct sunlight that currently reaches the site.</i></p>
<p><b>Issue 16</b> The proposal includes upper floor windows and terrace overlooking 8 St Georges Square and significantly impacting upon privacy and enjoyment of the living room and kitchen. Given that the living area proposes full windows overlooking St Georges Square, could those facing my property be raised higher than eye level to restore my privacy? Could the terrace be fitted with screening for both privacy and to mitigate sound?</p>
<p><b>Response 16</b> <i>These concerns have been raised with the applicant but have not been adopted. The windows and deck all meet the required 3m setback of the acceptable solution. Nevertheless, the top of the window structure protrudes beyond the building envelope</i></p>

*and as discussed above will contribute to the impact upon residential amenity of the size and bulk of the structure.*

**Issue 17**

**Could the window overlooking 1 Spencer Street similarly be raised or replaced with a window to the west overlooking the proponents own garden?**

**Response 17**

*These concerns have been raised with the applicant but have not been adopted. The windows and deck all meet the required 3m setback of the acceptable solution. Nevertheless, the top of the window structure protrudes beyond the building envelope and as discussed above will contribute to the impact upon residential amenity of the size and bulk of the structure.*

**Issue 18**

**The proposed design and scale is detrimental to the architectural and heritage values of 8 St Georges Square and is out of character with the streetscape and adjoining properties.**

**Response 18**

*There is no capacity within the planning scheme to have regard to this.*

**Issue 19**

**The proposal does not address protection of the heritage listed stable and house at 8 St Georges Square.**

**Response 19**

*There is no capacity within the planning scheme to have regard to this.*

## **6. CONCLUSION**

It is considered that the proposal does not satisfy all applicable performance criteria of the Scheme and it is appropriate to recommend refusal.

### **RISK IMPLICATIONS:**

Not considered relevant to this report.

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

The Tasmania Planning Scheme - Launceston 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*  
Tasmania Planning Scheme - Launceston

### **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. DA0744-2022 10 St Georges Square East Launceston Planning Scheme Assessment [**10.2.1** - 9 pages]
2. DA0744-2022 - 10 St Georges Square Launceston - Advertised Plans [**10.2.2** - 16 pages]
3. DA0744-2022 - 10 St Georges Square Launceston - Revised Plans [**10.2.3** - 33 pages]
4. DA0744-2022 - 10 St Georges Square Launceston - Tas Water SPAN [**10.2.4** - 1 page]
5. DA0744-2022 - 10 St Georges Square Launceston - Representations [**10.2.5** - 25 pages]

## 11. ANNOUNCEMENTS BY THE MAYOR

### 11.1. Mayor's Announcements

FILE NO: SF2375

---

#### Tuesday 31 January 2023

- Attended Youth Symposium
- Met with the President and Chief Executive Officer of Hawthorn Football Club

#### Wednesday 1 February 2023

- Met with Tennis Tasmania/Australia
- Met with the Launceston Church Grammar School Principal Dale Bennett

#### Friday 3 February 2023

- Met with Minister Nic Street MP

#### Wednesday 8 February 2023

- Attended the Tamar Valley Leaders' lunch with Premier Jeremy Rockliff

#### Friday 10 February 2023

- Visited Interweave

#### Monday 13 February 2023

- Met with Deputy Premier, Michael Ferguson MP

#### Tuesday 14 February 2023

- Assisted with the Launceston Preparatory School Visit to Town Hall

#### Wednesday 15 February 2023

- Guest Speaker at The Arts Scene in Launceston for Arts and Library Committee lunch

#### Thursday 16 February 2023

- Attended Mona Foma Launceston Opening Drinks

#### Saturday 18 February 2023

- Attended Mona Foma
- Attended the official launch of the *Volunteers Enriching Lives Through Intercultural Communication Inc*

#### Sunday 19 February 2023

- Attended Lilydale RSL Sub-Branch annual dinner (represented by Councillor Andrew Palmer)

#### Monday 20 February 2023

- Toured Just Cats at Mowbray
  - Attended and spoke at the Launceston Chin Community National Day
-

**Tuesday 21 February 2023**

- Hosted gathering to recognise Friends of the Queen Victoria Museum and Art Gallery Committee

