



LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 11 FEBRUARY 2013**

LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

Monday 11 February 2013

Notice is hereby given that the Ordinary Meeting of the Launceston City Council will be held at the Council Chambers -

Date: 11 February 2013

Time: 1.00 pm

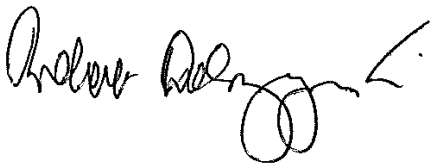
Section 65 Certificate of Qualified Advice

Background

Section 65 of the Local Government Act 1993 requires the General Manager to certify that any advice, information or recommendation given to council is provided by a person with appropriate qualifications or experience.

Declaration

I certify that persons with appropriate qualifications and experience have provided the advice, information and recommendations given to Council in the agenda items for this meeting.



Robert Dobrzynski
General Manager

LAUNCESTON CITY COUNCIL

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1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES

2 DECLARATION OF PECUNIARY INTERESTS

3 CONFIRMATION OF MINUTES

RECOMMENDATION:

1. That the Minutes of the meeting of the Launceston City Council held on 29 January 2013 be confirmed as a true and correct record.
2. That the Minutes of the meeting of the Launceston City Council held on 29 January 2013 in closed session be confirmed as a true and correct record.

4 DEPUTATION

Nil

5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
29 January 2013 9.2	21592	<p>Alderman D C Gibson asked:</p> <ul style="list-style-type: none"> In reference to the business on the corner of Tamar and Boland Streets, what rights and responsibilities does council have to censor or remove the content of the signage? 	<p>Response provided at meeting:</p> <p>The question was taken on notice.</p> <p>The venue in question has existing use rights as a hotel Industry under the Launceston Interim Planning Scheme 2012 and that no Planning Permit is required for the proposed use. The sign which has been recently erected has utilised the existing signage framework and therefore, it has not changed significantly enough to require a planning permit. The Planning Scheme has no controls to regulate the content of a sign, only matter such as the size, shape and location of the sign. Any complaints concerning the content of advertising signage would need to be directed to the Advertising Standards Bureau (ASB). The ASB will investigate complaints about advertising material</p>	Michael Stretton

			<p>pertaining to: portrayal of sex/sexuality/nudity; portrayal of people; objectification; language; violence and health and safety.</p> <p>The ASB contact details are as follows:</p> <p>Level 2 97 Northbourne Avenue TURNER ACT 2612 Tel: (02) 6173 1500 Fax: (02) 6262 9833</p> <p><u>mail to: administration@adstandards.com.au</u></p>	
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6 PUBLIC QUESTION TIME

7 ANNOUNCEMENTS BY THE MAYOR

7.1 Mayor's Announcements

FILE NO: SF2375

Monday 28 January

- Attended NTCA and TCL Fundraiser for Red Cross Tas Bushfire Appeal

Wednesday 30 January

- Attended Newstead College Presentation Awards Evening

Thursday 31 January

- Attended Launceston College Academic Awards Ceremony

Friday 1 February

- Attended with Veterans - 2nd/40th Battalion Memorial Garden (Kings Park)

Tuesday 5 February

- Attended Tasmanian Masters Netball Competition Inaugural Launch

Wednesday 6 February

- Attended Myrtle Ridge Hawks Netball Club Aurora State League Season Launch

Thursday 7 February

- Officiated at Rotary Club of Central Launceston - Duck Drop Media Launch
- Officiated at Tasmanian Combined Chapters Rally
- Attended Festivale Official Opening Evening

Friday 8 February

- Attended Festivale Event for Stephanie Alexander - Restaurateur and Author of Australian Cookbook Classics

Saturday 9 February

- Officiated at Harvest Market 1st Birthday Celebration
-

8 ALDERMEN'S/DELEGATES' REPORTS

9 QUESTIONS BY ALDERMEN

10 COMMITTEE REPORTS**10.1 Heritage Advisory Committee Report 29 November 2012****FILE NO:** SF2965**AUTHOR:** Fiona Ranson (Urban Designer and Heritage Planner)**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the Heritage Advisory Committee's special meeting - a workshop titled 'Launceston as a living 'boutique heritage city' - Challenges and Opportunities' - held on 29 November 2012.

RECOMMENDATION:

That in respect to the special meeting of the Heritage Advisory Committee held on Thursday, 29 November 2012, the Council endorses the following recommendations:

1. that the Council invite Ester Guerzoni from Heritage Tasmania to speak to both the Development Reference Group and the Strategic Policy and Planning Committee in regard to the State Government's Heritage Reform Bill, including Amendments to the Historic Cultural Heritage Act, as progress is made; and
2. that in Council's Annual Report, reference be made to the significance of Launceston's built heritage.

and notes the following actions which are proposed to be implemented:

1. An information and 'FAQ' (frequently asked questions) sheet is to be developed by the Council's planning officers in association with Heritage Tasmania to assist potential developers of heritage listed properties through the planning process;
 2. A procedure is to be developed in order to list newly nominated places of a local level of significance in Launceston's Planning Scheme;
 3. Regular communication between the Heritage Advisory Committee and Development Reference Group will be facilitated by Council Planning staff in regard to planning scheme provisions; and
 4. Representatives from the Heritage Advisory Committee request to attend a future Access Advisory Committee Meeting to discuss the challenges around access to heritage buildings.
-
-

10.1 Heritage Advisory Committee Report 29 November 2012...(Cont'd)

REPORT:

The Heritage Advisory Committee met on Thursday 29 November 2012 to participate in a workshop titled 'Launceston as a living 'boutique heritage city' - Challenges and Opportunities'.

- the challenges facing the commercial sector when presenting heritage homes (listed and otherwise) for sale, perceived and actual obstacles to buying, developing and residing in heritage buildings (both commercial and residential);
- processes involving the regulatory authorities involved in planning and assessing heritage impacts with a focus on the role of Council and heritage agencies);
- articulating the value of Launceston's heritage 'brand' and built heritage and its value as an economic asset; and
- how best to convey this to buyers, sellers, investigating possible pathways to making it easier and simpler for all sides of the heritage issue to work with Launceston's built heritage.

Presentations were made by members on the following issues and actions were formulated in order to move forward.

- Context - Launceston's heritage significance
- Strategic Direction - Development Services
- State Legislative Processes - flowchart
- Local Legislative Processes - flowchart
- Challenges - local examples
- Positive re-use - local examples
- Tourism opportunities - Strategy

The Director Development Services attended the meeting and advised that Council staff are happy to work with the Heritage Advisory Committee to address any obstacles to buying, developing and residing in heritage buildings in Launceston.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

10.1 Heritage Advisory Committee Report 29 November 2012...(Cont'd)

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

N/A

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

11 PETITIONS**11.1 Petition - Traffic Management in Sadler, Wood and Derby Streets, Mowbray****FILE NO:** SF1963 / SF2174 / SF0607 / SF0608

Petition received from residents of Mowbray regarding traffic management in Sadler, Wood and Derby Streets, Mowbray which reads:

"We, the residents of Mowbray are petitioning the Launceston City Council to take make measures to stop the residential streets of Sadler Street, Wood Street and Derby Street, Mowbray being used as a thoroughfare for traffic using them as a short cut from Vermont Road to Invermay Road. A recent accident where a car smashed through the fencing of 24 Sadler Street while travelling down Wood Street highlights the danger to residents when these residential roads are utilized by traffic as a shortcut thoroughfare. The ongoing volume of traffic using these residential streets as a thoroughfare to avoid lights on Vermont road is a noise hazard impeding the right of residents to quiet enjoyment of their property and a safety risk with many near miss accidents to date. We are petitioning the Launceston City Council to put speed humps in Wood Street and Sadler Street place signs 'Residential Traffic Only' and '50K speed signs'. Alternatively we request that the roundabout at the top of Wood Street on Vermont Road be removed and the Wood Street entrance be permanently blocked off to traffic."

RECOMMENDATION:

That the petition be received and forwarded to officers for report.

Under the provisions of the Land Use Planning and Approvals Act 1993, Council acts as a Planning Authority in regard to items 12.1 - 12.3

12 PLANNING AUTHORITY

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs

FILE NO: DA0530/2012

AUTHOR: Julia Allen (Development Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider an application for a change from a church to a circus school including associated advertising signage at 49-55 Frederick street.

