



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 18 APRIL 2024
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: 18 April 2024

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.



**Shane Eberhardt
Acting Chief Executive Officer**

AUDIO of COUNCIL MEETINGS

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

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

PUBLIC QUESTION TIME - AGENDA ITEM 8

A limit of three questions received in writing by Wednesday of the week prior to the Council Meeting are treated as Questions on Notice. Your question and an answer will be published in the Agenda of the Council Meeting. Questions may be submitted to the Chief Executive Officer at contactus@launceston.tas.gov.au, PO Box 396, Launceston TAS 7250, or Town Hall, St John Street, Launceston.

If attending the Council Meeting in person, you may ask up to three questions during Public Question Time. If accepted, your questions will be either answered at the Meeting, or Taken on Notice and answered at a later Council Meeting.

PUBLIC COMMENT ON AGENDA ITEMS

When attending the Council Meeting, you will be asked if you wish to comment on an item in the Agenda. Prior to debate on that Agenda Item, you will be invited by the Chair to move to the public microphone at the doors to the Council Chambers and state your name and address.

Please note the following important information:

- Each item on the Agenda includes a Recommendation prepared by a Council Officer.
- You may speak for up to two minutes, either for or against the Recommendation.
- You may not ask questions or enter into debate with Councillors or Council Officers.
- Your statement is not to be defamatory, inappropriate or abusive, or be intended to embarrass any person, including Councillors or Council Officers.
- The Chair may direct you to stop speaking if you do not follow these rules, or if your statement repeats points that have already been made.
- Audio from our Council Meetings is streamed live via YouTube.

Your respectful contribution is welcome and appreciated.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

At the City of Launceston, the positions of General Manager Community and Place, General Manager Organisational Services, General Manager Infrastructure and Assets and General Manager Creative Arts and Cultural Services do not assume the functions and powers of the term *general manager* in a legislative sense: any legislative functions and powers to be delegated to these roles will be made by Council or the Chief Executive Officer. At the City of Launceston, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993 (Tas)*. For the avoidance of doubt, *Chief Executive Officer* means *General Manager* for the purposes of the *Local Government Act 1993 (Tas)* and all other legislation administered by or concerning Council.

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1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2. MAYORAL ACKNOWLEDGEMENTS

3. DECLARATIONS OF INTEREST

Local Government Act 1993 (Tas) - section 48

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

4. CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 4 April 2024 be confirmed as a true and correct record.

5. COUNCIL WORKSHOPS

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

5.1. Council Workshops 4 April 2024 and 18 April 2024

FILE NO: SF4401

AUTHOR: Lorraine Wyatt (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 and attended since the last Council Meeting, for the purposes described:

1. pre-Council Workshop conducted on 4 April 2024:

Queen Victoria Museum and Art Gallery Tour

Councillors received a tour of the Queen Victoria Museum and Art Gallery - Inveresk.

In Attendance: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor D C Gibson, Councillor A E Dawkins, Councillor A G Harris, Councillor Prof G Razay, Councillor A J Palmer, Councillor L M McMahan and Councillor S Cai

Apologies: Councillor T G Walker, Councillor J J Pentridge and Councillor A J Britton

2. Workshop conducted on 11 April 2024:

Corporate Strategic Plan Update

Councillors received a presentation on the development of our ten-year Corporate Strategic Plan 2025 – 2034 and considered the proposed project plan approach.

Energy Supply Renewal

Councillors received information regarding the Energy Supply Tender process and had an opportunity to ask questions.

Petition to Amend Sealed Plan 164783, 62 Parklands Parade, Newnham

Councillors were given a briefing on a proposal to remove a restrictive covenant at 62 Parklands Parade, which prevents the Council from subdividing that land for the purpose of creating a road to adjoining land.

Stadiums Tasmania - Feedback on CoL Principles

The workshop provided an opportunity for Councillors to provide advice on the expectations of the content Term Sheet for transfer and transition of the Stadium to Stadiums Tasmania.

TasNetworks Future Project - Community Batteries

Councillors received a presentation from TasNetworks regarding the Community Batteries Project.

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

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 - Sharon Wright (position) - Volunteering Tasmania

FILE NO: SF6368

AUTHOR: Kelsey Hartland (Team Leader Governance)

ACTING CHIEF EXECUTIVE OFFICER APPROVAL: Shane Eberhardt

SUMMARY OF PRESENTATION

Volunteering is the largest industry in Tasmania and is a core part of Tasmania's culture. Volunteers are present and contribute their time across all aspects of community life. They provide food relief, mental health support, care for injured wildlife and increase adult literacy outcomes. They transport medical equipment, enable major cultural and sporting events, respond to disasters, and form critical points of connection between business and community. Volunteering has the unique potential to foster inclusion, participation, belonging, connection to people and place, community resilience and individual, collective, and environmental wellbeing. Despite Tasmania's strong volunteering culture, formal volunteer participation is in decline. Without immediate and strategic investment in the systems and structures that support the volunteer workforce, it is expected that by 2029 there will be a 42% gap between the demand for and supply of volunteers in Tasmania.

As the local volunteering peak body, Volunteering Tasmania advocate to decision makers to ensure the future of volunteering is safe and supported, informed by and on behalf of the volunteering industry. In conjunction with this, we support volunteering involving organisations by providing a range of specialised services with contemporary and innovative approaches designed to strengthen the Tasmanian volunteering sector.

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 - Ron Baines - Bed and Breakfast Approvals - 4 April 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following questions submitted to Council on 4 April 2024 by Ron Baines, has been answered by Richard Jamieson (Manager City Development).

Questions:

1. It seems that Council's Homelessness Committee is being undermined by Council's continual approval of B&Bs in its boundaries, which obviously exacerbates the problem of long term rentals. How many B&B's have been approved in Launceston?

Response:

Data on approvals of short term visitor accommodation is collected on a state-wide basis by the Consumer, Building and Occupational Services section of the Tasmanian Government Department of Justice. They publish a report on their website quarterly outlining how many business are operating. The latest published figures are from April to June 2023 can be found at <https://www.cbos.tas.gov.au/topics/housing/short-stay-accommodation-act>

As at Quarter 2 2023 there were 664 Reported Premises in the Launceston local government area.

8.1.2. Public Question Time - Mowbray Golf Club - Newham Creek and Sediment - 9 April 2024

FILE NO: SF6381/SF0714

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

ACITNG CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following question submitted to Council on 9 April 2024 by Mowbray Golf Club, has been answered by Erica Deegan (Manager Infrastructure and Engineering).

Questions:

1. Mowbray Golf Club has been at its current site for over 90 years and we have over 450 members. The Newnham Creek that we use for irrigation and replenishment of dams is a vital tool that enables the Club to avoid using costly and precious city water unlike other courses in Launceston. We also have a notable number of diverse waterfowl that use our course year-round.

The large amount of run-off from industrial, mining and waste sites upstream consistently fill our dams with sediment, reducing the capacity for us to hold water through the summer months. We started our attempt to find recourse years ago. The City of Launceston told us to go to Department of Natural Resources, they told us to go to TasWater who told us to go the City of Launceston. Every governmental body we have contacted has passed the buck to each other resulting in a circle of blame with no one taking accountability, can Launceston City Council please help in finding the right approach to this problem?

Response:

Newnham Creek is an important urban waterway, one of the key urban catchments identified in the City of Launceston's Urban Waterway Health Management Plan. The creek receives runoff from a fairly large area (1,760 Ha catchment area), a significant portion of which is developed urban area. The creek receives runoff from large residential areas, farmland, landfill, quarry, industrial sites along Remount and Cavalry Roads, a golf course and a racecourse.

Managing and reducing stormwater impacts on urban waterways is complex with no easy solutions. There are a number of different organisations that regulate different issues around stormwater pollution in the state, which makes looking at catchment wide issues a challenge. The City of Launceston are approaching this from a number of different angles in collaboration with other stakeholders. This includes:

- *scheduled maintenance, including street cleaning, pit and pipe cleaning and maintenance of gross pollutant traps*
- *reactive investigations around specific pollution events*
- *waterway management - ongoing management and monitoring, including revegetation of urban waterways. This includes revegetation of multiple, small*

sections of Newnham Creek over the past 3 years, including at Dover Reserve, Launceston Waste Centre and Ravenswood Mens Shed

- *development control and land use planning - management of stormwater quantity and quality through development controls and land use planning*
- *targeted projects to reduce flood risk and/or water quality and aquatic health impacts.*

Mowbray Golf Club has two registered dams, both of which are inline on Newnham Creek. Dams constructed inline (in the main creek stream) modify the waterway and are highly susceptible to various impacts to the creek from the upstream catchment. During rainfall events, Newnham Creek receives sediment runoff from the catchment, which is likely to be from a number of different sources.

As the Mowbray Golf Club are the owners and managers of the dam, they are responsible for maintaining the dam however the Water Team are happy to meet with the Golf Club to discuss the issue and provide advice where applicable.

8.1.3. Public Questions on Notice - Ray Norman - Birchalls Building, Waste and Recovery Management; and Citizens Assemblies - 10 April 2024

FILE NO: SF6381/SF0634/SF2628/SF4670/18182/18181/63380

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following questions, submitted to Council on 10 April 2024 by Ray Norman, have been answered by Shane Eberhardt (Acting Chief Executive Officer).

QUESTION 1

CONTEXT NOTE

Given the plethora of rumours surrounding Council's (**NO Launceston's ratepayers**) acquisition of the Birchalls Building (**BB**) some of which is as follows:

- The current intended '**purchaser**' of **BB** has purchased or intends to purchase the Myer Building; and
- The current intended '**purchaser**' of **BB** has or intends sue Council for a large amount albeit that the Mayor acting on managerial advice says that it is not so; and
- The current intended '**purchaser**' of **BB** has apparently been unable to meet a commitment and for all intension's purposes no longer figures in whatever comes next for the **BB** in regard to its future; and
- The city's ratepayers can only look forward to an initial **FISCAL** loss AND a loss of opportunity **PLUS** further and ongoing losses; and
- The accumulated debts and losses consequent to what appears to be a **MANAGEMENT DRIVEN** initiative that has thus far has not delivered any kind of dividend – **fiscal, social nor cultural** – and that this circumstance shows every prospect of being compounded without the ratepayers' **ELECTED REPRESENTATIVES** taking charge of the situation; and
- There being acknowledgement aground **THE table** that around it there is insufficient collective knowledge, skills, or experience to bring the **BB debacle** to the best possible resolution; and
- There now needs to be a **CIRCUIT breaker** put in place to ensure that the city' ratepayers suffer no further losses given the current inequitable outcome that ratepayers have been forced into and to bear.

THE QUESTION

Given that Council finds itself in an invidious position along with ratepayers will Council now move proactively to empanel a **CITIZEN'S ASSEMBLY** tasked to discover the actual circumstances that have led to this debacle; share its finding with the community; and offer advice on an equitable way forward where ratepayers' losses are minimalised?

Response:

Council continues to make informed decisions which are provided to the public when appropriate to do so, through a variety of formats.