**Wednesday 22 February 2023**

- Attended the 159<sup>th</sup> Ladbrokes Launceston Cup

**Thursday 23 February 2023**

- Met with Luke Edmunds MLC, Shadow Minister for Local Government
  - Welcomed Race Tasmania cars to Civic Square
-



**12. 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).*

**13. QUESTIONS BY COUNCILLORS**

**13.1. 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).*

**13.1.1. Councillors' Questions on Notice - Councillor T G Walker - Deed of Agreement (Creative Holdings Pty Ltd and City of Launceston)**

**FILE NO:** SF6381

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

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

---

**QUESTIONS AND RESPONSES:**

The following question, asked at the Council Meeting on 9 February 2023 by Councillor T G Walker, has been answered by Michael Stretton (Chief Executive Officer).

**Questions:**

1. When will the Deed of Agreement between the City of Launceston and Creative Property Holdings Pty Ltd concerning 41-45 Paterson Street, Launceston be made public as it is in the public's interest and can no longer be regarded, since the demise of the Building Better Regions Fund Grant, to be held in confidence?

**Response:**

*The Agreement, which was negotiated and agreed between the Council and Creative Property Holdings Pty Ltd, is still a commercial in confidence document which was determined by Council in a Closed Meeting under Regulation 15(2)(f) of the Local Government (Meeting Procedures) Regulations 2015. The Federal Government's withdrawal of the Building Better Regions Fund Grant does nothing to alter the status of this document and therefore, it is not proposed that it will be publicly released at this stage.*

---

**13.2. 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).*

## 14. COMMITTEE REPORTS

### 14.1. Transport Committee Meeting - 25 January 2023

**FILE NO:** SF7429

**AUTHOR:** Cathy Williams (Built Environment Officer)

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

---

#### **DECISION STATEMENT:**

To receive a report from the Transport Committee.

#### **RECOMMENDATION:**

That Council receives the report from the Transport Committee Meeting held on 25 January 2023.

---

#### **REPORT:**

The Transport Committee, at its Meeting held on 25 January 2023 discussed:

- the proposal for Launceston Bike Fest to be held on 19 March 2023
- invitations to apply for funding
  - State Growth Bus Stop Upgrade Program
  - State Growth Vulnerable Road User Program
  - State Growth Safer Rural Roads Program
  - State Growth Black Spot Program
- State Growth Black Spot Funding Approval, George Street/Balfour Street Intersection
- Hobart Road/Riseley Street/Innocent Street traffic signals operational changes
- Invermay Road/Vermont Road traffic signals operational changes

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

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

---

Focus Areas:

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

**BUDGET 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

**14.2. Tender Review Committee Meeting - 9 February 2023**

**FILE NO:** SF0100/CD.026/2022

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

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

---

**DECISION STATEMENT:**

To receive a report from the Tender Review Committee.

**RECOMMENDATION:**

That Council notes the decision of the Tender Review Committee to accept the tender submitted by Invision Developments for amenities extension and upgrade for the Lilydale Football Club, Contract No. CD.026/2022 at a cost of \$374,032.00 (exclusive GST).

---

**REPORT:**

The Tender Review Committee Meeting, held on 9 February 2023, determined the following:

That the tender submitted by Invision Developments for amenities extension and upgrade for the Lilydale Football Club, Contract No. CD.026/2022 at a cost of \$374,032.00 (exclusive GST) be accepted.

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

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

Focus Areas:

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

**BUDGET 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. ORGANISATIONAL SERVICES NETWORK**

**15.1. 2022/2023 Budget - Budget Amendments**

**FILE NO:** SF7463/SF6939

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

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

---

**DECISION STATEMENT:**

For Council to:

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

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

2. consider adjustments made during 1 January to 31 January 2023 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 absolute majority, approves the following changes to the 2022/2023 Statutory Estimates:
    - (a) Expenses
      - i. the net increase in operations expenditure of \$947,301.
    - (b) Capital Works Expenditure
      - i. the decrease in the Council's funded expenditure of \$947,301.
  2. notes that amendments from Recommendation 1. result in:
    - (a) the operating surplus being amended to \$15,282,515 (including capital grants of \$23,732,793) for 2022/2023.
    - (b) the capital budget being decreased to \$37,603,615 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 January to 31 January 2023.
-