PLANNING APPLICATION INFORMATION:

Applicant: The Eye Institute
Property: 49-55 Frederick Street
Area of the Site: 2061m²
Zone: Commercial
Codes: Car Parking and Sustainable Transport Code
TP Classification: Sport and Recreation and Community Meeting and Entertainment
Date Received: 29th November 2012
Deemed Approval: Extension to 11th February 2013
Representations: Two

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approves DA0530/2012 for a change the use to a circus school; removal of existing advertising signs and installation of two new advertising signs at 49-55 Frederick Street, Launceston, subject to the following conditions:

ENDORSED PLANS

1. The use must be carried out as shown on the endorsed plans and described in the endorsed documents to the satisfaction of the Planning Authority.
-

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

LEGAL TITLE

2. The use associated with the proposal must be confined to the legal title of the subject land except construction of access from approved accessways from Frederick Street and Bathurst Street.

BUSINESS HOURS

3. The opening hours for the business are:
 - a) 10:00am and 9:00pm Monday to Friday
 - b) 10:00am and 6:00pm Saturday and Saturdays

AMENITY

4. During the operation of the use, the best practical means shall be taken to prevent nuisance or annoyance to any person not associated with the use. Air, noise and water pollution matters may be subject to provisions of the Environmental Management and Pollution Control Act 1994 and Regulations there under.

NO EXTERNAL PA SYSTEM

5. No public address or sound system must be used on the subject land except one which is audible only from within the building on the land.

TOILET DOORS

6. Before the use commences, the toilet doors shall be fitted with soft closers or other devices to suppress the noise during their operation.

SITE LANDSCAPING

7. The existing landscaping must be maintained as part of the use to the satisfaction of the Planning Authority.

CAR PARKING

8. The existing car parking must be:
 - a) maintained as part of the use keeping the surface fully sealed,
 - b) visibly line marked; and
 - c) lit to effectively illuminate all pathways, car parking areas and porch areas. Such lighting must be controlled by a time clock or sensor unit and shielded to prevent direct light being emitted outside the site.

DISABLED SPACES

9. Before the use commences, 2 disabled car parking spaces must be provided on the site. The space are to be:
 - a) marked and complaint with Australian Standard 2890.6 2009;
 - b) sealed and drained;
 - c) located near the entrance to the building.
-

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

BICYCLE PARKING

10. Before the use commences, 5 bicycle parking spaces must be provided on the site. The spaces are to be:
- accessible from a road, footpath or car parking area and be within 50m of the main entrance;
 - each bicycle space is to have minimum dimensions of 1.7m length, 1.2m height, 0.7m width at the handlebars and unobstructed access with a width of at least 2m and gradient of no more than 5% from a public area where cycling is allowed;
 - include a rail or hoop to lock the bike that meets Australian Standard 2890.3 1993;
 - adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used.

MOTORBIKE PARKING

11. Before the use commences, 1 motorbike space must be provided on the site. The space is to be:
- directly accessible from a road or car parking area;
 - a marked space that meets Australian Standard 2890 1993.

EMERGENCY ACCESS DOOR

12. The emergency access door/s are to be used in emergencies only, or for a low intensity non-public use such as putting out the rubbish only.

EXTERIOR AND SECURITY LIGHTING

13. Exterior Lighting and Security lighting must be designed, baffled and located in accordance with Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" such that no direct light is emitted outside the boundaries of the subject land.

SIGNS WITHIN SITE

14. The signs permitted by this permit must:
- be located so as to be wholly contained within the boundaries of the subject land;
 - not project more than 0.2m from the vertical face of the building.

SIGN MAINTENANCE

15. The signs permitted by this permit must be constructed and maintained in good condition to the satisfaction of the Planning Authority.

NO SIGN ILLUMINATION

16. The signs must not be illuminated, flashing or be animated.
-

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

PERMIT EXPIRY – USE

17. This permit will expire if the use permitted by this permit is not commenced within two years of the date of granting of this permit, or if the use is discontinued for a period of two years. The Planning Authority may extend the time for commencement of the use if a request is made in writing before this permit expires.

Notes

Approved Use

A. *The use permitted by this permit is categorised as Sport and Recreation and Community Meeting and Entertainment under the Launceston Interim Scheme 2012.*

Food License

B. *If the applicant wishes to prepare or sell food at the premises, the business must register as a food business as per the Food Act 2003.*

Place of Assembly License

C. *To hold an event where the general public may attend, the applicant will require a Place of Assembly (either annual or specific event) license as per the Public Health Act 1997.*

Other Approvals

D. *This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:*

(a) Building permit

Restrictive Covenants

E. *The granting of this permit takes no account of any covenants applicable to the land that contradict the Launceston Planning Scheme. The permit holder and any other interested party, should make their own enquires as to whether the proposed development is effected, 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.

Access for People with a Disability

F. *This permit does not ensure compliance with the Disability Discrimination Act, furthermore the developer may be liable to complaints under the said Act. The applicant is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.*

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

Representations to Proposal

G. *This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.*

Appeal Provisions

H. *Attention is directed to Sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:*

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

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

REPORT:

1. THE PROPOSAL

The proposal is to use a former church for a circus school. The main church area (313m²) will be used for the trapeze/circus training room.

The existing office and entrance foyer will be retained. The toilets and amenity area will be upgraded. A small kitchen will provide amenity space for employees and pre-packaged food will be available for students and visitors.

The former church annex hall will be used for rock climbing and floor work. The rooms between the annex and Bathurst St are not needed for the use at this time.

The proposed use will operate seven days a week. The hours will be:

- Monday to Friday - 10am to 9pm
- Saturday and Sunday - 10am to 6pm

The circus school currently runs 7 sessions per week at its Racecourse Crescent premises. This may increase to 10 -12 sessions at the new facility. The proposed use includes programmes for school kids and for the physically and intellectually disabled.

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

The largest number of students per sessions is 70, however often it's likely to be less than that. These are groups of school children who are proposed to be bussed to the site with teacher supervision. Classes are scheduled for 2 hours.

The adult classes are run mainly in the evenings. Each adult class can have up to 10 people. There could be up to three adult classes running at any given time (although this is currently unlikely).

The school currently employs 5 people but up to 20 employees may be required. Many will be specialist trainers brought in on a casual basis for a particular class.

Programmes are proposed after school for young people.

The rock climbing area will be used as part of the training programme for the proposed school. Subject to programming, the operator may make this area available to outside users.

The existing 20 space car park will be used for the proposal. Two will be converted to disabled spaces. Two motorbike spaces will be marked on the existing apron. A taxi drop off space will also be marked.

The existing signage will be removed and replaced with two 2m x 1m signs to be mounted on the Frederick and Bathurst Street frontages.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site comprises three titles totalling 2061m² in area. The site is located on the corner of Frederick and Bathurst Streets. The site is level and contains a 756m² former brick church building complex that was originally constructed in 1963. Its primary frontage is to Frederick Street. The site contains an existing car park located on the eastern side of the building that is accessed off Frederick Street.

The area is a commercial district to the south west of the central Launceston area. Existing businesses surrounding the site include a vehicle showroom, video hire store, pet supplies, vacuum cleaner store, nuts and bolts supplier, child care centre, wholefood supplier, petrol station, car repairer, electrical goods repairer and take away food businesses.

Whilst the area is characteristically commercial, there is remnant housing stock sparsely interspersed. The nearest residence is next door adjoining the southern side of the site.

To the west of the site is the Brickfields park.

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

The subject land is zoned Commercial. The purposes of the Commercial zone pursuant to clause 23.1 are:

COMMERCIAL ZONE	
ZONE PURPOSE	
23.1.1	To provide for large floor area retailing and service industries.
	N/A
23.1.2	To provide appropriate location(s) for larger format land uses such as car yards, bulky goods sales, warehouse and showrooms in the areas of high traffic volume and high passing visibility which do not necessarily suit a business zone location.
	The proposed circus school, which is in effect an educational facility and fitness use, is best suited to an accessible city location. Inner city business areas are not necessarily desirable for such a use due to the larger floor area that is required to operate the use. Therefore a commercial zoned site is regarded to be suitable as these are located typically on the fringe of business areas and are accessible.
23.1.3	To ensure general retail uses support and do not threaten the established retail and business hierarchy.
	This is not a use that will threaten the retail hierarchy.

3.2 Use

The proposal does not fit neatly into a single use class, instead the following use classes cover the proposed use being:

Sport and Recreation - use of land for organised or competitive recreation or sporting purposes including associated clubrooms. Examples include a bowling alley, fitness centre, firing range, golf course or driving range, gymnasium, outdoor recreation facility, public swimming pool, race course and sports ground.

And

Community Meeting and Entertainment - use of land for social, religious and cultural activities, entertainment and meetings. Examples include an art and craft centre, church, cinema, civic centre, function centre, library, museum, public art gallery, public hall and theatre.