QUESTION 2

CONTEXT NOTE

Given that all the indications appear to be that:

- The city' **WASTE MANAGEMENT CENTRE** appears to be consigning something in the order of **50%** of the incoming '**waste stream**'_that is deemed to be '**waste**' and thus consigned to landfill; and
- There is no proposed mechanism, managerial or other, to differentiate what might be understood as '**resource**' and what is truly '**waste matter**'; and
- Consequently, there is feasibly a high percentage if the '**50% deemed to be waste**' that is indeed an unacknowledged '**resource**' but nonetheless goes to landfill; and
- All this arguably runs counter to Council's **CLIMATE BEMERGENCY POLICY** and policies in place in other local governance jurisdictions; and
- Where there is an identifiable '**status quo**' mindset that asserts that there is no **MARKET** for the resources in the **50%** of the incoming '**waste stream**' is deemed to be only fit for landfill; an
- Moreover, is oblivious to the current and urgent need for '**sustainable resource recovery**' worldwide; and
- Additionally, too few opportunities are being provided to Council Officers in this area to acquire new knowledge, appropriate resources and/or skill sets to challenge the status quo; and
- Executive Management until recently has been asserting that the city's '**Waste Management Centre**' is '**Cost Neutral**' when explored further it becomes evident that is a "**goal**" **NOT A FISCAL**fact; and
- Essentially, the community is being effectively locked out of any '**policy determination process**' that might initiate change.

Altogether, all this places Launceston's ratepayers in situation that would be avoided with appropriate and proactive community engagement.

THE QUESTION

Given that Council and ratepayers find themselves in unsustainable circumstances relevant to more sustainable resource recovery strategies, will Council now move proactively to **rename** the '**waste**' management centre to '**resource**' recovery centre and by extension, empanel a **CITIZEN'S ASSEMBLY** tasked to discover the actual circumstances that actually pertain in this '**space**' share its finding with Councillors, and the community; as well as offering advice on an equitable way forward where in excess of **90%** of the incoming '**waste stream**' can be deemed to be a resource?

Response:

Waste Management, incorporates a broad range of issues requiring different strategies to tackle priorities ranging from landfill, to the recovery and management of resources such as Food Organics Garden Organics (FOGO) and hazardous materials and the environmental impacts associated with this.

QUESTION 3

CONTEXT NOTE

Given that Council management up to now has fervently opposed every proposition advanced to initiate a **CITIZEN'S ASSEMBLY/JURY** while the lack of the **ADVICE** such bodies elsewhere are delivering is making for better civic outcomes and delivering more appropriate governance. For example, the **Ostbelgien Model** – that provides for a long-term Citizens' Council combined with short-term Citizens' Assemblies – is arguably delivering better and more equitable governance.

In **Ostbelgien** (*German for Eastern Belgium, the German-speaking community of the country*) in **2019**, a permanent Citizens' Council was established in Ostbelgien to constitute the third fundamental democratic institution together with the Parliament and the Executive. While it might well be argued that this **GOVERNANCE** mode does not fit the **TASMANIAN** circumstance it on the available evidence can safely be regarded as self-serving '**vacuous rhetoric**' – or in the vernacular, **GOLDplated BOVINE**dust.

Clearly the inhibitor here is the in-built transparency and accountability and given that status quoists can forever be relied upon to promulgate such ill-informed decision making that is disconnected from those it is supposed to serve. It is submitted that Citizen's Assemblies/Juries and like '**forums**':

- Can and do deliver better governance outcomes; and
- Can and do deliver appropriate dispute resolutions; and
- Can and do deliver appropriate community consultation mechanisms; and
- Can and do provide for meaningful replacements for in-house '**advisory committees**' where Councillors (**those being advised**) are advising Council (**themselves**) and who are there delivering status quo advice as a consequence.

Marianne Williamson ... ***“Today’s status quo is unsustainable. Things are going to break in one direction or the other: either toward greater democracy and justice, or toward dystopia and authoritarianism.”*** Marianne Williamson will find many on the streets of Launceston who would openly support her and who fear ***‘authoritarianism and dystopia’!***

THE QUESTION

Given the implied and real benefits relative to Citizen’s Assemblies/Juries and like forums will Council now move proactively to initiate a strategic policy shift to: **firstly**, make such assemblies an ongoing feature of the city’s governance; and **secondly** work with adjoining local governance jurisdictions to likewise adopt such a strategic policy shift?

Response:

Mr Norman's requests for the establishment of Citizen's Assemblies have been previously addressed by the Council. The Council is committed to maintaining its focus on existing engagement processes with external and internal stakeholders, including, community members and organisations, employees and other relevant agencies, as required.

8.1.4. Public Questions on Notice - Robin Smith - Relocation of Thylacine Statues, Brisbane Street Mall Funding, It's All About Us Artwork, and Traffic in the CBD - 10 April 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following questions submitted to Council on 10 April 2024 by Robin Smith, have been answered by Marcus Grantham (Team Leader Place Making), Michelle Ogulin (Manager Livable Communities), and Shane Eberhardt (Acting Chief Executive Officer)

Questions:

1. City of Launceston council has now relocated all 9 Bronze Tasmanian thylacine tiger statues from the Brisbane St. Mall to the Civic Square and sited them up on plinths and out of thoroughfares.

For 5 years we suggested council might consider raising them approximately where they were and obviously at all times intending for them to be retained in the Brisbane Mall.

So in the end, why wasn't it possible to make this elevation modification so as to retain them where they were in the Mall which would have achieved an appropriate level of safety please?

Response:

In 2018, as part of the City Heart Stage 1 works, the Brisbane Street Mall ("BSM") was redeveloped to include high quality paving, greenery, built-in services for events, and sculptural art features (thylacine sculptures).

In response to community feedback that the size and location of the sculptures was of concern for those with impaired vision, the Council assessed that sculpture position, location or height be amended.

It was determined that raising the height of the sculptures in the BSM may introduce a risk of falling, and that construction costs which implement fall mitigation, were unfavourable.

To maximise public visibility, amenity, value, and the availability of raised landscape / infrastructure which will reduce both trip and fall incidences, the sculptures were moved to Civic Square.

2. Council has advised me several times recently that the Brisbane Street Mall is still a 'work in progress'.

With the onset of City Heart Master Plan stage 2, is there funding provided for finishing off the Brisbane Street Mall (having been one of the 5 major projects that sat within City Heart stage 1)?

Response:

The Brisbane Street Mall is highlighted as a key area for activation in future. We are currently evaluating a potential curated arts-based events series with local arts organisations.

3. Previously, I enquired with council about the "It's About Us" artwork in the Brisbane Street Mall as it may have a dubious provenance. Did council make any findings that would have a material effect upon its tenure or warrant its removal?

Response:

Council intends to undertake a city wide audit of public art work which is part of our public art action plan. While at this stage there are no current plans to remove or amend any artwork in the city, the public art audit may help identify the provenance of artwork in the city and inform the suitability of current artworks.

4. City Heart used 'frisson' of excitement to described the added effect two-way traffic has over shoppers versus one-way with vehicles coming from all directions. A supporting report detailed this as its sought-after and desirable aim.

Response:

The intent to move to two way traffic is still a fundamental component of the Launceston City Heart. The benefits are considered to be:

- Reduction in traffic volumes and speeds due to reduction in capacity and more friction at intersections*
 - Reduction in turning movements and travel distances as there will be more direct access.*
 - Improves cycling environment by reducing traffic, speed and creating more direct routes.*
 - Tow way streets can have a significant positive impact on the amenity and experience for pedestrians.*
-

8.2. Public Questions Without Notice
Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(2)(b)

9. PLANNING AUTHORITY

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 9 - Planning Authority.

9.1. DA0543/2023 - 10-16 Wellington Street and 2 Wellington Street Launceston - Visitor Accommodation - Partial Demolition of an Existing Building and Construction of a Hotel, Hotel Industry and Food Services

FILE NO: DA0543/2023

AUTHOR: Iain More (Senior Town Planner Policy and Projects)

GENERAL MANAGER APPROVAL: Chelsea van Riet (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:	Red Panda Property Group Pty Ltd
Property:	10-16 Wellington Street, Launceston
Zoning:	Urban Mixed Use
Receipt Date:	17/11/2023
Validity Date:	4/01/2024
Further Information Request:	12/01/2024
Further Information Received:	02/02/2024
Deemed Approval (extension granted):	18/04/2024
Representations:	0

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

PREVIOUS COUNCIL CONSIDERATION:

DA0180/2023 - Residential - Change of use to thirteen (13) dwellings and associated residential amenity spaces; Food Services - Change of use to two (2) restaurants, café, and speciality food and beverage; Hotel Industry/Resource Processing - Change of use to a bar and microbrewery, and wine bar; Alterations to existing building and car parking, including minor demolition; Alterations to access, including the creation of a new public road over CT156044/1. Approved under delegation 22 November 2023.

STANDARDS REQUIRING PLANNING DISCRETION:

13.4.1 Building Height - P1

C2.5.1 Car Parking Numbers - P1

C3.5.1 Traffic Generation at a Vehicle Crossing, Level Crossing or New Junction - P1

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0543/2023 - Visitor Accommodation, Hotel Industry, and Food services - Partial Demolition of an existing building and construction of a hotel, restaurant, and bar, associated landscaping and car parking, and alterations to the access, including the creation of a new public road over 2 Wellington Street (CT156044/1), at 10-16 Wellington Street, Launceston, subject to the following conditions:

ENDORSED PLANS & DOCUMENTS

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

- a) Cover page, prepared by DKO Architecture, Drawing No. A000, Revision A, dated 29/01/2024;
- b) Contents, prepared by DKO Architecture, Drawing No. A001, Revision A, dated 29/01/2024;
- c) Site analysis, prepared by DKO Architecture, Drawing No. A002, Revision A, dated 29/01/2024;
- d) Site analysis - Location, prepared by DKO Architecture, Drawing No. A003, Revision A, dated 29/01/2024;
- e) Site analysis - Paterson Street, prepared by DKO Architecture, Drawing No. A004, Revision A, dated 29/01/2024;
- f) Site analysis - Site views, prepared by DKO Architecture, Drawing No. A005, Revision A, dated 29/01/2024;
- g) Site analysis - Site photos, prepared by DKO Architecture, Drawing No. A006, Revision A, dated 29/01/2024;
- h) Site analysis - Site photos, prepared by DKO Architecture, Drawing No. A007, Revision A, dated 29/01/2024;
- i) Site analysis - Site photos, prepared by DKO Architecture, Drawing No. A008, Revision A, dated 29/01/2024;
- j) Site analysis - Site opportunities, prepared by DKO Architecture, Drawing No. A009, Revision A, dated 29/01/2024;
- k) Site analysis - Site constraints, prepared by DKO Architecture, Drawing No. A010, Revision A, dated 29/01/2024;
- l) Design response, prepared by DKO Architecture, Drawing No. A100, Revision A, dated 29/01/2024;
- m) The architectural concept, prepared by DKO Architecture, Drawing No. A101, Revision A, dated 29/01/2024;
- n) Form diagrams, prepared by DKO Architecture, Drawing No. A102, Revision A, dated 29/01/2024;
- o) Form diagrams, prepared by DKO Architecture, Drawing No. A103, Revision A, dated 29/01/2024;