**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 31/12/2022	21,161	21,814
Balance Previously Advised as at 31/12/2022	16,230	38,551
 <u>Amendments</u>		
Additional Council Funds	0	0
Capital to Operations	(1,000)	(1,000)
Operations to Capital	53	53
Operations	0	0
External Funds	0	0
External Funds Not Received	0	0
<b>Statutory Budget as at 31/01/2023</b>	<b>15,283</b>	<b>37,604</b>
	<u>(23,733)</u>	
<b>Underlying Operating Budget Surplus/(Deficit)</b>	<b>(8,450)</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:**

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24452	Corporate Applications Replacement (Capital)	\$1,000,000	\$1,000,000	\$0	\$0
OPM25072	Corporate Applications Replacement (Major Operations)	\$0	\$0	\$1,000,000	\$1,000,000
	<b>TOTALS</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>

**The project scope of works:**

The Council is currently in the process of replacing its main corporate application software. Now that a supplier has been chosen, it has been determined that the cost is not capital in nature, as the software will be provided under a subscription model.

This budget amendment is to move the budget across to a major operational project where the costs will be captured.

<b>Capital to Operations</b>	<b>Operations</b>	<b>Capital</b>
Corporate Applications Replacement	\$1,000,000	(\$1,000,000)
<b>TOTAL</b>	<b>\$1,000,000</b>	<b>(\$1,000,000)</b>

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

<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>
GL.10.0.9720. 1000.16035	Mechanical Workshop - Insurance Recovery Revenue	\$0	\$14,236	\$0	(\$14,236)
CP24375	Light Vehicle Purchases 2022/2023	\$508,765	\$0	\$14,236	\$523,001
	<b>TOTALS</b>	<b>\$508,765</b>	<b>\$14,236</b>	<b>\$14,236</b>	<b>\$508,765</b>

**The project scope of works:**

Fleet asset 9054 was stolen and destroyed. Insurance recovery revenue has been received for this incident.

This budget amendment is to recognise the insurance received and to add budget to the capital purchase projected to enable to replacement vehicle to be purchased as there are currently insufficient budget funds on the project to cover for this unplanned replacement.

<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>
OP20811	Tourism Promotion	\$116,500	\$38,463	\$0	\$78,037
CP24482	Launceston Placebrand Banners and Signage	\$0	\$0	\$38,463	\$38,463
	<b>TOTALS</b>	<b>\$116,500</b>	<b>\$38,463</b>	<b>\$38,463</b>	<b>\$116,500</b>

**The project scope of works:**

Signage designed, printed and installed at the Princess Theatre and the Launceston Airport within the Tourism operational budget meets Council's capitalisation definition.

The expenditure has been transferred to a newly created capital project and now requires a matching budget to be transferred.

<b>Operations to Capital</b>	<b>Operations</b>	<b>Capital</b>
Light Vehicle Purchases 2022/2023	(\$14,236)	\$14,236
Launceston Placebrand Banners and Signage	(\$38,463)	\$38,463
<b>TOTAL</b>	<b>(\$52,699)</b>	<b>\$52,699</b>

## 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
24339	Launceston City Heart Brisbane Street Mall Upgrades	\$500,000	(\$120,000)	\$380,000	Decrease
24483	Seaport Precinct Upgrades	\$0	\$120,000	\$120,000	Increase
	<b>TOTALS</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$500,000</b>	

The following capital project adjustments have occurred in the period 1 January to 31 January 2023:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24339	Launceston City Heart Brisbane Street Mall Upgrades	\$500,000	\$120,000	\$0	\$380,000
24483	Seaport Precinct Upgrades	\$0	\$0	\$120,000	\$120,000
	<b>TOTALS</b>	<b>\$500,000</b>	<b>\$120,000</b>	<b>\$120,000</b>	<b>\$500,000</b>

### The project scope of works:

Upgrades have been identified within the Seaport Precinct. Works include signage, lighting and wall wrapping or similar.

It has been identified that the required funds can be re-located from the Launceston City Heart Brisbane Street Mall project.