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

Both of these uses are classified as discretionary pursuant to clause 23.2 of the interim planning scheme.

1. Use Table

From clause 23.3 of the Commercial zone, the use standards are:

USE STANDARDS	
23.3.1	EMISSIONS
A1	Discretionary use or development not listed in Clauses E12.6.2 or E12.6.3 must be set back from residential uses a minimum of 100m.
<p>The development proposal is a discretionary use which is setback less than 100m from a residential use and therefore the acceptable solution is not met.</p> <p>It is noted that this clause incorrectly references E12.6.2 and E12.6.3 rather than Table E11.1 and Table E11.2. However, it is considered that this deficiency has no significance for this application because the uses (Sport and Recreation / Community Meeting and Entertainment) are both listed as discretionary in the zone's use table. The relevant performance requirement states:</p> <p><i>The use must not cause or be likely to cause an environmental nuisance through emissions including noise, smoke, odour, dust and illumination.</i></p> <p>An environmental nuisance is defined in the Environmental Management and Pollution Control Act 1994. The act definition is as follows:</p> <p><i>a) the emission, discharge, depositing or disturbance of a pollutant that unreasonably interferes with, or is likely to unreasonably interfere with, a person's enjoyment of the environment; and</i></p> <p><i>b) any emission, discharge, depositing or disturbance specified in an environmental protection policy to be an environmental nuisance.</i></p> <p>The use is not likely to produce emissions of dust, smoke, odour, or illumination however noise emissions are likely.</p>	

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

23.3.1	EMISSIONS
A1	Discretionary use or development not listed in Clauses E12.6.2 or E12.6.3 must be set back from residential uses a minimum of 100m.
<p>The site, as well as the other adjoining sites, other than the park, is located within the Commercial Zone, where the zone promotes commercial activities to operate. The residential use, while a long term existing use, is at odds with the intended character and purpose of the land use in the area. It is surrounded by existing commercial development.</p> <p>Whilst consideration of residential amenity is important, the level of amenity afforded to this residence will not be the same as could be expected within a dedicated residential area.</p> <p>The activity proposed will not require loud music, group singing or commercial machinery. A noise controlled environment is important for participants so that they can clearly hear instructions in order to perform the activities safely.</p> <p>The applicant has proposed to run the programme with classes for younger people during business hours and after hours the adult classes will be run. This arrangement will also help to minimise any noise emissions.</p> <p>The proposal has been assessed by the Council's Environmental Health Officer and overall the proposed activity is considered unlikely to produce unreasonable noise emission and so is considered to meet the relevant performance requirement. Conditions to control noise from the site are recommended.</p>	
A2	All solid waste produced through processing or manufacturing operations on the site must be removed and disposed of: a) by a licensed waste removal operator; or b) in an approved land fill; or c) in accordance with a management plan approved by the Environment Protection Authority.
<p>The use does not involve any processing or manufacturing. Any solid waste can be removed as part of the standard regular waste collection service offered by Council.</p>	
23.3.2	STORAGE OF GOODS
A1	Storage of goods, materials or waste, other than for retail sale, must not be visible from any road or public place.
<p>No outdoor storage of goods or materials is required.</p>	

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

2. Development Table

The Commercial zone development criteria are as follows:

22.4.1	BUILDING DESIGN AND SITING
A1	All buildings are to be orientated to: a) face a road, mall, laneway or arcade, except where the development is not visible from these locations; and b) have the primary pedestrian entrance to buildings off the frontage to a road, mall, laneway or arcade.
Standard is not applicable. The proposal is utilising an existing building. No exterior modification is proposed.	
A2	Building height must not exceed a)10m; or b) the average of the building heights on immediately adjoining titles; whichever is greater
Standard is not applicable. The proposal is utilising an existing building. No exterior modification is proposed.	
A3	Buildings must be set back a minimum distance of 5.5m from a frontage.
Standard is not applicable. The proposal is utilising an existing building. No exterior modification is proposed.	
A4	Buildings can be built up to the side and rear boundaries
Standard is not applicable. The proposal is utilising an existing building. No exterior modification is proposed.	
A5	Where the subject site is located on the boundary of a residential zone, new buildings or alterations to existing buildings must: a) be set back a minimum distance of 3.0m from the zone boundary; and b) have solid fencing along at least 1.8m high on all boundaries to residential properties.
Standard is not applicable. The proposal is utilising an existing building. No exterior modification is proposed.	

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

23.4.2	STREETSCAPE
A1	<p>Excepting walls built to the lot boundary, new buildings or extensions to existing buildings must:</p> <p>a) have external walls constructed of a minimum of 50% brick, concrete, masonry or glass. Unless brick or glass, external walls must be painted or finished with a texture coat; and</p> <p>b) have a minimum of 50% glazing to the external walls of offices component of the buildings; and</p> <p>c) be designed and orientated to ensure the main pedestrian entrance into the primary building is visible from the road; and</p> <p>d) incorporate a protected (by curb, landscaping, bollards or similar device) pedestrian pathway must be provided from the road to the main entrance to the building.</p>
<p>There are no plans to alter the external appearance of the site, other than to install new signage. As the provision relates to new buildings and extensions, the standard is not applicable.</p>	
A2.1	<p>Where employee car parking is proposed it must be located behind or to the side of the principal buildings on the site; and</p>
A2.2	<p>Car parking spaces for visitors and people with a disability must be located as close as practicable to the main entrance to the building.</p>
<p>The site contains an existing car park located on the eastern side of the building with access of Frederick Street. There are five car spaces located forward of the building line. The relevant performance requirement from clause 23.4.2 states:</p> <p><i>Car parking must be located to minimise visual intrusion in the streetscape and no more than 5 car spaces may be located between the primary building and the road.</i></p> <p>The building takes up the bulk of the frontage and dominates the site. The car parking occupies a comparative narrow part of the frontage and so is not a visually intrusive element on the site. No more than 5 car spaces are located forward of the building line, therefore the proposal complies.</p>	
23.4.3	TURNING AND ACCESS
A1	<p>It must be demonstrated that a standard rigid truck of 8.8m can enter, turn, unload and exit in a forward direction without impact or conflicting with areas set aside for parking and landscaping.</p>
<p>Provision for a dedicated truck access is not required for this use. Deliveries are expected to be occasional. Truck turning is capable via a shared facility with the taxi drop off point. For this use, this is considered acceptable.</p>	

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

23.4.4	SITE LANDSCAPING
A1.1	Unless a building is built to the boundary of the lot, a landscaped area with a minimum width of 3.0m must be provided along the frontage of the property (excluding the vehicle crossover); or
<p>There is existing landscaping onsite. No changes are proposed to the existing landscaping. The building is built to the boundary on the Bathurst Street frontage. It is setback from the Frederick Street frontage. There are existing beds lining that frontage with a mixture of ground covers, bushes and shrubs. Along the eastern side boundary there are trees. However these would not be 3m in width.</p> <p>The relevant performance requirement states:</p> <p><i>Landscaping must be provided at a level that enhances the appearance of the site, softens and screens the view of commercial buildings and provides shade for occupants of the site and car parking areas.</i></p> <p>The existing landscaping lines the edge of the building for most of the northern and eastern sides. It also lines the edges of the car parking area. It is well established containing evergreen bushes, ground covers, shrubs and trees. There are several existing trees concentrated along the eastern side boundary adjacent to the car park and provide shade to the car parking area.</p> <p>The landscaping is well maintained and contributes to the appearance of the site. It is considered to satisfy the performance requirement.</p>	
A1.2	A minimum of 50% of the areas within the frontage setback is to be landscaped; and
<p>There is a pathway and hardstand between the front of the building and the garden strip along the front boundary and car parking, therefore 50% of the area would be not landscaped.</p> <p>The relevant performance requirement states:</p> <p><i>Landscaping must be provided at a level that enhances the appearance of the site, softens and screens the view of commercial buildings and provides shade for occupants of the site and car parking areas.</i></p> <p>In addition to the above comments for AS1.1, the existing landscaping bed along part of the frontage is raised and partially screens the sealed area immediately in front of the building from the road.</p>	

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

A1.3	A minimum of 1 tree (capable of growing to a minimum height of 10.0m in height) per 250m² of lot area must be provided. Trees must be located, within a minimum 3.0m diameter landscaped area; and
<p>The interim planning scheme requires 8 trees for the site. There are that many trees existing surrounding the car park on the site however it is not certain that they are capable of reaching the 10 metre height. The relevant performance requirement states:</p> <p><i>Landscaping must be provided at a level that enhances the appearance of the site, softens and screens the view of commercial buildings and provides shade for occupants of the site and car parking areas.</i></p> <p>The existing trees contribute to shading of the carpark and soften the appearance of the building. The existing landscaping is considered adequate.</p>	
A1.4	All security fencing over 1.5m high must be located a minimum of 1.0m back from the frontage and the space between the fence and the boundary must be landscaped.
<p>The site contains an existing short steel picket fence along part of the Frederick Street frontage around the main entrance. It is mostly located on the front boundary and so does not meet the acceptable solution. The relevant performance requirement states:</p> <p><i>Landscaping must be provided at a level that enhances the appearance of the site, softens and screens the view of commercial buildings and provides shade for occupants of the site and car parking areas.</i></p> <p>The fence is mostly transparent allowing the existing landscaping, accesses and building be viewed from the street. The styling and location is considered to meet the relevant performance requirement.</p>	

No subdivision is proposed therefore those provisions are not applicable.