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- p) Form diagrams, prepared by DKO Architecture, Drawing No. A104, Revision A, dated 29/01/2024;
 - q) Form diagrams, prepared by DKO Architecture, Drawing No. A105, Revision A, dated 29/01/2024;
 - r) Form diagrams, prepared by DKO Architecture, Drawing No. A106, Revision A, dated 29/01/2024;
 - s) Form diagrams, prepared by DKO Architecture, Drawing No. A107, Revision A, dated 29/01/2024;
 - t) Form diagrams, prepared by DKO Architecture, Drawing No. A108, Revision A, dated 29/01/2024;
 - u) Perspective render, prepared by DKO Architecture, Drawing No. A109, Revision A, dated 29/01/2024;
 - v) Perspective render, prepared by DKO Architecture, Drawing No. A110, Revision A, dated 29/01/2024;
 - w) Architectural drawings, prepared by DKO Architecture, Drawing No. A111, Revision A, dated 29/01/2024;
 - x) Existing north elevation, prepared by DKO Architecture, Drawing No. A200, Revision A, dated 29/01/2024;
 - y) Existing east elevation, prepared by DKO Architecture, Drawing No. A201, Revision A, dated 29/01/2024;
 - z) Existing south elevation, prepared by DKO Architecture, Drawing No. A202, Revision A, dated 29/01/2024;
 - aa) Existing west elevation, prepared by DKO Architecture, Drawing No. A203, Revision A, dated 29/01/2024;
 - bb) Cover page, prepared by DKO Architecture, Drawing No. A204, Revision A, dated 29/01/2024;
 - cc) Demo plan, prepared by DKO Architecture, Drawing No. A205, Revision A, dated 29/01/2024;
 - dd) Ground floor plan, prepared by DKO Architecture, Drawing No. A206, Revision A, dated 29/01/2024;
 - ee) Level 1 plan, prepared by DKO Architecture, Drawing No. A207, Revision A, dated 29/01/2024;
 - ff) Level 2 plan, prepared by DKO Architecture, Drawing No. A208, Revision A, dated 29/01/2024;
 - gg) Typical hotel level 3-7, prepared by DKO Architecture, Drawing No. A209, Revision A, dated 29/01/2024;
 - hh) Hotel level 8, prepared by DKO Architecture, Drawing No. A210, Revision A, dated 29/01/2024;
 - ii) Hotel level 9, prepared by DKO Architecture, Drawing No. A211, Revision A, dated 29/01/2024;
 - jj) Roof plan, prepared by DKO Architecture, Drawing No. A212, Revision A, dated 29/01/2024;
 - kk) Aerial roof plan, prepared by DKO Architecture, Drawing No. A213, Revision A, dated 29/01/2024;
 - ll) Basement plan level 1, prepared by DKO Architecture, Drawing No. A214, Revision A, dated 29/01/2024;
 - mm) Typical basement plan level 02, prepared by DKO Architecture, Drawing No. A215, Revision A, dated 29/01/2024;
 - nn) Typical basement plan level 03, prepared by DKO Architecture, Drawing No. A216, Revision A, dated 29/01/2024;
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- oo) Elevations and sections, prepared by DKO Architecture, Drawing No. A300, Revision A, dated 29/01/2024;
 - pp) North elevation, prepared by DKO Architecture, Drawing No. A301, Revision A, dated 29/01/2024;
 - qq) East elevation, prepared by DKO Architecture, Drawing No. A302, Revision A, dated 29/01/2024;
 - rr) East streetscape - 3d perspective, prepared by DKO Architecture, Drawing No. A303, Revision A, dated 29/01/2024;
 - ss) South elevation, prepared by DKO Architecture, Drawing No. A304, Revision A, dated 29/01/2024;
 - tt) South elevation - 3d perspective, prepared by DKO Architecture, Drawing No. A305, Revision A, dated 29/01/2024;
 - uu) West elevation, prepared by DKO Architecture, Drawing No. A306, Revision A, dated 29/01/2024;
 - vv) West elevation façade detail, prepared by DKO Architecture, Drawing No. A307, Revision A, dated 29/01/2024;
 - ww) West elevation façade detail, prepared by DKO Architecture, Drawing No. A308, Revision A, dated 29/01/2024;
 - xx) Typical site section A, prepared by DKO Architecture, Drawing No. A310, Revision A, dated 29/01/2024;
 - yy) Typical site section B, prepared by DKO Architecture, Drawing No. A311, Revision A, dated 29/01/2024;
 - zz) Typical site section C, prepared by DKO Architecture, Drawing No. A312, Revision A, dated 29/01/2024;
 - aaa) Shadow diagrams, prepared by DKO Architecture, Drawing No. A400, Revision A, dated 29/01/2024;
 - bbb) Existing shadow June 21, prepared by DKO Architecture, Drawing No. A401, Revision A, dated 29/01/2024;
 - ccc) Existing shadow June 21, prepared by DKO Architecture, Drawing No. A402, Revision A, dated 29/01/2024;
 - ddd) Existing shadow April 25, prepared by DKO Architecture, Drawing No. A403, Revision A, dated 29/01/2024;
 - eee) Existing shadow April 25, prepared by DKO Architecture, Drawing No. A404, Revision A, dated 29/01/2024;
 - fff) Existing shadow November 11, prepared by DKO Architecture, Drawing No. A405, Revision A, dated 29/01/2024;
 - ggg) Existing shadow November 11, prepared by DKO Architecture, Drawing No. A406, Revision A, dated 29/01/2024;
 - hhh) Proposed shadow Sep 21, prepared by DKO Architecture, Drawing No. A407, Revision A, dated 29/01/2024;
 - iii) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A408, Revision A, dated 29/01/2024;
 - jjj) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A409, Revision A, dated 29/01/2024;
 - kkk) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A410, Revision A, dated 29/01/2024;
 - lll) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A411, Revision A, dated 29/01/2024;
 - mmm) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A412, Revision A, dated 29/01/2024;
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- nnn) Proposed shadow Apr 25, prepared by DKO Architecture, Drawing No. A413, Revision A, dated 29/01/2024;
- ooo) Proposed shadow Apr 25, prepared by DKO Architecture, Drawing No. A414, Revision A, dated 29/01/2024;
- ppp) Proposed shadow Nov 11, prepared by DKO Architecture, Drawing No. A415, Revision A, dated 29/01/2024;
- qqq) Development summary, prepared by DKO Architecture, Drawing No. A500, Revision A, dated 29/01/2024;
- rrr) Development summary, prepared by DKO Architecture, Drawing No. A501, Revision A, dated 29/01/2024;
- sss) Urban Views, prepared by DKO Architecture, Drawing No. A600, Revision A, dated 29/01/2024;
- ttt) Urban Views 01, prepared by DKO Architecture, Drawing No. A601, Revision A, dated 29/01/2024;
- uuu) Urban Views 02, prepared by DKO Architecture, Drawing No. A602, Revision A, dated 29/01/2024;
- vvv) Urban Views 03, prepared by DKO Architecture, Drawing No. A603, Revision A, dated 29/01/2024;
- www) Urban Views 04, prepared by DKO Architecture, Drawing No. A604, Revision A, dated 29/01/2024;
- xxx) Urban Views 05, prepared by DKO Architecture, Drawing No. A605, Revision A, dated 29/01/2024;
- yyy) Urban Views 06, prepared by DKO Architecture, Drawing No. A606, Revision A, dated 29/01/2024;
- zzz) Urban Views 07, prepared by DKO Architecture, Drawing No. A607, Revision A, dated 29/01/2024;
- aaaa) Urban Views 08, prepared by DKO Architecture, Drawing No. A608, Revision A, dated 29/01/2024;
- bbbb) Urban Views 09, prepared by DKO Architecture, Drawing No. A609, Revision A, dated 29/01/2024;
- cccc) Urban Views 10, prepared by DKO Architecture, Drawing No. A610, Revision A, dated 29/01/2024;
- dddd) Urban Views 11, prepared by DKO Architecture, Drawing No. A611, Revision A, dated 29/01/2024;
- eeee) Urban Views 12, prepared by DKO Architecture, Drawing No. A612, Revision A, dated 29/01/2024;
- ffff) Traffic Impact Assessment, prepared by Stantec, Ref 300304307, dated 29/01/2024;
- gggg) Landscape Architecture Concept Design, prepared by Arcadia, dated march 2023;
- hhhh) Amended proposal, prepared by DKO Architecture, dated 05/04/2024

AMENDED PLANS REQUIRED

Prior to the commencement of any work, amended plans must be submitted to the satisfaction of the Manager City Development. The plans must be substantially in accordance with the plans prepared by DKO dated 5 April 2024, and attached to this permit. Once approved, these amended plans will be endorsed and will then form part of the Permit. The amended plans must show:

1. Northern Tower:
 - A maximum height of 43.61m AHD (not including lift overrun)
 - Reduced parapet height to 41.71m AHD

- Paterson Street setback 39.7m
 - Wellington Street setback 42.93m
 - Western side setback 10.84m
2. Southern Tower:
- A maximum height of 35.51m AHD (not including on-roof structures or services)
 - Paterson Street setback 22.92m
 - Wellington Street setback 52.81m
 - Western side setback 9.41m
 - Northern side setback 27.7m
3. Use:
A maximum of 140 rooms.

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.

LEGAL TITLE

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

TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2024/00026-LCC, dated 13/02/2024 and attached to the permit.

HOURS OF CONSTRUCTION

- a) Unless otherwise approved in writing by the Manager Health and Compliance construction activities must only be carried out between the hours of:
- i. Monday to Friday - 7 am to 6 pm; and
 - ii. Saturday - 8 am to 6 pm.
- b) Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed state-wide (Easter Tuesday excepted).

CONDITION 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.

DAMAGE TO COUNCIL INFRASTRUCTURE

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

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.

TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements and Council policy 27-Rfx-012 Standards for Surface Reinstatement of Works in the Road Service. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

SOIL AND WATER MANAGEMENT PLAN

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

FACILITIES AND HIGHWAYS BY-LAW

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). The payment of the scheduled Occupation Fee (comprising a minimum base fee and a square metre weekly rate) is required prior to the occupation commencing. No occupation of the road reserve is permitted without approval.

RELOCATION OF A STREET TREE

Any tree that is approved by council to be removed or relocated to facilitate a crossover must be replanted in accordance with TDS-R36-v3 or an approved Tree Removal and Re-Planting Guide submitted as part of the application. The tree must be maintained for a period of 12 months from the date evidence of re-planting is submitted to City of Launceston. All costs associated with the removal and replanting will be borne by the owner and/or their contractor.

If the tree is damaged or fails within this 12 month time period, the owners and/or their contractors will be liable for costs associated with the tree, including purchasing and replanting a replacement tree, and a further 12 maintenance of the tree and any residual value attributed to the tree.

SUBMISSION AND APPROVAL OF PLANS

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

- a) Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - i. Electricity infrastructure including street lighting.
 - ii. Communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
 - iii. Evidence of assessment by TasGas Networks re provision of reticulated gas network.
- b) be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c) be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d) be accompanied by:
 - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion & Final inspections.

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. Prior to the commencement of the use the private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager, Infrastructure and Assets Network.

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

- a) Stormwater
 - i. Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve,
- b) Roads - Access over No. 2 Wellington Street
 - i. Upgrading of the existing access over 2 Wellington Street to be a fully constructed road 6.0 metres wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel with the width measured from the face of the existing western kerb with kerb radii sufficient to facilitate the turning manoeuvres of the design vehicle,
 - ii. Provision of a 1500mm wide footpath located on one side of the road and all necessary pedestrian kerb ramps,
 - iii. Provision of a vehicular crossing to provide access to 10-16 Wellington Street,
 - iv. Provision of all necessary line marking, signage and other traffic control devices.
- c) Electricity, Communications & Other Utilities
 - i. All necessary relocations of existing electrical infrastructure including street lightings within the alignment of the new road,
 - ii. All necessary relocations of any telecommunications infrastructure impacted by the development,
 - iii. All necessary relocations of any other infrastructure, including street furniture required by the development.