### 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

## 15.2. Personal Micro-Mobility (e-Scooter) Trial Review and Recommendations

**FILE NO:** SF7422

**AUTHOR:** James McKee (Manager Innovation and Performance)

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

---

### **DECISION STATEMENT:**

To consider the e-Scooter Trial Evaluation Report and accepts the recommendations contained within the Report.

### **RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas) - section 60(2)(b)*  
*Traffic Act 1925 (Tas)*

### **PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 16 February 2023 - Micro-Mobility Trial Review  
Workshop - 17 November 2022 - Personal Micro Mobility Device - e-Scooter Trial  
Council - 17 November 2022 - Agenda Item 16.6 - Petition Response - e-Scooters in Kings Meadows  
Council - 5 October 2022 - Agenda Item 10.2 - Petition - Steve Coull - e-Scooters in Kings Meadows  
Workshop - 25 November 2021 - Micro-Mobility Legislation and Options  
Workshop - 4 February 2021 - Micro-Mobility Trial

### **RECOMMENDATION:**

That Council:

1. receives the e-Scooter Trial Evaluation Report (Doc Set ID 5618902).
2. accepts the following recommendations as set out in section 8 of the e-Scooter Trial Evaluation Report:

#### 8.1 Clear Promotion of Roles

The Department of State Growth, City of Launceston, Operators, Tasmania Police & Riders all have roles and responsibilities. Often roles and responsibilities are not clearly known and often they are confused.

It is recommended that Council work with stakeholders to define and promote who has roles and responsibilities to reduce confusion and to help reach the best outcome.

#### 8.2 Introduction of Restrictive Parking Areas

Dedicated e-Scooter/Personal Mobility Device parking areas should be established in high-activity areas, such as the CBD, Mowbray Shopping Area, and Riverbend Park, to encourage safe and tidy parking practices. These designated parking locations should be actively reinforced by the operator through various technologies. In the

---

event that the operating area was extended to include Kings Meadows, then similar parking controls would apply in the Kings Meadows Shopping Area. Parking controls should be implemented through low-cost measures where possible, with pavement markings being the preferred treatment.

It is not considered necessary at this time to replace any on-street car parking spaces with e-Scooter/Personal Mobility Device parking.

### 8.3 Signage Changes

The existing signage that prohibits use of bicycles, skateboards, and non-motorised scooters on the footpaths of Charles Street, St John Street, George Street and Brisbane Street between 9am and 5pm, should be amended to also prohibit the use of Personal Mobility Devices.

### 8.4 Conditions of Permit and expectations

Set expectations within future permits on how quickly particular issues should be resolved. Where an issue is considered a safety or accessibility concern, response times should be short. Some issues can be identified via the online technology such as an e-Scooter that has fallen over or an e-Scooters that hasn't been used for an extended period. Other issues will need to be addressed once a report has been made by a community member, ie, dangerously located or parked in inappropriate locations.

#### 8.4a Safety Campaigns and Initiatives

Set expectations within the permit that public safety campaigns will be organised and metrics reported on in monthly reports.

#### 8.4b Operating Area Expansion

In response to the Kings Meadows petition received by the Council, if an operator wishes to expand the area which the e-Scooters can operate, a proposal will need to be submitted to council, with considerations of existing bylaws, operations, and public safety including geofences for no ride zones, speed limits and restrictive parking. Council will provide input prior to approval. Approval will be sought from the Council.

#### 8.4c Reporting Requirements

Operators already provide monthly reports categorising incidents, detailing usage and sharing other relevant information. Reports should also include a summary of issues logged by the community and confirmation that response time has been adequate. Reports should also provide detail of rider education measures that have been taken.

### 8.5 Permit Fee

Council officers are investigating the various costs associated with granting permission to conduct the activity, and associated tasks. Once such investigation is complete, a decision can be made as to the extent of fee to be charged in keeping with Council's obligations under the *Local Government Act 1993*.

## 8.6 Legislative Consistency and Refinement

8.6a. Continue to review those roads that may be gazetted to support user experience and a safe operating environment for both users and pedestrian's, and work with the State Government to consider which roads should be accessible to devices as part of the legislative review.

8.6b. Continue to work with State Government to provide clarity and efficiencies where possible in relevant legislation.