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

3. Codes

The applicable codes for this proposal are:

E6.0 Car Parking and Sustainable Transport Code

E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	
Clause	Standard
E6.2	APPLICATION OF CODE
E6.2.1	This code applies to all use or development of land
E6.6	USE STANDARDS
E6.6.1	CAR PARKING NUMBERS
A1	The number of car parking spaces: a) will not be less than 90% of the requirements of Table E6.1; or b) will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater; or c) will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans.
<p>The use class considered most appropriate for car parking calculation is to Community Meeting and Entertainment which specifies 1 per 20m² of public area. With the floor area proposed to be utilized by the public, 26 spaces are required. The site currently has 20 spaces therefore a dispensation of 6 spaces is required.</p> <p>The relevant performance requirement from states:</p> <p>E6.6.1 P1 <i>The number of car parking spaces provided must have regard to:</i></p> <p><i>a) the provisions of any relevant location specific car parking plan;</i> <i>b) the availability of public car parking spaces within reasonable walking distance; and</i> <i>c) any reduction in demand due to sharing by multiple uses either because of variations in peak demand or efficiencies aided by consolidation; and</i> <i>d) the availability and frequency of public transport within reasonable walking distance of the site; and</i> <i>e) site constraints such as existing building, slope, drainage, vegetation and landscaping; and</i> <i>f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and</i></p>	

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

E6.6.1	CAR PARKING NUMBERS
<p><i>g) an empirical assessment of the carparking demand; and</i></p> <p><i>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</i></p> <p><i>i) the recommendations of a traffic impact assessment prepared for the proposal; and</i></p> <p><i>j) any heritage values of the site; and</i></p> <p><i>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:</i></p> <p style="margin-left: 20px;"><i>i) the size of the dwelling and the number of bedrooms; and</i></p> <p style="margin-left: 20px;"><i>ii) the pattern of parking in the locality; and</i></p> <p style="margin-left: 20px;"><i>iii) any existing structure on the land; and</i></p> <p style="margin-left: 20px;"><i>vi) the performance criteria contained within a relevant parking precinct plan.</i></p> <p>The following justification from the information submitted on the 29th January 2013 from Pitt and Sherry is provided in support of the variation:</p> <p><i>The previous car parking demands, relative to the previous location that the circus was operating out of at the Launceston Indoor Sports Arena, were typically only 2 or 3 cars parking on site for the duration of a 2-3 hour class. Most participants were dropped off and picked up, so that at the start and finish of classes only 4-6 car parks were utilised. This was when the circus school was at its busiest approximately 4 years ago (and with comparable indoor facilities). The circus school business would need to become 3-4 times busier than it has ever been in its history before the existing parking spaces at the proposed site would be at capacity. The details provided within this application outline classes at projected sizes and frequencies that allows the business the opportunity (and capacity within the permit limitations) to expand in the future, however it does not currently operate at the full capacity outlined.</i></p> <p>Further there is existing metered parking within the street that is available to businesses within the area also.</p> <p>The justification is accepted.</p>	

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

E6.6.2	BICYCLE PARKING NUMBERS
A1.1	Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or
A1.2	The number of spaces must be in accordance with a parking precinct plan that has been incorporated into the planning scheme for a particular area.
<p>Bicycle racks will be provided in front of the building where there is an existing concrete hardstand. 1 per 50m² is required of net floor area is required therefore 10 bicycle racks are required. The proposed plans have shown 5 spaces. The performance requirement states:</p> <p><i>E6.6.2 P1</i> <i>Permanently accessible bicycle parking or storage spaces must be provided having regard to the:</i></p> <p><i>a) likely number and type of users of the site and their opportunities and likely preferences for bicycle travel; and</i> <i>b) location of the site and the distance an cyclist would need to travel to reach the site; and</i> <i>c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</i></p> <p>The proposal has the majority of its users either bused to the site or picked up and dropped off. Therefore the full requirement for bicycle parking is excessive for the nature of the use. The proposal of 5 is considered acceptable at this time. If more is required, then there is sufficient room available for expanding the bicycle parking area.</p> <p>A permit condition is proposed to require 5 bicycle spaces.</p>	
E6.6.3	TAXI DROP-OFF AND PICK UP
A1	One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof.
A taxi pick up and drop off is proposed and therefore the proposal complies.	
E6.6.4	MOTORBIKE PARKING PROVISIONS
A1	One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.
One motor bike space is required. These are being catered for within the fenced concrete hardstand area in front of the building. This is acceptable.	

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

E6.7	DEVELOPMENT STANDARDS
E6.7.1	CONSTRUCTION OF CAR PARKING SPACES AND ACCESS STRIPS
A1	All car parking, access strips maneuvering and circulation spaces must be: a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.
The existing car parking area is compliant.	
E6.7.2	DESIGN AND LAYOUT OF CAR PARKING
A1.1	Where providing for 4 or more spaces, parking areas must be located behind the building line; and
A1.2	Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.
It is an existing car parking area. No major alterations are proposed.	
A2.1	Car parking and maneuvering space must: a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2, and not more than 10% greater than prescribed in Table E6.2; and d) have a combined width of access and maneuvering space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply: i) there are three or more car parking spaces; and ii) where parking is more than 30m driving distance from the road; or iii) where the sole vehicle access is to a category I, II, III or IV road; and
A2.2	The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 – 2004 Parking Facilities, Part 1: Off Road Car Parking.
It is an existing functioning car park. No major alterations are proposed.	
E6.7.3	CAR PARKING ACCESS, SAFETY AND SECURITY
A1	Car parking areas with greater than 20 car spaces must be: a) secured and lit unauthorized cannot enter or; b) lit and visible from buildings on or adjacent to the site during the times when parking occurs.
This is an existing functioning car park. No major alterations are proposed.	

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

E6.7.4	PARKING FOR PERSONS WITH A DISABILITY
A1	All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.
A2	One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with Australian Standards AS/NZ 2890.6 2009.
Two disabled spaces are proposed in front of the building. From the information provided it is not clear that these spaces are compliant, however there is the capacity onsite to achieve compliant spaces therefore compliance can be addressed by permit condition.	
E6.7.6	LOADING AND UNLOADING OF VEHICLES – DROP-OFF AND PICK UP
A1	For retail, commercial, industrial, service industry or warehouse or storage uses: a) least one loading bay at must be provided in accordance with Table E6.4; and b)loading and bus bays and access strips must be designed in accordance with Australian Standard AS/NZS 2890.3 2002 for the type of vehicles that will use the site.
Not required for this use. Not applicable.	
E6.8	PROVISIONS FOR SUSTAINABLE TRANSPORT
E6.8.1	BICYCLE END OF TRIP FACILITIES
A1	For all development where (in accordance with Table E6.1) over 5 bicycle spaces are required, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycles spaces thereafter.
Showering and change room facilities will be provided for the use.	
E6.8.2	BICYCLE PARKING ACCESS, SAFETY AND SECURITY
A1.1	Bicycle parking spaces for customers and visitors must: a) be accessible from a road, footpath or cycle track; and b)include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and c)be located within 50m of and visible or signposted from the entrance to the activity they serve; and be d) available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and
A1.2	Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.
The bike parking area is located out the front of the building within a fenced area. Details have not been provided to clearly show compliance with the acceptable solution however the bike parking can be conditioned to meet the acceptable solution.	

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

E6.8.2	BICYCLE PARKING ACCESS, SAFETY AND SECURITY
A2	Bicycle parking spaces must have: a) minimum dimensions of: i) 1.7m in length; and ii) 1.2m in height; and iii) 0.7m in width at the handlebars; and b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.
The bike parking area is located out the front of the building within a fenced area. Details supplied are not sufficient to show compliance however the bike parking can be conditioned to meet the acceptable solution since the site has the attributes to achieve compliance.	
E6.8.5	PEDESTRIAN WALKWAYS
A1	Pedestrian access must be provided for in accordance with Table E6.5.
Existing pedestrian access provides direct access from the car park and the street. It is considered acceptable.	