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

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

CONSTRUCTION DOCUMENTATION

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

- a) An "as constructed" plan in accordance with Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure & Assets Network.
- b) A Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.
- c) Compaction and soil test results for all earthworks or pavement works.

- d) An engineer's certificate that each component of the works comply with the approved engineering plans and Council standards.

COMPLETION OF WORKS

All works must be carried out to 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 Council standards will be required prior to issue of the Certificate of Practical Completion.

AS CONSTRUCTED PLANS

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

PROTECTION OF PUBLIC OPEN SPACE

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

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

PROTECTION OF EXISTING TREES

Existing trees identified for retention on No. 2 Wellington Street between the access road and the boundary with No. 10-16 Wellington Street, as identified in Drawing No. DA205, must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees.*

REVEGETATION OF DISTURBED AREAS

All disturbed surfaces on land resulting from the buildings and works authorised or required by this permit must be revegetated and stabilised to the satisfaction of the Council so as to prevent any erosion or siltation either on or adjacent to the land.

SIGNIFICANT TREE PROTECTION (MEMORIAL TREES)

Existing trees identified for retention on No. 2 Wellington Street between the access road and the boundary with No. 10-16 Wellington Street, as identified in Drawing No. DA205, must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected both by the

design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees.*

BUILDING ACT 2016 REQUIREMENTS

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.

Notes

General

This permit was issued based on the proposal documents submitted for DA0543/2023. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.

This permit takes effect after:

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

The permit lapses after a period of two (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

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.

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 <http://www.tascat.tas.gov.au>

Permit Commencement.

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

REPORT:

1. THE PROPOSAL

The application proposes new use and development, comprising the construction of a new hotel with 139 rooms, a restaurant, rooftop bar, and 76 car parking spaces, landscaping, and a new road.

Uses

The proposed hotel development comprises 139 rooms, a 159m² hotel lobby, and a 59m² hotel back of house. The hotel use is categorised within the Visitor Accommodation use class and is a Permitted use within the zone.

The restaurant is 154m² in size and also includes a 66m² back of house and is located on the ground floor. As the restaurant use is open to the public the use is categorised within the Food Services use class and is Permitted within the zone.

A rooftop bar is located on the top of Tower 1. This use is also open to the public, and is located within the Hotel Industry use class and is Permitted within the zone.

Access

It is proposed to create a new 6.0m wide public road from Paterson Street by widening an existing access strip that currently contained a Right of Way over 2 Wellington Street. This will also include widening the current access from the Right of Way into the site to meet Australian Standards. The new access will result in an existing fig tree to be relocated.

Pedestrian access will be available via an existing access on Paterson Street, and an existing access on Wellington Street.

Demolition

To accommodate the use and development, partial demolition of the existing structures on the site is required including the removal of vegetation within the internal courtyard, internal alterations to existing buildings, and changes to the existing buildings facade.

Car Parking

Apart from the two car parking spaces and three motorcycle spaces on the ground level, all other car parking is located underground. Significant earthworks will be required to accommodate the three levels of parking. A total of 76 car parking spaces are proposed, and one (1) accessible car parking space, located on the first basement level.

Level 1 underground

The first underground level will contain a 90m² gym, stairs, pedestrian lifts, two vehicular lifts, a services area, and 24 car parking spaces. Of the spaces provided, eight (8) are associated with the hotel, 16 associated with food and beverages use, including an accessible space.

Level 2 underground

The second underground level will contain services areas, pedestrian lifts, stairs, two vehicular lifts, and 25 car parking spaces. Of the spaces provided, nine (9) are associated with residential uses, and 16 associated with the hotel use.

Level 3 underground

The third underground level will contain services areas, pedestrian lifts, stairs, two vehicular lifts, and 25 car parking spaces. Of the spaces provided, 10 are associated with residential uses, and 15 associated with the hotel use.

Building Massing

The hotel will be accommodated within two adjoining towers.

The northern tower is proposed to have a height of 36.07m from natural ground level, and 47.91m AHD (to the top of the lift overrun), spanning 10 storeys. The tower would be setback 13.35m from the western side boundary, built to the northern side boundary at ground floor and level 1, with the remainder setback 2.3m in line with the existing building on site, 44.65m from the Wellington Street frontage, and 42.5m from the Paterson Street frontage.

The southern tower is proposed to have a height of 27.45m from natural ground level, and 38.61 AHD, spanning 8 storeys. The tower would be setback 9.41m from the western side boundary, 27.5m from the northern side boundary, 51.1m from the Wellington Street frontage, and 25.19m from the Paterson Street frontage.

Ground level:

The changes proposed to the ground level include:

- New access into the site that leads into a porte cochere;
- Two car parking spaces designated as hotel drop off zones;
- Three motorcycle spaces;
- 36 bicycle spaces
- A car lift to the underground car parking spaces;
- A loading bay 144m² in size;
- Hotel storage 76m² in size;
- A waste area 36m² in size;
- A substation 47m² in size.
- Bike workshop with 28 spaces;
- Hotel restaurant;
- Hotel back of house;
- Hotel lobby; and
- Landscaping.

Description of the use for each proposed level

Level	Contents
1	Level 1 contains 19 rooms over both towers, and includes internal hallways, lifts, stairs, and a 24m ² back of house. The northern tower will contain 11 one-bedroom units, and the southern tower will contain eight (8) one-bedroom units.
2	Level 2 contains 17 rooms over both towers, and includes internal hallways, lift, stairs, and a 22m ² back of house. The northern tower will contain nine (9) one-bedroom units, and the southern tower will contain 8 one-bedroom units.
3	Level 3 contains 17 rooms over both towers, and includes internal hallways, lift, stairs, and a 24m ² back of house. The northern tower will contain nine (9) one-bedroom units, and the southern tower will contain eight (8) one-bedroom units.
4	Level 4 contains 17 rooms over both towers, and includes internal hallways, lift, stairs, and a 24m ² back of house. The northern tower will contain nine (9) one-bedroom units, and the southern tower will contain eight (8) one-bedroom units.
5	Level 5 contains 17 rooms over both towers, and includes internal hallways, lift, stairs, and a 24m ² back of house. The northern tower will contain nine (9) one-bedroom units, and the southern tower will contain eight (8) one-bedroom units.
6	Level 6 contains 17 rooms over both towers, and includes internal hallways, lift, stairs, and a 24m ² back of house. The northern tower will contain nine (9) one-bedroom units, and the southern tower will contain eight (8) one-bedroom units.
7	Level 7 contains 17 rooms over both towers, and includes internal hallways, lift, stairs, and a 24m ² back of house. The northern tower will contain nine (9) one-bedroom units, and the southern tower will contain eight (8) one-bedroom units.
8/roof	Level 8 contains 9 rooms within the northern tower only, and includes internal hallways, lift, stairs, and a 24m ² back of house. An internal adjoining access leads to a wellness rooftop on the roof of southern tower.
9	Level 9 contains nine (9) rooms within the northern tower only, and includes internal hallways, lift, stairs, and a 24m ² back of house.
10	Level 10 contains a rooftop bar and associated seating, a back of house, internal stairs and lifts, and 104m ² of roof plant and services, within the northern tower
Roof	The northern towers roof contains roofing (46.71m AHD) and lift overrun (47.91m AHD).

The proposal forms part of 'Stage 2' of an overall development of the site. A former application, DA0180/2023 was approved in November 2023 that utilised the existing buildings on site. The current application seeks to change car parking and landscaping arrangements previously approved. These changes are considered further within the report.

2. LOCATION AND NEIGHBOURHOOD CHARACTER



10-16 Wellington Street, Launceston (not to scale)

The site is located at 10-16 Wellington Street, and aptly described as the corner lot on Wellington and Paterson Streets. The site is 5,403m² in size, is generally flat, and zoned Urban Mixed Use. The site is located on the Tasmanian State Heritage Register.

The site most recently was utilised as a northern Tasmanian TAFE campus, and the disused buildings still remain. This includes a two storey historic façade that bends the street corners of the site, as well as a two storey separate from the main building. The existing buildings form a 'U' shape around a central courtyard which contains parking and vegetation.

Primary vehicular access is via a right of way over 2 Wellington Street, although accessed from Paterson Street. The primary pedestrian access is via an established access point on Wellington Street, however there are multiple pedestrian entrances around the building, including an alleyway off Wellington Street.

The site has a 56m frontage to Wellington Street and an 81m frontage to Paterson Street. It is located on a significant pedestrian friendly road (Paterson Street) that connects the city to the Gorge. Over Wellington Street to the east is what is considered to be the central city of Launceston. Adjoining the site to the north and west is Queen Victoria Art Gallery at Royal Park. Beyond that is Royal Park. Of most importance is the location of the Cenotaph, located approximately 12m south west of the site.

The new road and access to the hotel is proposed over 2 Wellington Street, Launceston. This site is 9,943m² irregular site that contains Queen Victoria Museum and Art Gallery, and also forms part of this application.

THE SITE AND ITS RELATIONSHIP TO THE CITY

The site is located in close proximity to the City Centre as well as walking distance to the Cataract Gorge Reserve. It is a sparse, developed site with existing historical infrastructure and existing access. Located on the intersections of Wellington and Paterson Streets, as well as adjoining Royal Park, the property is an ideal location for redevelopment.

The surrounding nature of the area is of a mixed scale, consisting of low ground level development, up to three storeys. The heritage value of the surrounding character is also mixed.

In the city context, the site is well positioned to take advantage of the natural walking route from Cataract Gorge to the City, as well as access north to Seaport, and further south.

The historic nature of the site is considered an asset that should be retained in development considerations. The site is somewhat prominent in terms of its height above sea level, with an average 11m AHD. Whilst noting the city to the east and development immediately to the south share somewhat similar levels, the contours fall away from the site, at time quite significantly, to the west and north. The site also adjoins Royal Park, and as such any development will likely be much more noticeable due to the low urban, and vegetated form of the park.

Any development of the site needs to acknowledge the existing constraints and topography, as well as its proximity to Royal Park and the Cenotaph. Design needs to consider these constraints and make sure that on balance any proposal is able to thoughtfully consider such constraints and make appropriate design choices as not to propose an incompatible development.

HISTORY

The current application was lodged on 17th November 2023. Prior to formal exhibition, it was communicated to the applicant that the proposal as lodged was unable to be supported at an officer level. The building height was not considered compatible with the streetscape or character of development existing on established properties in the area. This included an unreasonable impact of overshadowing on public places, and an unreasonable height when viewed from adjoining roads and public places.

Notwithstanding, the proposal continued to advertising as scheduled to be determined at the Council meeting on 21st March 2024, with the agenda published on the 15th March 2024, recommending a refusal.

At the request of the applicant and their representatives the assessment period was extended until the 18th April 2024. This was to allow the applicant and their consultant's additional time to consider alternative plans. Subsequently a modified proposal was developed and provided to Council. The modified plans provided the following changes:

- Reduced northern tower overall height (not including lift overrun) to a maximum of 43.610AHD
- Reduced northern tower parapet height to a maximum of 41.710AHD
- Reduced southern tower parapet height (not including on-roof structures or services) to a maximum of 35.510AHD

- Amended setback for the southern tower to the southern boundary to a minimum of 22.9 metres.
- Amended setback for the northern tower to the eastern boundary (Wellington Street) to a minimum of 42.935 metres.
- Amended setback for the southern tower to the eastern boundary (Wellington Street) to a minimum of 52.811 metres.
- Increase the number of rooms from 139 to 140

Along with Council, the changes were reviewed by Julia Bell from Urbis, as well as Councils legal representative. The review concluded that the changes are deemed to be more compliant with the Planning Scheme, and as such would allow a recommendation to approve, subject to an amended plan condition.