8.6c. Advocate State Government to make accident report data for micro mobility devices including e-Scooters, available to local government authorities.

8.6d. Advocate for improved consistency and legislative alignment across all States and Territories, recognising the differences in infrastructure such as bike lanes, footpaths and roads for e-Scooter/Personal Mobility Device use.

8.6e. National harmonisation of categorisation and legislation relating to Personal Mobility Devices, to enable collection and analysis of crash data that is comparable across transport modes and jurisdictions.

---

## REPORT:

In November 2021, the Tasmanian Government Legislative Council passed an amendment to *Traffic Act 1925 (Tas)*, to legislate personal mobility devices in Tasmania. This enabled devices such as e-Scooters and other personal mobility devices to be used by commercial rideshare operators as well as private users on footpaths, shared paths and some local roads.

In anticipation of the legislative change and appreciating micro-mobility transport options align strategically with the Launceston Transport Strategy and the Council's Sustainability Action Plan, the City of Launceston invited Expressions of Interest from potential e-scooter rideshare operators for a 12-month trial of e-scooters in the Launceston municipality.

A 12-month commercial activity permit was granted to two e-scooter rideshare operators to enable the Council to develop relationships with rideshare operators and collect data such as use times, travel patterns, parking and incidents, to inform conditions of use for future rideshare operations.

The rideshare trial commenced in December 2021 through to December 2022 and the Council has worked with operators and the community throughout the trial.

A comprehensive review of the trial has been undertaken and findings captured in the e-Scooter Trial Evaluation report. Based on the findings, a suite of recommendations have been prepared for Council to consider.

**RISK IMPLICATIONS:**

Risks have been identified during the evaluation of the e-Scooter trial. The recommendations provide controls to manage the risks identified.

8.1 Clear Promotion of Roles: To provide clarity of the roles and responsibilities involved in the new transport mode enabling stakeholders to find resolve promptly.

8.2 Introduction of Restrictive Parking Areas: To address the risks associated with e-Scooter parking.

8.3 Signage Changes: To prohibit private e-Scooter use in designated areas.

8.4 Conditions of Permit and expectations: To maintain positive working relationships with operators and agree expectations to reduce issues where risks have been identified.

8.4a Safety Campaigns and Initiatives: Commitment from operators to continue rider education programs to encourage safe and considerate use of e-Scooters.

8.4b Operating Area Expansion: A proposal process by the operator to the council with considerations of existing bylaws, operations, and public safety including geofences for no ride zones, speed limits and restrictive parking, will enable the Council to assess and provide input prior to consideration by the elected members.

8.4c Reporting Requirements will enable ongoing monitoring of usage and enable potential issues to be identified.

8.5 Permit Fee: The fee enables the Council to be appropriately resourced to manage the operational aspects of the permit.

8.6 Legislative Consistency and Refinement: To highlight potential risks, support safe operating environments for both users and pedestrians, and enable data analysis to inform future controls.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Micro-mobility, such as e-Scooters and Personal Mobility Devices, are recognised as having potential to help progress the three major themes of the Launceston Transport Strategy 2020-2040. The three themes are: A Liveable Launceston, A Healthy Launceston, and A Connected Launceston. The e-Scooter trial has aligned with several action areas in the Council's Sustainability Action Plan, under the Towards Zero Emissions and Smart Assets key priority areas.



**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

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

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

Focus Areas:

3. To provide an environment that is supportive to business and development within the municipality.

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

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

Focus Areas:

1. To provide for the health, safety and welfare of the community.
3. To ensure decisions are made on the basis of accurate and relevant information.

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:

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.

Strategic Priority 7: We are a City planning for our future by ensuring our approach to strategic land-use, development and infrastructure is coordinated, progressive and sustainable.

10-Year Goal: To facilitate appropriate development via integrated land-use planning, infrastructure investment and transport solutions within our municipality and region.

Focus Areas:

3. To improve and maintain accessibility, transport options and infrastructure within the Launceston area, including its rural areas.