E18.0 Signs Code

E18.0 SIGNS CODE	
E18.2	APPLICATION OF THIS CODE
E18.2.1	This code applies to: a) a sign new sign; and i) the renewal or replacement of an existing sign where ii) the sign has changed in dimensional proportions; and iii) the renewal or replacement is for a different sign type.
Two new advertising signs are proposed to replace those that are removed. Therefore the code applies.	
E18.5	DEVELOPMENT STANDARDS
E18.5.1	INAPPROPRIATE SIGNAGE
A1	Must not be a: a) Third Party Sign b) Roof Sign c) Sky Sign d) Bunting(Flag and Decorative Elements) e) Flashing Lights
The two signs are both classified as a building fascia sign. It is not a sign listed as inappropriate therefore it complies with the acceptable solution.	

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E18.5.2	DESIGN AND SITING OF SIGNAGE
A1	A sign must: a)meet the requirements for the relevant sign type set out in E.18.6; and b)be located within the applicable zone set out in E18.6
The signs are proposed to be 1 by 2m in size. The building fascia signs are listed as an appropriate sign for the Commercial zones. The table requires that the signs must not project more than 0.2m from the vertical face of the fascia. This detail has not been supplied however this can be easily met with a condition.	
A2	A sign must be a minimum distance of 2m from the boundary of any lot in the Residential zone.
Both signs are located well in excess of 2m from the nearest residential property and so complies with this acceptable solution.	
A3	A maximum of one of each sign type per building or tenancy unless otherwise stated in E18.6
Two building fascia signs are proposed therefore it does not meet the acceptable solution. The performance requirement E18.5.2 P3 states: <i>A sign must:</i> <i>a) where possible, reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;</i> <i>b) not engage in the repetition of messages or information on the same frontage.</i>	
One building fascia sign is proposed on the Frederick Street frontage and the other sign is proposed on the Bathurst Street frontage. The dimensions are suitable for the size and scale of the building and will not visually clutter the streetscape or involve the repetition of information on either frontage.	
A4	A sign must not be illuminated or contain; flashing lights, animation, moving parts and moving or changing messages or graphics.
The signs comply with the acceptable solution because they will not contain any of the features mentioned in the standard.	

4. REFERRALS

The application was referred to the following Council departments for comment:

Infrastructure Asset

The application was reviewed by Council's Development Engineer. No objections to the proposed development and use of the building were raised. Comments provided recommend that some consideration should be given to the relocation of the bike racks and motorbike parking areas. The bicycle racks could be placed along the path in line with

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

the awning at the front of the building which would make manoeuvring motorcycles and scooters easier if they are parked in the paved section of yard behind the plantings. Access is anticipated to be via the westerly vehicle crossing and this would be the most practical parking arrangement.

Environmental Services

Have reviewed the proposed use including the operating hours and potential noise emissions and there are not objections to the proposal. It is also noted that the applicant will hold an annual concert for parents to come along and see what their children have learnt. If this event, or any other event is held where the general public may attend a place of assembly licence is required.

Conditions and notes are recommended to address noise and other potential licensing requirements.

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 8 December 2012 to 2 January 2013. Two representations were received.

A mediation meeting was held on 11 January 2013 however no resolution was reached.

The table below represents a summary of the major issues contained within the representation. This should be read in conjunction with the full representation.

Issue	Comment
<p>Noise from the use.</p> <p>Noise emanating from the activity including toilet doors slamming, verbal noises from children and staff being cheers, clapping and so on, echoing of noise about the building, noise from people leaving after hours including car doors slamming, cars starting up, volume of music playing, noise of rig etc.</p>	<p>See comments regarding noise in section 3 of the report. Furthermore the applicant has given an undertaking to suppress the noise from toilet doors.</p> <p>The trapeze equipment is purpose built, with high tensile ropes and elastic catch net. There is nothing that requires lubrication and the noise is unlikely to be heard outside of the building.</p> <p>No additional plant and equipment other than what currently exists on the building is required.</p>

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

Issue	Comment
<p>Hours of operation proposed</p> <p>Concerned about after hours operation and the noises associated with activity impacting on residential amenity.</p> <p>Requests 7.30pm finish time.</p>	<p>The shorter hours proposed by the representor are not practical for the applicant. There are many businesses, including across the road, operating in the vicinity that have operating hours as long or longer than the proposed use.</p>
<p>Use of Emergency Exit Door</p> <p>Currently used for putting rubbish in the bins and in the case of emergency. This is acceptable but do not want this to be used as a normal exit.</p>	<p>The front door will be the primary access into and out of the building. The use of the emergency access will be same as was it was for the former church use, that is, for emergencies and putting out the rubbish only.</p>
<p>Insufficient parking</p> <p>Have issues with people parking across driveway, parking in other businesses car parks.</p>	<p>See Section 3 of the report.</p> <p>It has been demonstrated that the parking demand associated with the use can be accommodated by the existing car park. As in any area, any problems with people parking over driveways should be reported to the police.</p>

6. CONCLUSION

The proposal is for a circus school to operate out of a former church building on the fringe of the central business area in Launceston. The proposed use is considered to sufficiently address amenity concerns to be able to operate on the subject site. Conditional approval is recommended.

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such economic impacts have been considered.

ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such environmental impacts have been considered.

12.1 49-55 Frederick Street, Launceston - Change of Use to a Circus School; Remove Existing Signs and Install Two Advertising Signs...(Cont'd)

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2012

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

ATTACHMENTS:

The following attachments have been circulated separately.

1. Location Map
 3. Planning Application Report
 3. Plans
 4. Supplementary Information
 5. Letters of Representation
-

COUNCIL AGENDA

Monday 11 February 2013

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire

FILE NO: DA0538/2012

AUTHOR: Leon Murray (Town Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider an application for a change of use from bulky goods sales to general retail and hire at 1-3 Innes Street.

PLANNING APPLICATION INFORMATION:

Applicant: GHD
Property: 1-3 Innes Street
Area of Site: 741m²
Zoning: Local Business
Existing Uses: Bulky good sales (furniture sales)
Classification: General Retail and Hire
Date Received: 5/12/2012
Deemed Approval: Extension to 11/02/2013
Representations: One

PREVIOUS COUNCIL CONSIDERATION:

NA

RECOMMENDATION:

That Council approves DA0538/2012 for a change of use to general retail and hire at 1-3 Innes Street, Launceston subject to the following:

ENDORSED PLANS

1. The use development must be carried out as shown on the endorsed plans (as marked in red) to the satisfaction of the Planning Authority.

BUSINESS HOURS

2. For the purposes of preserving the amenity of neighbouring occupants and residents, the following operations of the business are restricted to between:
 - a) 6:00am and 10:00pm Monday to Friday for commercial vehicle use
 - b) 7:00am and 5:00pm Saturday and Sunday for commercial vehicle use
 - c) 6:00am and 10:00pm seven days a week for business
-

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

CAR SPACES CLEARLY INDICATED

3. The boundaries of all car spaces, access and egress lanes and the direction in which vehicles should proceed along the access lanes must at all times be clearly indicated on the ground to the satisfaction of the Planning Authority.

CAR PARKING CONSTRUCTION

4. Before the use commences, areas set aside for parking vehicles and access lanes as shown on the endorsed plan must:
 - a) Be designed to comply with Councils Off-Street Parking Policy Code and Australian Standard AS 2890 Off-street car parking
 - b) Be properly constructed to such levels that they can be used in accordance with the plans
 - c) Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers
 - d) Be drained to Councils requirements
 - e) Be line-marked or otherwise delineated to indicate each car space and access lanes
 - f) Have exterior lights that are installed in such positions as to effectively illuminate all pathways, car parking areas and porch areas. Such lighting must be controlled by a time clock or sensor unit and shielded to prevent direct light being emitted outside the site

Parking areas and access lanes must be kept available for these purposes at all times, apart from occasional loading and unloading of goods.

LOADING AND UNLOADING

5. Loading and unloading of vehicles and delivery goods and merchandise and the like to and from the premises must be carried out within a designated on-street loading bay or within the land as it is shown on the endorsed plan and be conducted so as to cause minimum interference with other vehicular traffic.

Loading and unloading goods from vehicles on-site and the delivery of goods must be contained within the boundaries of the land and must not obstruct vehicular or pedestrian traffic in the road reserve.