The placement of an amended plan condition is a legal and available option when considering planning applications, with the precedent being set. Notably, (Tomaszewski v Hobart City Council [2020] TASSC 48 at [10])

“There is a body of case law that supports the proposition that it is open to a statutory authority to grant a permit for a use or development which differs from the use or development originally proposed, provided the difference is not so great that the applicant is seeking a permit for something substantially different from what was originally proposed”

Comments from Councils legal representative are stated below:

The amended plans prepared by DKO dated 5 April 2024 detail the variations proposed to be accommodated by condition, with a useful summary presented on page 2. In my view, applying these variations would not result in Council approving a substantially different or transformed use and development to that which was originally lodged and publicly notified; the changes are relatively minor, mostly internal, and the majority are the result of adjustments arising from the reduction in height of each tower by 1 level each.

Assuming the applicable planning controls remain met, it is open to Council to approve the proposal subject to a condition modifying the use and development in accordance with the DKO plans dated 5 April 2024.

The proposal changes are considered acceptable and meet the relevant planning controls. This has been discussed in the assessment of the report. Accordingly, based on all information available, it is recommended that the application be approved subject to the amended plan condition.

DECISION MAKING OPTIONS

The option to approve subject to amended plans is a considered approach undertaken in conjunction with the applicant and their representatives. This is the recommended pathway and is believed to be the best approach to support a permit.

If this current recommendation is not supported, it is recommended that the application be refused based on the advertised plans as it is in the view of the planning officer that the proposal as advertised does not meet the requirements of the Planning Scheme.

3. PLANNING SCHEME REQUIREMENTS

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

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2024/00026-LCC
State Growth	N/A
TasFire	N/A
Tas Heritage Council	Notice of Heritage Decision dated 13 March 2024 consents to a permit being granted subject to conditions.
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 17 February 2024 to 4 March 2024. No representations were received.

6. CONCLUSION

It is considered that through the conditioning of the application to provide amended plans, that the proposal is able to be supported and is recommended for approval

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

The Tasmanian 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
Tasmanian 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. DA0543 2023 10 16 Wellington Street Launceston Planning Scheme Assessment [9.1.1 - 27 pages]
2. DA0543-2023 - 10-16 Wellington Street Launceston - Notice of Heritage Decision [9.1.2 - 2 pages]
3. D A 0543.2023 - Advertised Plans - Traffic Report [9.1.3 - 49 pages]
4. D A 0543.2023 - Advertised Plans - Planning Submission [9.1.4 - 8 pages]
5. D A 0543.2023 - Advertised Plans - Concept servicing plan and Taswater calcs - Wellington Street, La [9.1.5 - 1 page]
6. D A 0543.2023 - Advertised Plans - Landscape Plans [9.1.6 - 28 pages]
7. D A 0543.2023 - Advertised Plans - Architectural Drawings [9.1.7 - 83 pages]
8. D A 0543.2023 - Documents to Endorse - Traffic Report [9.1.8 - 49 pages]
9. D A 0543.2023 - Documents to Endorse - Landscape Plans [9.1.9 - 28 pages]
10. D A 0543.2023 - Amended Plans [9.1.10 - 23 pages]
11. D A 0543.2023 - Documents to Endorse - Architectural Drawings [9.1.11 - 83 pages]

9.2. DA0547/2023 - 18 Wyett Street & 44 Hill Street, West Launceston - Residential - Construction of an Additional Dwelling with Access Over 44 Hill Street, West Launceston (Re-advertised)

FILE NO: DA0547/2023

AUTHOR: Iain More (Senior Town Planner Policy and Projects)

GENERAL MANAGER APPROVAL: Chelsea van Riet (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	S Group
Property:	18 Wyett Street and 44 Hill Street, West Launceston
Zoning:	General Residential
Receipt Date:	22/11/2023
Validity Date:	21/12/2023
Further Information Request:	01/12/2023
Further Information Received:	21/12/2023
Deemed Approval:	18/04/2024
Representations:	53

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

PREVIOUS COUNCIL CONSIDERATION:

N/A

STANDARDS REQUIRING PLANNING DISCRETION:

8.4.2 Setbacks and building envelope for all dwellings - P3
8.4.6 Privacy for all dwellings - P1 & P2
C2.5.1 Car parking umbers - P1.2
C2.6.2 Design and layout of parking areas - P1

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0547/2023 - Residential - Construction of an additional dwelling with access over 44 Hill Street, at 18 Wyett Street and 44 Hill Street, West Launceston, subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a) Cover, prepared by S Group, Drawing No. A001, Revision D, dated 26/02/2024;
- b) Site Plan, prepared by S Group, Drawing No. A100, Revision D, dated 26/02/2024;
- c) Shadow Diagrams, prepared by S Group, Drawing No. A101, Revision D, dated 26/02/2024;
- d) Proposed Floor Plan, prepared by S Group, Drawing No. A201, Revision D, dated 26/02/2024;
- e) 3D, prepared by S Group, Drawing No. A202, Revision D, dated 26/02/2024;
- f) 3D, prepared by S Group, Drawing No. A203, Revision D, dated 26/02/2024;
- g) 3D with Envelope, prepared by S Group, Drawing No. A204, Revision D, dated 26/02/2024;
- h) 3D with Envelope, prepared by S Group, Drawing No. A205, Revision D, dated 26/02/2024;
- i) 3D with Envelope, prepared by S Group, Drawing No. A206, Revision D, dated 26/02/2024; and
- j) Proposed Elevations, prepared by S Group, Drawing No. A300, Revision D, dated 26/02/2024.

2. CAR PARKING & ACCESS

Prior to the commencement of the use, areas set aside for parking vehicles and access lanes must be constructed as shown on the endorsed plans.

3. LEGAL TITLE

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

4. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2023/01673-LCC and attached to the permit.

5. HOURS OF CONSTRUCTION

- a) Unless otherwise approved in writing by the Manager Health and Compliance construction activities must only be carried out between the hours of:
 - i. Monday to Friday - 7 am to 6 pm; and
 - ii. Saturday - 8 am to 6 pm.

b) Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed state-wide (Easter Tuesday excepted).

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

Where required as a result of Advice to the Drainage Authority provided on a TasWater Submission to Planning Authority Notice (SPAN), issued for the development, On-site detention storage must be provided to limit the peak rate of piped stormwater discharge and overland flows, from the site to that generated by the site at its current level of development for a 1 in 5 storm event of 1 hour duration. The volume of the detention

structure must be the difference between the above discharge (pre-development) and the discharge from the site post development.

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

7. DAMAGE TO COUNCIL INFRASTRUCTURE

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

8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

9. SOIL AND WATER MANAGEMENT PLAN

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

10. FACILITIES AND HIGHWAYS BY-LAW

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). The payment of the scheduled Occupation Fee (comprising a minimum base fee and a square metre weekly rate) is required prior to the occupation commencing. No occupation of the road reserve is permitted without approval.

11. AMENITY

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

12. NO BURNING OF WASTE

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

13. BUILDING ACT 2016 REQUIREMENTS

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.

14. CONSTRUCTION MANAGEMENT

A construction management plan must be created and provided to the users of the right of way existing over 44 Hill Street. The construction management plan must include the following:

- a. the nature, dates and duration of the occupation and/or works;
- b. the contractors name, phone number, and registration number;
- c. the traffic management works that are utilised must provide for the continued safe use of the right of way by pedestrians and vehicles;
- d. if access to the right of way is impeded, notification must be provided to the users of the right of way

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0547/2023. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.

This permit takes effect after:

- a. *The 14 day appeal period expires; or*
 - b. *Any appeal to the Tasmanian Civil & Administrative Appeal Tribunal (TASCAT) is withdrawn or determined; or*
-

- c. *Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. *Any other required approvals under this or any other Act are granted.*

The permit lapses after a period of two (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

E. Fixed Equipment Use

Use of fixed equipment (e.g. heat pumps, water pumps, swimming pool pumps) is subject of the Environmental Management and Pollution Control (Noise) Regulations 2016 or any subsequent versions of this regulation.

REPORT:

1. THE PROPOSAL

It is proposed to construct a two storey dwelling over the property, resulting in a multiple dwelling development for the site. The proposal will result in a site area per dwelling of 498.5sqm.

At ground level, the dwelling will contain a double garage, paved area of private open space, second living area, bedroom 2, and a bathroom. The first floor will contain a living, dining, and kitchen area, an office, bedroom 1 with ensuite, and a deck. The dwelling will

have a maximum height of 7.95m above existing ground level. The dwelling will have a 788mm southern side setback, 5.22m northern side setback, 5.6m rear setback, and 35.4m front setback.

The dwelling will be built out of differing materials and finishes including brick, render, and cladding.

Due to the slope of the site significant earthworks are proposed, along with retaining walls. This includes a 10.6m long, 1.5m high retaining wall running west to east, a 7.2m long, 1.5m high retaining wall running north to south that tapers down to ground level, and a 15.0m long, variable height wall ranging from 1.6m to 3.0m high.

Access will be via the existing 3.65m wide right of way.

2. LOCATION AND NEIGHBOURHOOD CHARACTER



18 Wyett Street & 44 Hill Street West Launceston (not to scale)

18 Wyett Street, West Launceston is zoned General Residential and is 997sqm in size. The site contains an existing dwelling and shed, and access is gained via an existing right of way over 44 Hill Street. The site is connected to all reticulated services and is located within an established residential suburb of Launceston. The site slopes downwards from the frontage to the rear. The site contains planted residential vegetation.

3. PLANNING SCHEME REQUIREMENTS

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

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2023/01673-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	Notice of No Interest
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 6 January 2024 to 22 January 2024. 53 representations were received. The issues raised are summarised in the following table. All representations received for this application were circulated to Councillors at a Workshop held on 11 April 2024

<p>Issue 1 The owners of 44 Hill Street were not informed of the development application as required under s.52 of LUPAA.</p>
<p><i>Response 1</i> The applicant has confirmed that all landowners have been notified as required under section 52 of LUPAA.</p>
<p>Issue 2 Inaccuracies between the first set of advertised plans and the current set.</p>
<p><i>Response 2</i> The application has been assessed on the current advertised plans, noting the issue with advertised plan A300 discussed in issue 5. The initial advertised plans are not a consideration of this assessment.</p>
<p>Issue 3 Overshadowing. There will be extensive overshadowing of 16 and 18 Wyett Street as well as 42 Hill Street.</p>
<p><i>Response 3</i> Assessment has considered overshadowing impacts and they are considered to be reasonable. There will be no overshadowing of 42 Hill Street.</p>

Issue 4

C2.5.1 Inadequate parking. The double garage does not appear large enough to accommodate two vehicles, and safety concerns about vehicles entering and exiting the garage. The levels when entering and exiting the garage seem impossible. No visitor space has been provided.

Response 4

The garage size meets the requirements of the scheme, as do the manoeuvring widths. It is acknowledged that no visitor space has been provided.

Issue 5

Inaccuracies with advertised plans. This includes contradictory versions of the same elevations, and the same with garage door elevations.

Response 5

The application was originally advertised with a differing set of plans. After investigation, it was found the applicant had not notified landowners and as such the application was not valid. Accordingly, the application was re-advertised. It is noted that there was an additional former version of the elevations, annotated at A300 dated 08/02/2024. This plan was an omission, and the plan A300 dated 26/02/2024 is the correct plan on which this assessment is based.