**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. City of Launceston e- Scooter Trial Evaluation - Review Report and Recommendations [**15.2.1** - 41 pages]

**16. CHIEF EXECUTIVE OFFICER NETWORK**

**16.1. Disposal of Portion of the Council's Owned Land - 65-85 Murphy Street, Invermay**

**FILE NO:** SF1780

**CHIEF EXECUTIVE OFFICER APPROVAL:** Michael Stretton

---

**DECISION STATEMENT:**

To consider disposing of Council land at 65-85 Murphy Street, Invermay to the Tasmanian Water and Sewerage Corporation Pty Ltd (TasWater) for use in the implementation of the *kanamaluka*/Tamar Estuary River Health Action Plan.

*This decision requires an absolute majority of Council.*

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

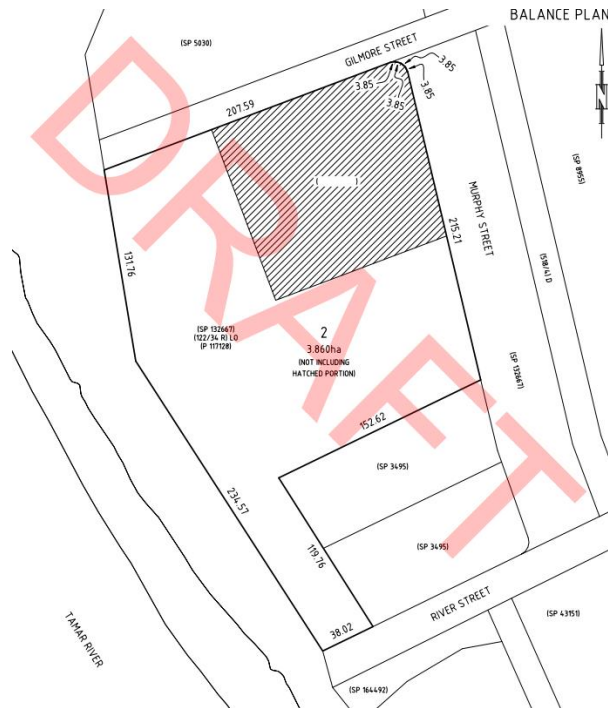
**PREVIOUS COUNCIL CONSIDERATION:**

Council Workshop - 2 February 2023 - TERHAP Construction Impacts

**RECOMMENDATION:**

That Council:

1. decides, by absolute majority, pursuant to section 177 of the *Local Government Act 1993 (Tas)*, to sell up to 1.635 hectares of the lot comprised in Certificate of Title Volume 132667 Folio 1 to TasWater, the approximate area shown in hatch in the sketch below (Subject Land):



2. notes the valuation advice at Attachment 1 (Doc Set ID No 4851460).
3. requests the Chief Executive Officer to do all things and exercise all functions and/or powers necessary with respect to Recommendation 1 to:
  - (a) determine the exact measurements of the Subject Land to be transferred;
  - (b) make any prospective contract of sale subject to TasWater bearing responsibility for any costs associated with the subdivision;
  - (c) make the contracted price the total sum of:
    - (i) \$1 for the Subject Land;
    - (ii) \$3,060.00 as the Council's fee for officer time involved in the disposal of an interest in land; and
    - (iii) any of the Council's reasonably incurred out-of-pocket costs.
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:

### Background

The City of Launceston is partnering with the Federal Government, State Government and TasWater to deliver the Tamar Estuary River Health Action Plan (TERHAP) under the Launceston City Deal. A total of \$129.2m is being invested by the funding partners as follows:

- Federal Government - \$42.5m
- State Government - \$42.5m
- TasWater - \$33.2m
- City of Launceston - \$11m

The TERHAP is delivering projects to improve the operation of Launceston's combined system which manages the flow of both sewage and stormwater. The projects are helping to divert sewage and stormwater flows away from the *kanamaluka*/Tamar estuary, reducing the frequency and volume of overflow events. These improvements include:

- upgrades of existing and construction of new pump stations to increase pumping capacities;
- constructing new network storage to reduce overflows; and
- building additional pipelines to transfer greater flow volumes.

Delivery of these projects will provide measurable benefits to *kanamaluka*/Tamar estuary, with the forecast benefits targeting:

- a 66% reduction in combined sewage and stormwater overflow volumes in an average rainfall year; and
- Reducing the presence of human waste-related bacteria concentrations in Tamar Estuary Zone 1 in an average rainfall year by up to 36%.