BICYCLE PARKING

6. Provision must be made on the subject land for the parking of two hoop style bicycle racks in close proximity to the main entrance to the satisfaction of the Planning Authority.
-

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

DISPOSAL OF MEDICAL WASTE

7. All medical waste (including sharps) must be stored in the proper medical waste containers prior to collection from the premises by a controlled waste contractor. Please note that storage and disposal of controlled wastes must to comply with the *Environment Management & Pollution Control (Waste Management) Regulations 2000*. No medical waste or sharps to be put into general refuse.

AMENITY

8. The use 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.

DAMAGE TO COUNCIL INFRASTRUCTURE

9. The developer is liable for all costs associated with damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any bylaw or legislation relevant to the development activity on the site. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, bylaws and legislation relevant to the development activity on the site.

WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

10. All works in (or requiring the occupation of) the road reserve must be undertaken by, or under the supervision of a tradesman/contractor who is registered with Council as a "Registered Contractor".

Prior to commencing any works the applicant must prepare a detailed traffic management plan specifying the following:

- a) The nature and the duration of the occupation and may include the placement of skips, building materials or scaffolding in the road reserve and time restrictions for the works,
 - b) The traffic management works that are to be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles,
 - c) Any temporary works required to maintain the serviceability of the road or footpath,
 - d) Any remedial works required to repair damage to the road reserve resulting from the occupation.
-

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

The traffic management plan must be prepared in accordance with the relevant Australian Standard, codes of practice and guidelines. A copy of the traffic management plan must be maintained on the site. Where the works are undertaken in the Central Activities Area, on Arterial Roads or within shopping centre precincts the traffic management plan must be submitted to the Infrastructure Services Directorate for approval two weeks prior to the scheduled commencement of the works. No works may commence until the traffic management plan has been approved.

CONSTRUCTION OF WORKS

11. Private and public infrastructure works must be constructed in accordance with plans and specification approved by the Director Infrastructure Services.

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) Roads
 - i Removal of all redundant vehicular crossings along the Racecourse Crescent and Innes Street frontage of the subject site and replacement with kerb and channel to match the existing adjacent construction and all necessary footpath alterations to accommodate the new kerb and channel
 - ii Installation of a pedestrian crossing in Racecourse Crescent, including all necessary modifications to the central median, footpath (one side) and vehicular crossings for each lot within the subdivision
 - iii Installation of designated 2P parking bays along the Racecourse Crescent frontage of the subject site
 - iv Design and installation of one kerb side parking space as being designated for persons with a disability
 - v All necessary line marking and signage required by the above

 - 12. All construction works must be undertaken in accordance with the Council document: *Subdivision Guidelines*. These Guidelines specify:
 - a) Construction requirements
 - b) Appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities
 - c) Construction Audit inspections
 - d) Practical Completion and after a 12 months defects liability period the Final Inspection & Hand-Over
-

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

PERMIT EXPIRY

13. This permit will expire if the use not commenced within two years of the date of granting of this permit. The Planning Authority may extend the time for commencement of the use if a request is made in writing before this permit expires.

Notes

Restrictive Covenants

- A. Council does not enforce restrictive covenants that contradict the Interim Launceston Planning Scheme 2012. However, 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.

Other Approvals

- B. This permit does not imply that any other approval required under any other by-law or legislation has been granted.

Representations to Proposal

- C. This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.

Appeal Provisions

- D. Attention is directed to Sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:

A planning appeal shall be instituted by lodging a notice of appeal with the Clerk of the Resource Management and Planning Appeal Tribunal.

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

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

REPORT:

1. THE PROPOSAL

The applicant seeks Council's approval for a change of use from bulky good sales to general retail and hire (chemist).

The proposal would comprise the change of use, internal fitout of the 380m² building and provision of car parking. The chemist is proposed to operate between the hours of 6:00am-10:00pm as required by the planning scheme and would provide five on-site car parking spaces (Attachment 2).

A general discretion to approve or refuse the application is triggered because the floor area exceeds the 250m² cap for Permitted general and retail hire uses.

The application was lodged in December 2012 and underwent public notification. During the notification period inconsistencies with the planning report, traffic study and submitted plans were identified. Subsequently, the application underwent a second public notification process from 12-25 January 2013.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The 745m² triangular-shaped subject site (Attachment 1) currently contains the building that is used by the Leisure Living retail outlet that sells bulky goods (outdoor furniture etc.). The site is largely taken up by the building but also has external display areas and a sealed area on the southern side of the building that can be used for on-site car parking. It is located in between Innes Street and Racecourse Crescent, Launceston on a lot that runs to the intersection of these two streets. Across the street to the east is the K Mart shopping complex and to the west is the Becks Home Hardware store. Immediately to the south is a mix of residential and other uses (e.g. medical centres).

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

LOCAL BUSINESS ZONE	
ZONE PURPOSE	
20.1.1	<p>To provide for business, professional and retail services which meet the convenience needs of a local area.</p> <p>The use would meet the convenience needs of the local area as it would provide another chemist for persons to purchase essential medications etc.</p>

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

ZONE PURPOSE	
20.1.2	<p>To limit use and development that would have the effect of elevating a centre to a higher level in the retail and business hierarchy. Limits are imposed on the sizes of premises to ensure that the established hierarchy is not distorted.</p> <p>The chemist housed in a 380m² building would not distort the retail hierarchy of the Local Business zone to that of a more intense business zone. Whilst the K Mart shopping complex is on the other side of Racecourse Crescent, the proposal would not detrimentally impact on the complex's ability to operate as a Suburban Activity Centre; nor would it elevate the Local Business zone into a higher order business zone.</p>
20.1.3	<p>To maintain or improve the function, character, appearance and distinctive qualities of each of the identified local business centres and to ensure that the design of development is sympathetic to the setting and compatible with the character of each of the local business centres in terms of building scale, height and density.</p> <p>The building footprint would not change. The application would comprise internal fitout and provision of car parking.</p>
20.1.4	<p>To minimise conflict between adjoining commercial and residential activities.</p> <p>The commercial use would operate in accordance with the deemed-to-comply solutions of the Local Business zone;</p>
20.1.5	<p>To ensure that vehicular access and parking is designed so that the environmental quality of the local area is protected and enhanced.</p> <p>Vehicular access and parking is deemed to be protected (a further analysis of the submitted traffic impact assessment is discussed in the Referrals Section);</p>
20.1.6	<p>To provide for community interaction by encouraging developments such as cafes, restaurants, parks and community meeting places.</p> <p>The proposal does not conflict with this purpose. The chemist use would generate a level of community interaction due to the building's design and the relatively high turnover of customers.</p>

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

3.2 Use

The proposed use is defined as 'general retail and hire' under the Launceston Interim Planning Scheme 2012 (the scheme). The application has discretionary status as the floor area of the use would exceed 250m².

1. Use table

USE STANDARDS	
20.3.1	AMENITY
A1	<p>Commercial vehicles (except visitor accommodation and recreation) must:</p> <ul style="list-style-type: none"> a) only operate between 6.00am and 10.00pm Monday to Friday and 7.00am to 5pm Saturday and Sunday; and b) operating hours for retail, business and entertainment uses must be between 6.00am to 10.00pm; and c) signage is not illuminated or floodlit outside the hours of 6.00am to 10.00pm.
Complies by condition	
A2.1	<p>Noise levels at the boundary of the site with any adjoining land must not exceed:</p> <ul style="list-style-type: none"> a) 50dB(A) day time; and b) 40dB(A) night time; and
A2.2	<ul style="list-style-type: none"> a) Noise levels in habitable rooms of nearby sensitive uses must not exceed 5dB (A) above background.
Complies. The use would not generate noise impacts above the deemed-to-comply solutions of A2.1 an A2.2.	

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

20.3.2	RETAIL IMPACT – FOR DISCRETIONARY GENERAL RETAIL AND HIRE USES
A1	There is no acceptable solution for this provision of the scheme. Therefore, the performance criteria is as follows:
P1	<p>Discretionary general retail and hire sales uses must:</p> <ul style="list-style-type: none"> a) improve and broaden commercial or retail choice or broaden the range of activities present within the area; and b) improve the urban design outcome for a retail centre including attractiveness, amenity and environment for pedestrians; and c) contribute to street based activity or externally focussed pedestrian environments; and d) Have acceptable impacts on the economic viability of activity centres or Councils retail hierarchy; and e) Not contribute to loss of investment, blight or disinvestment for a particular centre; and f) Encapsulate environmentally sustainable design principles including the extent to which the development is accessible by public transport. <p>Complies. The proposal has been assessed against each element of the performance criteria as follows:</p> <ul style="list-style-type: none"> a) The proposed chemist would provide greater choice of pharmaceutical products in the Launceston area; b) Not applicable; c) The chemist would promote external pedestrian environment due to its relatively small size and its turnover of patrons; d) The chemist would not compromise the functionality of other activity centres due to its relatively small size; e) See d); and f) The application proposes adaptive re-use of an existing building that is accessible by public transport.