Due to the sloping nature of the site, the block wall will have different measurements, however will have a maximum height of 6.03m above existing ground level. The garage door is measured at 2.3m.

Issue 6

The plans do not show how the building will sit in relation to other buildings surrounding it.

Response 6

There is no requirement for such plans to be provided, and it was not considered necessary to provide them in this instance.

Issue 7

The plans show the driveway for pedestrian and vehicles access to the property over private land belonging to 44 Hill Street. If building approval is granted the right of way can be extended to all people wishing to access the second building, contradicting the rights of the owners of 44 Hill Street to reasonably control who has access to their private land.

Response 7

18 Wyett Street has an existing right of way over 44 Hill Street which grants them unfettered access over the access strip. The right of way allows access for all users of 18 Wyett Street, whether it is a single or multiple dwellings. The owners of 44 Hill Street do not have the right to control who accesses the right of way that is already in place.

Issue 8

Access. It is inequitable to increase the traffic over the right of way. The increase in vehicles and pedestrians using the right of way will increase and frustrate the owners of 44 Hill Street. It will also inconvenience all other properties using the right of way being 46 Hill Street and 48 Hill Street. There will be future risk of conflict over who is responsible for the right of way.

Response 8

An assessment of car parking numbers and vehicle movements has been undertaken and it is considered the access is able to accommodate the new vehicles associated with the right of way. It should be noted that 48 Hill Street does not have legal access over the right of way. Rights of way are the responsibility of all users of that access.

Issue 9

Clause C2.6.2. There will be an increase in accidents occurring over the right of way driveway which has no turning circles or passing bays. At least 12 regular vehicles will utilise the driveway, as well as visitors and delivery vehicles. The width does not meet Table C2.2, and therefore the performance criteria is not satisfied.

Response 9

Table C2.2 references driveway and access widths under the acceptable solution. It is acknowledged that the proposal does not meet these and relies on the performance criteria. An assessment against Clause C2.6.2 considers the proposal is convenient, safe, and efficient.

Issue 10

Clause 8.4.2. The proposal does not meet the setback requirements from 44 Hill Street and is outside of the building envelope.

Response 10

An assessment against clause 8.4.2 and the developments protrusion outside of the building envelope has been undertaken and the impact is considered to be reasonable.

Issue 11

Historic value. The local historic heritage code applies as the development will affect private land and the driveway of 44 Hill Street. The proposal is not compliant with the Launceston City Council Heritage Study 2007.

Response 11

44 Hill Street is on the state heritage register, not the local heritage register, and therefore the heritage code is not applicable. The Tasmanian Heritage Council provided a notice of no interest in the proposal. The Launceston City Council Heritage Study 2007 is not a consideration of assessment.

Issue 12

Congestion. The proposed development will cause increased congestion on the surrounding road network with safety concerns for school children, residents, and other users. Wyett Street is a narrow road that is congested with cars parking on either side. It is used by school children, visitors accessing the Gorge, and residents.

Response 12

Assessment has considered the increase in traffic proposed by the development and it is considered they are reasonable and that the road network has the ability to absorb the increase in traffic.

Issue 13

Clause 8.4.2 Building Envelope and loss of amenity. The building is outside of the building envelope and the siting and scale of the dwelling will cause an unreasonable loss of amenity to adjoining properties. The development is a modern oversized development for such a small block. The separation between dwellings which is currently quite large, will be replaced with minimal separation. Should the proposed dwelling be affixed with solar or air conditioning, this will increase loss of amenity.

Response 13

A comprehensive assessment of the proposal against clause 8.4.2 has been undertaken. It is considered that the proposal has been designed against site constraints that ensure the visual impact is reasonable, and there is no unreasonable loss of amenity. Separation distances are consistent with that of the surrounding area. Consideration of future development (i.e. solar panels) is not a planning consideration.

Issue 14

The proposal will affect the streetscape and visual qualities of the hillside.

Response 14

The proposal will be barely visible from Wyett and Hill Streets, allowing the streetscape to be retained. The proposal will be located within a vacant infill area of an existing site.

Issue 15

Clause 8.4.6 Privacy. The building will intrude of the privacy of all neighbours. This includes neighbouring properties looking into the yard of the new dwelling. No privacy screen is proposed.

Response 15

Assessment against clause 8.4.6 has occurred and overlooking has been considered to be reasonable. The only area of privacy that can be considered is the southern facing section of the deck. Due to the location and outlook, a privacy screen is not considered necessary. An adjoining property overlooking a yard or bedroom is not a consideration of assessment.

Issue 16

Flooding issues due to extensive excavation.

Response 16

This is not a planning consideration. Notwithstanding, all stormwater will be directed into the reticulated system.

Issue 17

The application should not be approved and instead mediation should occur rather than an inevitable appeal.

Response 17

Section 57A of LUPAA allows for mediation to occur if all parties agree. It was believed a representor had requested such mediation, but this was not the case. Due to relevant timeframes the proposal is required to be determined by the 18th April.

Issue 18

The right of way will be destroyed due to construction requirements and increased wear and tear.

Response 18

This is not a planning consideration.

Issue 19 The design and scale seem to be incompatible with the established character and historic nature of the area.
<i>Response 19</i> <i>Consideration of the character and historical aspects of the area is not a consideration.</i>
Issue 20 The plans are inadequate to consider the scale of the proposal and do not appear to be accurate. The proposal mentions a safeguarding of airports code, which does not appear to be correct.
<i>Response 20</i> <i>The plans are considered to be an accurate representation of the proposal. The site sits within the overlay for the safeguarding of airports code, noting that proposal is exempt from code assessment.</i>
Issue 21 The proposal needs to adhere to the planning scheme.
<i>Response 21</i> <i>The proposal has largely complied with all relevant acceptable solutions, and where it has been assessed against the performance criteria, is deemed to be compliant.</i>
Issue 22 I'd like to request that as a condition of DA approval the applicant prepare a dilapidation report for the driveway access to the rear of 44 Hill St over which they have a right of way. This report should be prepared prior to any construction work commencing and be made available to myself and the other neighbours with a right-of-way.
<i>Response 22</i> <i>This is not a condition that can be imposed.</i>

6. CONCLUSION

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

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

The Tasmanian 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
Tasmanian 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. DA0547 2023 18 Wyett Street and 44 Hill Street West Launceston Planning Scheme As [9.2.1 - 41 pages]
2. D A 0547-2023 - 18 Wyett and 44 Hill Street West Launceston - Advertised Plans [9.2.2 - 7 pages]
3. D A 0547-2023 - 18 Wyett Street and 44 Hill Street West Launceston - Taswater SPAN [9.2.3 - 3 pages]
4. D A 0547.2023 - Documents to be Endorsed [9.2.4 - 9 pages]

9.3. DA0055/2024 - 74-78 Elphin Road, Newstead - Educational and Occasional Care - Construction of Alterations and Additions to a School; Subdivision - Consolidation of Two Lots into One

FILE NO: DA0055/2024

AUTHOR: Duncan Payton (Town Planner)

GENERAL MANAGER APPROVAL: Chelsea van Riet (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:	Scotch Oakburn College
Property:	74-78 Elphin Road, Newstead
Zoning:	Community Purpose
Receipt Date:	12/02/2024
Validity Date:	19/02/2024
Further Information Request:	23/02/2024
Further Information Received:	08/03/2024
Deemed Approval:	22/04/2024
Representations:	6

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

PREVIOUS COUNCIL CONSIDERATION:

There have been multiple applications for development at the school site, including previous iterations of an Inquiry and Environment Centre in the current proposed location.

Relevantly an early application (DA0646/2021) for an Inquiry and Environment Centre was withdrawn.

Council - 1 December 2022 - 9.2 DA0593/2022 - 74-78 Elphin Road, Newstead - Educational and Occasional Care - Construction of two Buildings and Alterations and Additions to Existing Landscaping. This was a revised application which was approved subject to conditions. That permit has not been acted upon.

The permit approved a two storey building located to the south of the existing arts building adjacent to the basketball court and extended over the grassed sports and play area.

The approval included a condition requiring the Manager of City Development to be consulted to assess any additional parking requirements prior to staff numbers increasing beyond the existing 77 FTE.

Whilst not a condition (as the Broadland Drive site was not part of the application) considerable weight was given to the undertaking by the School, in good faith, to establish staff parking in Broadland Drive to reduce parking pressure on the surrounding streets.

Consistent with that undertaking, a sealed car park, line marked for 30 car parking spaces, has been created on the southern side of the junction of Dowling Street and Broadland Drive. As noted by representor's the take-up of these car parking spaces is poor.

STANDARDS REQUIRING PLANNING DISCRETION:

C2.5.1 P1.1 - Car parking numbers
C2.5.3 P1 - Motor cycle parking numbers

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0055/2024 - Education and Occasional Care - construction of alterations and additions to a school; Subdivision - consolidation of two lots into one lot at 74-78 Elphin Road, Newstead, subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Plan of subdivision, prepared by Cohen & Associates, reference 84-54, 74-78 Elphin Road, Newstead, revision 1, page 1, dated 05/03/2024
- b. Cover Sheet, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision C, Page DA000, dated 29/01/2024
- c. Site Plan - Existing & Demolition, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page DA001, dated 29/01/2024
- d. Site Plan - Proposed, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page DA002, dated 29/01/2024
- e. Floor Plan, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision C, Page DA003, dated 29/01/2024
- f. Roof Plan, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page DA004, dated 29/01/2024
- g. Building Elevations, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision C, Page DA005 dated 29/01/2024
- h. Sections, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page DA006, dated 29/01/2024
- i. Shadow Diagrams #1, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page DA007, dated 29/01/2024

- j. Shadow Diagrams #2, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision A, Page DA008, dated 29/01/2024
- k. Landscape Concept Plan, prepared by Lange Design, Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page 1, dated 24/01/2024
- l. Plant Species and Specification Notes, prepared by Lange Design, Environment Centre, 72-78 Elphin road, Newstead, Revision A, Page 2, dated 24/01/2024

2. FINAL PLAN OF SURVEY

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

3. STAFF NUMBERS

This permit is issued for the existing employee number of 77 FTE (including early learning). Prior to staff numbers increasing above 77 FTE. Scotch Oakburn College must inform the Manager City Development to ensure compliance with the planning scheme and to determine the need for additional parking.

4. LEGAL TITLE

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

5. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Amended Submission to Planning Authority Notice, Reference No. TWDA 2024/00200-LCC, dated 13/03/2024 and attached to the permit.

6. HOURS OF CONSTRUCTION

- a) Unless otherwise approved in writing by the Manager Health and Compliance construction activities must only be carried out between the hours of:
 - i. Monday to Friday - 7 am to 6 pm; and
 - ii. Saturday - 8 am to 6 pm.
- b) Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed state-wide (Easter Tuesday excepted).

7. HERITAGE

The development must be undertaken in accordance with the conditions included on the Tasmanian Heritage Council 'Notice of Heritage Decision' for THC Application No. 8367, dated 08 April 2024 and attached to the permit.

8. SITE LANDSCAPING

The landscaping must be:

- a. Installed in accordance with the endorsed plan; and
- b. Completed prior to the use commencing; and
- c. Maintained and not removed, destroyed or lopped without the written consent of the Council.

9. NO FURTHER VEGETATION REMOVAL

Tree and vegetation removal must be limited to those specifically notated on the approved plan(s).