An important element of improving to quality of wastewater discharged from the Ti-Tree Bend Sewage Treatment Plant as part of the TERHAP is to increase storage within the combined system.

It was initially planned for 3ML storage tanks to be provided at Kings Park, Margaret Street and in Racecourse Crescent, however, the final design has identified the Ti-Tree Bend site as the preferred location on which to locate the necessary storage. The Subject Site is currently owned by the Council and contains three silt ponds which were historically utilised for the de-watering and disposal of dredged sediment from the Estuary. The ponds were last used for this purpose circa 2007.

Sediment sampling was conducted within the ponds by Marine Solutions in February 2020. It was determined that the sediment material contained elevated concentrations of arsenic, cadmium, chromium, manganese, zinc and *Tributyltin (TBT)*, which classify it as a Category C hazardous waste. It is a very fine material (75-90% silts and clays) and has a low pH (4.8-5.4). The nature of the material is unsurprising given it is old dredging material and that Launceston's intertidal flats and upper estuary are known to contain acid sulfate soils and historic contamination from the catchment.


TasWater has requested that the Council consider the provision of approximately 1.635ha of the subject site to enable to construction of a 10ML storage tank to buffer flows prior to their transfer to the Ti-Tree Bend Sewage Treatment Plant.

**The Subject Site**

The subject site contains three silt ponds shown below as the Northern, Middle and Southern ponds (the green is the boundary of the dam walls).



The subject site includes four separate titles over 1ha. It exists as two broad areas shown below as A and B:

	<b>Area</b>	<b>Street Address</b>	<b>Size</b>	<b>Title Refs</b>	<b>Zoning</b>
	A	3-23 Gilmore Street, Invermay	3.9650ha	CT5030/1	Utilities
	B	65-85 Murphy Street, Invermay	7.0988ha  (total 11.0638ha)	CT132667/1 CT65064/1 CT65064/2	Utilities

The 1.635ha site sought by TasWater is located on Area B (title ref: CT132667/1) and the approximate area is illustrated by the hatched section in the figure below, however, the exact location is subject to further final survey.



### Site Details

The subject site is zoned Utilities under the Tasmanian Planning Scheme - Launceston which includes the following uses:

#### *Permitted*

- Recycling and Waste Disposal
- Transport Depot and Distribution
- Utilities
- Vehicle Parking

#### *Discretionary*

- Emergency Services
- Sports and Recreation
- Storage
- Tourist Operation

However, the site is exposed to the risk of flooding as it is not located within the levee protected area, is located within the Ti-Tree Bend Sewage Treatment Plant Attenuation Zone and is a contaminated site. Accordingly, the site is constrained in terms of its future development potential.

The contaminated sediment that is currently stored within the ponds presents a liability to the Council which will need to be addressed at some stage, particularly if it is proposed to develop on the site.

For instance, the site which TasWater is seeking contains a volume of sediment in 32,000m<sup>2</sup> at say 1.5m depth of approximately 48,000m<sup>3</sup>. This converts to 576,000t @ 1.2t/m<sup>3</sup>.

Some basic calculations on the liability are:

- disposal as category C waste at Copping \$450/t.
- excavation and transport to Copping \$80/t.
- total cost for transport and disposal is \$530/t plus include environmental approvals and rehabilitation say \$600/t.

Therefore, the approximate liability for removal of sediment from the pond that TasWater want to acquire is between \$20m to \$40m. Of course, this liability cannot be afforded and therefore, it will be necessary to work with the relevant Authorities to determine an insitu stabilisation/treatment option for the pond to enable it to be developed on. If the site is disposed of to TasWater, the stabilisation/treatment process and cost would need to be borne by TasWater. However, as the proposed development is for infrastructure and not a more sensitive use, it is likely that a suitable treatment option will be identified.

This liability, together with the site's development limitations, do impact upon its value. In considering the disposal of land the Council is required to attain a valuation. This valuation was provided by LG Valuation Services Pty Ltd on 16 November 2022. Given the uncertainty around the management of the site contamination, the site was valued in an unencumbered state, as if it is not contaminated and no remediation works are necessary to accommodate development. Accordingly, the cost to remediate the site for any potential use is unqualified in the valuation along with any soil or groundwater contamination to the site.