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

3.3 Development Standards

The proposal does not involve the construction of any buildings and therefore, the development standards of the zone do not apply.

3.4 Codes and Overlays

E6.0 CAR PARKING AND SUSTAINABLE TRANSPORT CODE	
Clause	Standard
E6.2	APPLICATION OF CODE
E6.2.1	This code applies to all use or development of land
E6.6	USE STANDARDS
E6.6.1	CAR PARKING NUMBERS
A1	<p>The number of car parking spaces:</p> <ul style="list-style-type: none"> a) will not be less than 90% of the requirements of Table E6.1; or b) will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater; or c) will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans.
<p>Does not comply - Assessment against the intent of the objective and performance criteria applies.</p> <p>The number of car parking spaces provided must have regard to:</p> <ul style="list-style-type: none"> a) the provisions of any relevant location specific car parking plan; and b) the availability of public car parking spaces within reasonable walking distance; and c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and d) the availability and frequency of public transport within reasonable walking distance of the site; and e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and 	

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

E6.6.1	CAR PARKING NUMBERS
	<ul style="list-style-type: none"> g) an empirical assessment of the car parking demand; and h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and i) the recommendations of a traffic impact assessment prepared for the proposal; and j) any heritage values of the site; and k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to: <ul style="list-style-type: none"> i) the size of the dwelling and the number of bedrooms; and ii) the pattern of parking in the locality; and iii) any existing structure on the land; and l) the performance criteria contained within a relevant parking precinct plan <p>The applicant proposes to provide five parking spaces on site to cater for staff, with the on-street parking to be utilized for patrons. Council's traffic engineer has reviewed the applicant's traffic study (Attachment 4). It has been stated the layout of the five spaces is not practical and the middle car park should be deleted (see Referrals Section) leaving a balance of four parking spaces. In this specific instance it is considered that four on-site parking spaces are sufficient due to the relatively large turnover of customer vehicles and the remainder of parking demand can be absorbed by the on-street parking (subject to the proposed parking alterations at the applicant's expense). Also, as the chemist would be located in close proximity to the shopping precinct, residential development and public transport, the parking numbers is considered reasonable. Therefore, the performance criteria is met.</p> <p>It must be noted that this site is zoned Local Business and may cater for many uses. Most of these uses have parking requirements that the site cannot provide. For example:</p>

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

E6.6.1 CAR PARKING NUMBERS		
Use Class	Use Status Based on Zone Use Table	Car Parking Required
Business and professional services	Permitted	Eight spaces on floor area alone (not including employee numbers)
Community meeting and entertainment	Permitted	Nineteen spaces if calculated on floor area
Food services	Permitted	Twenty five spaces based on net floor area of 380m ²
Hotel industry	Permitted	Nineteen spaces based on 380m ² of public floor area
Educational and occasional care	Discretionary	One space per employee plus one space per training student
Manufacturing and processing	Discretionary	Two spaces based on 380m ² floor area
Service industry	Discretionary	Five spaces based on 380m ² floor area
Storage	Discretionary	Four spaces based on 745m ² floor area
Transport depot and distribution	Discretionary	Ten percent of floor area to be set aside for car parking

These parking figures demonstrate that many uses that are allowable in the zone trigger the requirement for parking above what the site can provide. In short, these figures indicate that a proposed change of use of 1-3 Innes Street is likely to trigger parking dispensation, some more than the proposed general retail and hire use.

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

E6.6.2	BICYCLE PARKING NUMBERS
A1.1	Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or
<p>Does not comply - Assessment against the performance intent of the objective and the performance criteria is required.</p> <p>The applicant's traffic impact study has identified the relative lack of demand for bicycle parking and no bicycle parking is proposed. The performance criteria requires bicycle parking to be provided having regard to the:</p> <ul style="list-style-type: none"> a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and b) location of the site and the distance a cyclist would need to travel to reach the site; and c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity. <p>Whilst the submitted traffic impact study states that no bicycle parking is required, Clause 8.10.2 of the scheme allows consideration of the Parking Code's purpose when discretion is triggered (in this case, the reliance on the performance criteria). As the purpose of the Code is to ensure that cycling is encouraged it is considered reasonable to require two bicycle parking hoops. These can be provided on the property and be made available for use by employees and customers.</p>	
A1.2	The number of spaces must be in accordance with a parking precinct plan that has been incorporated into the planning scheme for a particular area.
<p>N/A as there is no parking precinct plan for Innes Street.</p>	
E6.6.3	TAXI DROP-OFF AND PICK UP
A1	One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof.
<p>NA as the proposal would not generate the required 50 car spaces to provide a taxi space.</p>	
E6.6.4	MOTORBIKE PARKING PROVISIONS
A1	One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.
<p>NA as the proposal would not generate the required 20 car spaces to require a motorcycle space.</p>	

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

E6.7	DEVELOPMENT STANDARDS
E6.7.1	CONSTRUCTION OF CAR PARKING SPACES AND ACCESS STRIPS
A1	<p>All car parking, access strips manoeuvring and circulation spaces must be:</p> <ul style="list-style-type: none"> a) formed to an adequate level and drained; and b) except for a single dwelling, provided with and impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.
Complies by condition.	
E6.7.2	DESIGN AND LAYOUT OF CAR PARKING
A1.1	<p>Where providing for 4 or more spaces, parking areas must be located behind the building line; and</p> <p>Does not comply - Assessment against the performance intent of the objective and performance criteria is required.</p> <p>Of the four parking spaces on the south-western corner of the property, of which two would be readily observed from the street and would not be behind the building line. Therefore, the proposal relies on compliance with the following performance criteria:</p> <p>The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <ul style="list-style-type: none"> a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking. <p>Complies. This is achieved as the car parking spaces would have visual impacts commensurate with what already exists on site and would be consistent with the area which is characterised by parking that is in front of building lines. Also, the car parking would provide functional access to the rear of the site from the car parking area. Therefore, compliance with the performance criteria is achieved.</p>
A1.2	<p>Within the General Residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p> <p>NA as the proposal is for general retail and hire in the Local Business zone.</p>

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

A2.1	<p>Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2, and not more than 10% greater than prescribed in Table E6.2; and d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply: <ul style="list-style-type: none"> i) there are three or more car parking spaces; and ii) where parking is more than 30m driving distance from the road; or iii) where the sole vehicle access is to a category I, II, III or IV road; and
<p>Does not comply - Assessment against the performance intent of the objective and performance criteria is required.</p> <p>Car parking and manoeuvring spaces must:</p> <ul style="list-style-type: none"> a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic. <p>Complies. The proposal complies with the performance criteria because the car parking layout will not be significantly different to the existing arrangements. Whilst there are more spaces proposed, the turnover of these spaces is not expected to be high if a condition is imposed restricting use of these parking spaces to employees only. There may be occasions where staff would reverse onto the street to allow egress for the cars that are parked in. However, if this is restricted to the two spaces (as per the Infrastructure Directorate's recommendation) the car parking and access is deemed to meet the performance criteria.</p>	
A2.2	<p>The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 – 2004 Parking Facilities, Part 1: Off Road Car Parking.</p>
<p>Complies by condition. The car parking (subject reducing the parking numbers to four) can be line marked and provided in accordance with the Australian Standard.</p>	

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

E6.7.3	CAR PARKING ACCESS, SAFETY AND SECURITY
A1	Car parking areas with greater than 20 parking spaces must be: <ul style="list-style-type: none"> a) secured and lit unauthorized cannot enter or; b) lit and visible from buildings on or adjacent to the site during the times when parking occurs.
NA - Clause E6.7.3 does not apply as the car parking required is below the twenty (20) car space threshold.	
E6.7.4	PARKING FOR PERSONS WITH A DISABILITY
A1	All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.
Complies by Condition - The applicant does not propose customer parking on site. However, it is identified that there is scope to provide a disabled space on the Innes Street road reserve. This is acceptable to Council's Development Engineer.	
A2	One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with Australian Standards AS/NZ 2890.6 2009.
Complies by Condition - Whilst not providing an on-site disabled space, Council's traffic engineer has agreed that a disabled space could be provided within the road reserve on Innes Street. This is outlined in the Development Engineer's recommended conditions.	
E6.7.6	LOADING AND UNLOADING OF VEHICLES – DROP-OFF AND PICK UP
A1	For retail, commercial, industrial, service industry or warehouse or storage uses: <ul style="list-style-type: none"> a) least one loading bay at must be provided in accordance with Table E6.4; and b) loading and bus bays and access strips must be designed in accordance with Australian Standard AS/NZS 2890.3 2002 for the type of vehicles that will use the site.
Does not comply - Assessment against the performance intent of the objective and performance criteria is required.	
For retail, commercial, industrial, service industry or warehouse or storage uses, adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.	