No other tree or vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.

10. DAMAGE TO COUNCIL INFRASTRUCTURE

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

11. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

12. SOIL AND WATER MANAGEMENT PLAN

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

13. FACILITIES AND HIGHWAYS BY-LAW

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). The payment of the scheduled Occupation Fee (comprising a minimum base fee and a square metre weekly rate) is required prior to the occupation commencing. No occupation of the road reserve is permitted without approval.

14. AMENITY - COMMERCIAL/INDUSTRIAL USE

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

15. DEMOLITION

The developer must:

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0055/2024.

You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.

This permit takes effect after:

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

The permit lapses after a period of two (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

D. Permit Commencement.

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

E. Staff Parking

Scotch Oakburn College is encouraged to promote the use of the off-site car park at Broadland Drive by school staff to ease the burden on the suburban streets immediately surrounding the school.

F. Operation of drop-off zones

Scotch Oakburn College is encouraged to regularly assess the resourcing and operation of the student drop-off zones to ensure their efficiency and effectiveness and their continued contribution towards the reduction in traffic and parking conflict in the surrounding suburban streets.

G. Building Act 2016 Requirements

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.

REPORT:

1. THE PROPOSAL

It is proposed to demolish the existing temporary arts building, centrally located within the school grounds. It is then proposed to construct a purpose built Inquiry and Environment Centre (IEC). The IEC will incorporate four new class rooms, a dedicated inquiry class room, a new art studio, staff and student amenities, internal collaborative learning spaces and external terraces.

The IEC building will be single storey, with a combination of flat and butterfly style roofing and clad in a mix of concrete, brick, timber and metal sheet. The building will be located on the site of the previous arts building and wrap around the southern corner of the existing basketball court to respect the topography and minimise impact on existing play areas and Claremont Gardens.

The proposal will include the consolidation of the two lots (CT103209/1 - 8549m² and CT179531/2 - 13,190m²) into a single 2.174ha lot upon which the IEC will be constructed.

The proposal will not increase staff numbers and does not include additional parking or vehicular access.

2. LOCATION AND NEIGHBOURHOOD CHARACTER



74-79 Elphin Road, Newstead (not to scale)

The specific site of the proposed development is central to the existing Elphin campus of the Scotch Oakburn College.

The overall site contains numerous titles and includes the Junior and Pre-School components of the School along with the Boarding House, swimming pool, recreational grounds and gardens.

The site is located with frontages to Erina Street, Elphin Road and Claremont Street. It is otherwise surrounded by residential land in residential use. There are a number of professional offices and consulting rooms along with visitor accommodation facilities within the immediate area.

Notwithstanding this, the character of the surrounding area is generally residential.

3. PLANNING SCHEME REQUIREMENTS

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

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2024/00200-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	The THC Notice of Heritage Decision, approving the proposal subject to conditions, was issued on 08 April 2024.
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 13 March 2024 to 27 March 2024. Six (6) representations were received. The issues raised are summarised in the following table. All representations received for this application were circulated to Councillors at a Workshop held on 11 April 2024.

<p>Issue1 The SOC have not emailed the concerned neighbours as stated and have not engaged and consulted as openly and thoroughly as stated. The promised 'early 2024' meeting to discuss parking has not taken place.</p>
<p><i>Response 1</i> This is a matter completely outside the influence of the planning scheme.</p>
<p>Issue 2 Car parking in the area has not improved. Cars continue to park over driveways and drop-off areas and there is extreme traffic congestion in Claremont and Erina Streets.</p>
<p><i>Response 2</i> The issue of car parking in the area and the alleged disrespectful or illegal parking behaviours of some is not a matter that can be directly addressed by the planning scheme. The current proposal will not increase staff numbers and thus will not require the provision of parking beyond the already agreed position from (DA0593/2022). Illegal parking by parents is a matter that should be raised with Tasmania Police, who, with sufficient complaints to demonstrate other than an occasional breach, will allocate appropriate policing resources to encourage behavioural change.</p>

<p>Issue 3 SOC employs only one traffic warden and one person cannot supervise three drop-off points.</p>
<p><i>Response 3</i> <i>This is outside the control of the planning scheme. It is commendable that SOC has created defined drop off areas and allocated resources for a warden to supervise these areas. A note to the permit, if approved, is recommended to encourage SOC to review its resourcing of this function.</i></p>
<p>Issue 4 The additional staff car park in Broadland Drive (adjacent to the Importer) is barely used. Parking by staff in this car park should be strongly encouraged by SOC.</p>
<p><i>Response 4</i> <i>It is reasonable to consider that SOC, in its ongoing efforts to be a good corporate neighbour, would actively encourage staff to use this alternate parking rather than the surrounding suburban streets. A note to this effect is proposed for the permit,</i></p>
<p>Issue 5 The Midson traffic report is not comprehensive and the availability of on-street parking is disputed.</p>
<p><i>Response 5</i> <i>The proponents have relied on the previously accepted 2022 Traffic Impact Assessment, prepared by Midson Traffic Pty Ltd. Given that staff numbers have not varied since the previous application and are not proposed to increase as a result of this proposal, it remains reasonable to continue to accept the conclusions and recommendations of this professional report.</i></p>
<p>Issue 6 No additional parking is provided on the school site and this is a wasted opportunity.</p>
<p><i>Response 6</i> <i>Options to increase car parking within the school grounds are effectively prevented by the historic heritage nature of the Claremont Gardens and the inherent need of a primary school to provide safe play areas for the students.</i></p>
<p>Issue 7 Previous conditions (from DA0593/2022) regarding staff numbers should be carried over.</p>
<p><i>Response 7</i> <i>Relevantly, changes to staff numbers may affect the calculation for the required number of car parking spaces to be provided as the applicable table in the planning scheme is based on the number of staff and tertiary students.</i> <i>The previous approval for an earlier version of the IEC building considered the parking requirements for 77 FTE staff, there are no tertiary students at SOC, and imposed a condition requiring consultation, with the Manager City Development, to address the possible need for further approval prior to any increase in staff numbers beyond the existing 77 FTE.</i> <i>It is proposed to replicate that condition in this permit, if approved.</i></p>

Issue 8

Use of the Broadland Drive car park should be included as a condition of this permit.

Response 8

The Broadland Drive car park cannot be included as a condition of this permit, if issued, as it is a separate site, removed from the site the subject of this application.

The previous approval (DA0593/2022) was made having regard to an undertaking from SOC that such additional parking would be provided.

SOC has provided the additional car parking facility. As raised in Issue 4, above, this additional carpark is underutilised and a note to the permit, if approved, is proposed to encourage SOC to promote the use of this car parking option by staff at the Elphin campus.

6. CONCLUSION

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

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

The Tasmanian 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
Tasmanian 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. DA055 2024 74 78 Elphin Road Newstead Planning Scheme Assessment [9.3.1 - 8 pages]
2. D A 0055-2024 - 74-78 Elphin Road Newstead - Plans to be Endorsed [9.3.2 - 12 pages]
3. D A 0055-2024 - 74-78 Elphin Road Newstead - Taswater SPAN [9.3.3 - 3 pages]

10. ANNOUNCEMENTS BY THE MAYOR

10.1. Mayor's Announcements

FILE NO: SF2375

Thursday 4 April 2024

- Participated in the Commissioning of Ross Patterson, Scotch Oakburn College Principal, Launceston Conference Centre

Friday 5 April 2024

- Attended Negat-ve Distillery Espresso Liqueur Launch, Tatler Lane

Wednesday 10 April 2024

- Attended Boag's St George 3.5 Launch Party, Boags Brewery

Thursday 11 April 2024

- Spoke with Grade 11 Launceston Church Grammar students around leadership, Launceston Church Grammar
- Attended Volunteer Emergency Service Awards, Beaconsfield Ambulance Station

Friday 12 April 2024

- Conducted a Citizenship Ceremony, Tramsheds
-

11. COUNCILLORS' REPORTS

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

12. QUESTIONS BY COUNCILLORS

12.1. Councillors' Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

(A councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the Chief Executive Officer of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be provided in writing).

12.1.1. Councillors' Questions on Notice - Councillor T G Walker - Liaison with AFL Tasmania - 4 April 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following question was submitted to Council on 4 April 2024 by Councillor T G Walker, has been answered by Justin Dale (Manager Business Enterprises, Community and Place).

Questions:

1. Will the Council directly engage with AFL Tasmania to get a clearer indication for the future of northern football?

Response:

Earlier this year the Tasmanian State League (TSL) announced the 2024 season will be the final season, followed by a restructure of Tasmanian community football from 2025 with Premier League divisions established in the state's South, North and North West.

Following this in March 2024, AFL Tasmania announced the NTFA Premier League NTFA Premier League for men and women in 2025.

Whilst Council does support local football and works with AFL Tasmania in scheduling of numerous fixtures across the municipality, we are not involved in the development of the future structure nor the direction of the organisation.

12.1.2. Councillors' Questions on Notice - Councillor J J Pentridge - Free Parking at Paterson Street Car Park - 4 April 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following question was submitted to Council on 4 April 2024 by Councillor J J Pentridge, has been answered by Lee Simmons (Team leader Parking).

Questions:

1. At what time does the boom gate at the Patterson Street car park get opened and what time does it close in the evening to allow the public access free of charge?

Response:

The boom gates do not get opened for the free period. Operation of the carpark continues as normal. The user of the carpark is still required to take a ticket upon entering the carpark in order for the boom gate to allow access. The user is also required to enter a ticket in the exit for the boom gate to allow egress from the carpark.

If the carpark is entered after 3:30pm and is exited prior to 5:30pm the system simply does not issue charges.

12.2. Councillors' Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

(Questions Without Notice, and any answers to those questions, are not required to be recorded in the Minutes of the Meeting).

13. ORGANISATIONAL SERVICES NETWORK

13.1. Representation at the Australian Local Government Association's 2024 National General Assembly Conference

FILE NO: SF0121 / SF0325

AUTHOR: Liz Lynch (Personal Assistant - Councillor Rooms)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the attendance of Mayor Matthew Garwood, Councillor Danny Gibson and Councillor Andrew Palmer at the Australian Local Government Association 2024 National General Assembly Conference and Regional Forum in Canberra 2 – 4 July 2024.

RECOMMENDATION:

That Council approve the attendance of Mayor Matthew Garwood, Councillor Danny Gibson and Councillor Andrew Palmer to the Australian Local Government Association 2024 National General Assembly Conference and Regional Forum in Canberra 2 – 4 July 2024.

REPORT:

Following a request for expressions of interest in attending the Australian Local Government Association 2024 National General Assembly (NGA) Conference in Canberra, 2 – 4 July 2024, Mayor Matthew Garwood, Councillor Danny Gibson and Councillor Andrew Palmer have indicated an interest in attending.

It is considered appropriate that the Council is represented at this conference as the learnings will have direct benefit for a number of current key Council priorities.

This year's NGA theme is "Building Community Trust" centering on the critical importance of trust in governments, between governments, institutions, and citizens.

The key conference themes for this event are:

- Politics and Civic Engagement
- Intergenerational Equity and Fairness
- Community Trust in the Built Environment
- For the Love of Community Engagement

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.
4. To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains and adopting technological and other process innovations.