LG Valuation Services determined that the subject site is worth \$45/m<sup>2</sup> which gives a site valuation of: 16,350m<sup>2</sup> x \$45/m<sup>2</sup> = \$735,750

However, given the uncertainty around the site remediation needs/costs and any groundwater contamination, this value is not considered to be truly representative of the site.

## **Conclusion**

The sale of the Subject Land must meet the requirements of section 177 of the *Local Government Act 1993* (Tas) which provides that Council may sell Council land by any method it approves so long as Council:

- (a) obtains a valuation; and
- (b) decides by an absolute majority.

There are no registered caveats preventing the sale, nor is there any hindrance to the Council selling the land under the *Local Government Act 1993* (Tas).

It is recommended that the Council sell the Subject Land to TasWater for \$1 due to:

1. the community benefit and need for the project;
2. the fact that the Council is a financial partner in the TERHAP project;
3. the liability that the site presents to the Council;



4. the reality that the Council does not have any future plans for the development of the subject site and its disposal would still leave ample land on which to provide recreational infrastructure (shared pathways and the like), when the *kanamaluka*/Tamar Estuary Management Taskforce vision is eventually realised; and
5. its limited future use due to constraints such as flooding, proximity to the water treatment plant and site contamination.

This would effectively increase the Council's TERHAP project contribution to \$11.73m.

**RISK IMPLICATIONS:**

Included within the report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

***Environmental Impact:***

Launceston's combined system is somewhat unique to Australia. It is the only major City that still has part of its stormwater and sewerage system utilising the same system of pipes. While it may be unique in Australia, combined systems are still prevalent in many major cities around the globe, including London and Paris. Their network of pipes are designed to carry the larger stormwater flows and thus are much bigger than that of a separated sewerage network and have a number of benefits. For example, run off from roads such as motor oils, contaminants washed down from the catchment and dog faeces, receive treatment in Launceston, which is not the case in the rest of the State.

Historically, combined systems were seldom designed to accommodate all rainfall events as this was often not possible or economically/technically feasible. This led to the systems having dedicated overflow points where any stormwater and sewage in the pipe at the time of a large rainfall event would also overflow. The disposal of the subject site will provide the opportunity for increased capacity to be provided for the combined system to better accommodate rainfall events and therefore, reduce combined sewage and stormwater overflow volumes.

***Social Impact:***

There is a long held desire by the Launceston community to improve the health of the *kanamaluka*/Tamar Estuary, particularly the area around the Yacht Basin at the confluence of the North Esk, South Esk and Tamar Rivers.

Managing river health requires many people to be involved, as the catchment that feeds the estuary is around 10,000km<sup>2</sup> in area encompassing several uses and activities. As can be seen, what happens as far away as Tunbridge, Fingal and Deloraine can impact on the Estuary's health at Launceston or George Town.

The TERHAP, developed by the *kanamaluka*/Tamar Estuary Management Taskforce in December 2017, under the Launceston City Deal, identifies the investment and policy priorities for better governance outcomes and improvements to the health of the estuary. This Plan has been endorsed by both the Council and the State Government following an extensive community engagement process.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

Strategic Priority 7: We are a City planning for our future by ensuring our approach to strategic land-use, development and infrastructure is coordinated, progressive and sustainable.

10-Year Goal: To facilitate appropriate development via integrated land-use planning, infrastructure investment and transport solutions within our municipality and region.

Focus Areas:

1. To ensure that our application of the land-use planning system at a local and regional level is effective and efficient.
2. To take a strategic approach to development sites and infrastructure investment within the municipality to maximise public benefit and encourage development and investment.
3. To improve and maintain accessibility, transport options and infrastructure within the Launceston area, including its rural areas.
4. To ensure our suite of strategic planning initiatives are coordinated and representative of our community's needs and aspirations.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Included within the report.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

1. L G 22 1604 Silt Ponds Invermay Report and Valuation [**16.1.1** - 25 pages]

**17. MEETING CLOSURE**

**18. NEXT COUNCIL MEETING DATE**

**The next Ordinary Meeting of Council will be held at 1.00pm on 9 March 2023 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.**