BUDGET AND FINANCIAL IMPLICATIONS:

Attendance at the General Assembly can be funded from the Councillor's Development Budget. The costs associated with attendance at this conference per person are:

\$985 registration fees

\$1,200 accommodation

\$1,000 airfares

The budget adjustment consideration of this item has been approved by the General Manager Organisational Services Network.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

1. ALGA NGA 2024 Program [13.1.1 - 1 page]
2. Letter from Minister for Local Government [13.1.2 - 2 pages]

13.2. Delegation of power to accept electricity supply contract

FILE NO: SF3379

AUTHOR: Duncan Campbell (Team Leader Legal Services)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the delegation of powers to accept the preferred contractor for electricity supply contract no. CD008/2024.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Workshop – 11 April 2024 – Energy Supply Renewal

RECOMMENDATION:

That Council:

1. Pursuant to section 22 of the *Local Government Act 1993 (Tas)*, delegates the power to select and enter into a contract with the preferred tenderer for electricity supply contract no. CD008/2024, to the position of Chief Executive Officer.
 2. Pursuant to section 23AA(2)(b), authorises the Mayor to evidence the delegation effected by this decision with a signed instrument of delegation, reproducing the terms or substance of this delegation as appropriate.
 3. Notes, for the avoidance of doubt, that the term Chief Executive Officer is a term of reference for the General Manager within the meaning of the *Local Government Act 1993 (Tas)*.
-

REPORT:

In 2024 the Council will invite tenders for the supply of electricity to its top twenty-two sites. Due to the historic consumption level, most of these sites are classified as Large Offer Customer connections. The current Aurora Energy electricity supply agreement for these connections concludes on 31 December 2024.

The tender will be regulated by the *City of Launceston's Code for Tenders and Contracts 11-Plx-004*.

The nature of energy supply contracts limit the way in which they can be accepted. Once a "best and final offer" is presented, a maximum 2-3 day turnaround from receipt of a retailer's proposal to execution of the contract is required. This limitation cannot be

practically accommodated with the requirements of the *Local Government Act 1993 (Tas)* and the *Local Government (Meeting Procedures) Regulations 2015*.

Once a “best and final offer” has lapsed, the Council is no longer able to obtain that price, and must seek a new price from the retailer.

In the context of local government, delegation of the power to accept this tender to the Chief Executive Officer will ensure that the Council is able to proceed to enter into a contract within the applicable time window.

Relevant processes in the *Local Government Act 1993 (Tas)*, *Local Government (General) Regulations 2015*, and the *City of Launceston Code for Tenders and Contracts 11-Plx-004* will continue to apply.

Goanna Energy Consulting will assist in the assessment of tenders, and will provide specialist procurement advice to inform the assessment of tenders, and ultimately the decision on the successful tenderer with whom the Council will enter a contract.

RISK IMPLICATIONS:

Risks relevant to this report are discussed above.

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 IMPLICATIONS:

The acceptance of the most price competitive tender is expected to provide the greatest benefit to the Council’s budget.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

Nil

13.3. 2023/2024 Budget - Budget Amendments

FILE NO: SF6940 / SF7558

AUTHOR: Samuel Kelty (Manager Finance)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

For Council to:

1. consider changes to the Council's 2023/2024 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 March to 31 March 2024 by the Chief Executive Officer to the 2023/2024 Budget.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993 (Tas)* and by an absolute majority, approves the following changes to the 2023/2024 Statutory Estimates:
 - (a) Expenses
 - i. the net increase in operations expenditure of \$79,480.
 - (b) Capital Works Expenditure
 - i. the decrease in the Council's funded expenditure of \$79,480.
 2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus being amended to \$13,471,812 (including capital grants of \$18,581,404) for 2023/2024.
 - (b) the capital budget being decreased to \$43,228,715 for 2023/2024.
 3. pursuant to section 82(7) of the *Local Government Act 1993 (Tas)*, receives the Chief Executive Officer's report on adjustments to the 2023/2024 budget for the period 1 March to 31 March 2024.
-

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.

	Operations \$'000	Capital \$'000
Statutory Budget as 01/07/2023	(2,406)	20,636
Adjustments Approved by Council to 29/02/2024	15,957	22,672
Balance Previously Advised as at 29/02/2024	<u>13,551</u>	<u>43,308</u>
 <u>Amendments</u>		
Council Funds	0	0
Capital to Operations	(79)	(79)
Operations to Capital	0	0
Operations	0	0
External Funds	0	0
External Funds Not Received	0	0
Statutory Budget as at 31/03/2024	<u>13,472</u>	<u>43,229</u>
 Deduct Capital Grants and Contributions	 (18,581)	
Operating Budget Surplus/(Deficit)	<u>(5,109)</u>	
 <u>Underlying Result Adjustments</u>		
Tamar Estuary River Health Action Plan Contribution	4,500	
South Esk Road Retaining Wall Project	1,080	
Underlying Operating Budget Surplus/(Deficit)	<u>471</u>	

The table above 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
CP24507	IT Corporate Software Renewals 2023/2024	\$363,419	\$79,480	\$0	\$283,939
OP22565	Applications - Business Other	\$0	\$0	\$33,060	\$33,030
OPM25072	Corporate Applications Replacement Project	\$1,843,521	\$	\$46,420	\$1,889,941
	TOTALS	\$2,206,940	\$79,480	\$79,480	\$2,206,910

The project scope of works:

Money from within the Corporate Software Renewals project has been left unspent since a decision to go to market on council's corporate application replacement project (CARP), it has since been identified that these funds are to be utilised to fund the acquisition of additional modules not covered under the enterprise software solution provided by Counterpart Solutions.

One of these is council's Bookings and Access Control module. Council has been to tender and found a proposed solution. As the proposed solution does not meet Councils capitalisation framework definition, the annual software as a service (SaaS) cost will need to be expensed within operations totaling \$33,060, with the cost of implementation of \$46,420 being costed against the corporate applications replacement project in order to track total implementation costs.

Capital to Operations	Operations	Capital
IT Corporate Software Renewals 2023/2024	\$79,480	(\$79,480)
TOTAL	\$79,480	(\$79,480)

2. Chief Executive Officer's Report on Adjustments

Pursuant to section 82(6) of the *Local Government Act 1993* (Tas), Council has authorised the 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
24559	Parks Footpath Reseal Program 2023/2024	\$350,000	(\$70,000)	\$280,000	Decrease
24421	Gorge Cliffgrounds Service Road Renewal	\$100,000	(\$100,000)	\$0	Decrease
24303	Home Point Pontoon 2304	\$200,000	\$170,000	\$370,000	Increase
	TOTALS	\$650,000	\$0	\$650,000	

The following capital project adjustments have occurred in the period 1 March to 31 March 2024:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24559	Parks Footpath Reseal Program 2023/2024	\$350,000	\$70,000	\$0	\$280,000
24421	Gorge Cliffgrounds Service Road Renewal	\$100,000	\$100,000	\$0	\$0
24303	Home Point Pontoon 2304	\$200,000	\$0	\$170,000	\$370,000
	TOTALS	\$650,000	\$170,000	\$170,000	\$650,000

The project scope of works:

Independent structural inspections by Auspan have determined that the Home Point Pontoon 2304 is in poor condition and has reached the end of its useful life.

Due to the results of these inspections, it has been determined that works will need to be deferred on the Gorge Cliffgrounds Service Road Renewal project in order to enable current approved budget to be reallocated to address the pontoon renewal. It is proposed that the required budget for the Gorge Cliffgrounds Service Road renewal be resubmitted for consideration in a future budget period.

The Parks Footpath Reseal Program 2023/2024 project is underspent for this financial year due to contractor availability. As such, it is proposed that the remaining funding required for the Home Point Pontoon project be reallocated from this 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

13.4. Representation at the UNESCO Creative Cities of Gastronomy Annual Conference 2024

FILE NO: SF0121

AUTHOR: Alison Flood (Executive Assistant to Mayor)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the attendance of Mayor M K Garwood at the UNESCO Creative Cities of Gastronomy Annual Conference 2024 in Phuket, 9-12 May 2024.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council approves the attendance of Mayor M K Garwood at the UNESCO Creative Cities of Gastronomy Annual Conference 2024 in Phuket 9-12 May 2024.

REPORT:

Launceston joined the UNESCO Creative Cities Network (UCCN) in the field of Gastronomy in 2021.

The UCCN was created in 2004 to promote cooperation with and among cities that have identified creativity as a strategic factor for sustainable urban development. The 246 cities that currently make up this network work together towards a common objective: placing creativity and cultural industries at the heart of their development plans at the local level and cooperating actively at the international level.

Participation in the UCCN was seen as avenue to provide the following high-level outcomes and benefits to Northern Tasmania:

1. High level outcomes:

- to cement Launceston's identity as an internationally recognised region for the production and consumption of great food and drink
- to grow the economy and provide jobs in food-related industries and activities
- to ensure that a strong local food system provides adequate nutrition for all its residents
- to safeguard a resilient food future in the face of environmental challenges

2. Benefits for the City of Launceston and the greater Launceston Region:

- Launceston and the Tamar Valley becomes an internationally recognised centre of excellence for all things related to food and beverage
-

- the continued development of a strong sense of our regional identity, based on creativity and innovation, that results in regional pride and confidence
- cross-industry and cross-sector collaborations to solve place-based problems
- brand benefits that will be felt by our industries: agriculture, food processing, wine and beverage production, tourism and agri-tourism, education and health

Council last considered the merit of participation in the UCCN when it approved \$37,500 for financial support of the City of Gastronomy program in 2023/2024. At that time, Council heard that reports submitted by Launceston and Northern Tasmanian Gastronomy indicated that progress had been made across each of the program's strategic intents.

The intent of the Conference is to provide knowledge sharing and networking opportunities for members of the UCCN in the field of Gastronomy.

One of the obligations of this membership is knowledge sharing and this is primarily achieved through attending annual events, such as this Conference. It is therefore considered appropriate that the City of Launceston is represented at this Conference.

Mayor Garwood will be accompanied by Chris Griffin, Chief Executive Officer of Northern Tasmania Development Corporation.

RISK IMPLICATIONS:

At the time of writing, the Australian Government recommends that travellers exercise a high degree of caution to Thailand overall, due to the risk of civil unrest and the threat of terrorism, including in Bangkok and Phuket. Mayor Garwood will be supported to access information relevant to this advice level, and new and existing risks will be assessed before travel.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Mayor Garwood's attendance at the Conference is expected to contribute to the economic, environmental and social outcomes and benefits sought by Launceston and Northern Tasmania's participation in the UCCN through the exchange of knowledge and networking opportunities.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

BUDGET AND FINANCIAL IMPLICATIONS:

Subject to Council's support of this report's Recommendation and in keeping with the Councillor's Expenses and Resources Policy 14-Plx-016, the Council will pay for Mayor Garwood's accommodation and travel expenses, which will be organised through the office of the Acting Chief Executive Officer. These costs are estimated to be approximately \$3,700 and can be met by existing budget allocations.

Actual costs for meals and incidentals will be reimbursed on presentation of receipts/tax invoices after travel.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

1. COG Conference 2024 to present in COG 31 Jan [**13.4.1** - 11 pages]

14. CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

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

14.1 Confirmation of the Minutes

Regulation 35(6) of the *Local Government (Meeting Procedures) Regulations 2015* states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

14.2 Development of 118-122 and 124 Brisbane Street, Launceston

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (b) information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business.
- (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

14.3 Launceston CBD Bus Interchange

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

14.5 End of Closed Session

To be determined in Closed Council.

15. MEETING CLOSURE

16. NEXT COUNCIL MEETING DATE

The next Ordinary Meeting of Council will be held at 1.00pm on 2 May 2024 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.