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

E6.7.6	LOADING AND UNLOADING OF VEHICLES – DROP-OFF AND PICK UP
<p>The proposed loading would be negotiated with the proposed employee car parking on the site. This is considered reasonable given the occasional deliveries that would occur and the minimal conflict that would occur with a staff member having to move their vehicle for a short period. On this basis it is recommended a condition is imposed requiring loading only from a designated loading bay or within the site. The delivery vehicle must not obstruct vehicular or pedestrian traffic. This would ensure that vehicles loading and unloading would occur in an adequate space as required by the performance criteria (above).</p>	
E6.8	PROVISIONS FOR SUSTAINABLE TRANSPORT
E6.8.1	BICYCLE END OF TRIP FACILITIES
A1	For all development where (in accordance with Table E6.1) over 5 bicycle spaces are required, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycles spaces thereafter.
NA as the bicycle parking required is below the five bicycle space threshold.	
E6.8.2	BICYCLE PARKING ACCESS, SAFETY AND SECURITY
A1.1	Bicycle parking spaces for customers and visitors must: <ul style="list-style-type: none"> a) be accessible from a road, footpath or cycle track; and b) include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and be d) available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and
Complies by condition.	

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

E6.8.2	BICYCLE PARKING ACCESS, SAFETY AND SECURITY
A1.2	Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.
<p>Does not comply - Assessment against the performance intent of the objective and performance criteria is required.</p> <p>The applicant does not propose to provide any bicycle parking. However, it is considered appropriate to require bicycle parking spaces to accord with the performance criteria. Therefore, it is recommended that a condition is imposed for this requirement. There are sufficient areas on the site (where bicycle parking spaces are in prominent positions and can be made available to staff and customers) in front of the shopfront windows. Locating the spaces outdoors is considered appropriate as bicycles are generally used in warmer and clear weather conditions and less likely to be used in the colder months or during bad weather periods. Moreover, they would be in a location that is 'safe, secure, convenient and located where they will encourage use' Thus, compliance with the performance criteria is demonstrated.</p>	
A2	<p>Bicycle parking spaces must have:</p> <p>a) minimum dimensions of:</p> <p style="padding-left: 20px;">i) 1.7m in length; and</p> <p style="padding-left: 20px;">ii) 1.2m in height; and</p> <p style="padding-left: 20px;">iii) 0.7m in width at the handlebars; and</p> <p>b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</p>
<p>Complies by Condition - Two bicycle spaces can be provided on site. There is sufficient area outside (but still within the site's boundary) to provide two hoop style bicycle parking posts.</p>	
E6.8.5	PEDESTRIAN WALKWAYS
A1	Pedestrian access must be provided for in accordance with Table E6.5.
<p>Does not comply - Assessment against the performance intent of the objective and performance criteria is required.</p> <p>Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.</p> <p>Complies. The use requires 13 spaces. However, only four spaces can be provided on-site. As these are proposed to be for staff use only it is considered safe pedestrian access is provided within the car park and between the entrances to buildings and the road. This is because of the low turnover of staff parking and the low speed of vehicles entering and leaving the site.</p>	

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

4 REFERRALS

The application was referred to the following Council departments for comment.

Infrastructure Asset

The application was reviewed by Council's Development Engineer and Traffic Engineer. The recommendations of the traffic study were agreed with and conditions were recommended. The main outcome of this referral was that the upgrades (replacing the kerb and channel etc.) in the area are no longer on Council's works program. Therefore, the costs of providing the parking and pedestrian alterations must be borne by the developer.

Environmental Services

Two standard conditions for removal of medical waste and amenity were recommended.

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 15 December 2012 until 9 January 2013. Due to inconsistencies with the submitted material, the application was re-advertised from 12 January 2013 until 25 January 2013. One representation was received during the initial advertising process (Attachment 3) and no further representations were received during the second advertising period. The original representor has stated that they wished for their original representations to be considered.

The table below represents a summary of the issues contained within the representation. This should be read in conjunction with the full representation.

<p>The subject site fails to meet car parking requirements of the planning scheme</p>	<p>The subject site is currently developed and cannot provide the 13 spaces required by the scheme's acceptable solution. However, the applicant has proposed five spaces (recommended to be reduced to four). Council's Traffic Engineer has reviewed the submitted traffic study and considers that the traffic generated by the proposed use can be catered for by the four spaces on site and by the proposed on-street traffic changes.</p>
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12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

Lack of on-site car parking will result in people using and would have an adverse impact on the K Mart car park. This would unfairly burden the shopping centre. The lack of car parking would cause additional pedestrian crossings which would restrict traffic at peak traffic times.	Use of the K Mart car park by customers of other businesses is a matter to be regulated by the owner of the K Mart. The Council's Traffic Engineer has not identified any issues that mean the application is unsupportable from a traffic perspective.
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ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such economic impacts have been considered.

ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such environmental impacts have been considered.

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

Launceston Draft Interim Planning Scheme 2012

BUDGET & FINANCIAL ASPECTS:

NA

12.2 1-3 Innes Street, Launceston - Change of use from bulky goods sales to general retail and hire...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

ATTACHMENTS:

The following attachments have been circulated separately.

1. Locality Plan
 2. Floor Plan
 3. Representation
 4. Traffic Study
-

COUNCIL AGENDA

Monday 11 February 2013

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling

FILE NO: DA0333/2012

AUTHOR: Maria Chledowska (Town Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider an application for the construction of an extension of a single dwelling (vary site coverage, rear setback and building envelope).

PLANNING APPLICATION INFORMATION:

Applicant: Prime Design
Property: 33 Landale Street, Invermay
Area of Site: 285m²
Zoning: Inner Residential
Existing Uses: Single Dwelling
Classification: Residential - Single Dwelling
Date Received: 14/11/2012
Deemed Approval: Extension to 11/02/2013
Representations: One

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approves DA0333/2012 for the construction of an extension to the rear of a dwelling at 33 Landale Street, Invermay subject to the following:

ENDORSED PLANS

1. The use and development must be carried out generally as shown on the endorsed plans to the satisfaction of the Planning Authority.

LEGAL TITLE

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

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

NO BURNING OFF

3. No burning of any waste materials generated by action on this approval to be undertaken on-site. Any such waste materials to be removed by a licensed refuse disposal facility (e.g. Launceston Waste Centre).

HOURS OF CONSTRUCTION

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

GENERAL AMENITY

5. During operation of this use, the best practicable means shall be taken to prevent nuisance or annoyance to any person not associated with the use, in spite of the fact that air, noise and water pollution matters may be subject to provisions of the *Environmental Management & Pollution Control Act 1994 and Regulations* thereunder.

DAMAGE TO COUNCIL INFRASTRUCTURE

6. The developer is liable for all costs associated with damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any bylaw or legislation relevant to the development activity on the site. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, bylaws and legislation relevant to the development activity on the site.

WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

7. All work in (or requiring the occupation of) the road reserve is to be undertaken by, or under the supervision of a tradesman/contractor who is registered with Council as a 'Registered Contractor'.

Prior to commencing any works the applicant must prepare a detailed traffic management plan specifying the following:

- (a) The nature and the duration of the occupation and may include the placement of skips, building materials or scaffolding in the road reserve and time restrictions for the works,
 - (b) The traffic management works that are to be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles,
 - (c) Any temporary works required to maintain the serviceability of the road or footpath,
 - (d) Any remedial works required to repair damage to the road reserve resulting from the occupation.
-

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

The traffic management plan must be prepared in accordance with the relevant Australian Standard, codes of practice and guidelines. A copy of the traffic management plan must be maintained on the site.

SOIL AND WATER MANAGEMENT WORKS

8. 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 of the road 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.

BEN LOMOND WATER

9. The development must comply with Ben Lomond Water Certificate of Consent DA No. 12-226, which is attached to this permit.

LAPSING OF PERMIT

10. This permit will expire if the development and use is not commenced within two years of the date of granting of this Permit. The Planning Authority may extend periods referred to if a request is made in writing before this Permit expires.

Notes

Restrictive Covenants

- A. *Council does not enforce restrictive covenants that contradict the Interim Launceston Planning Scheme 2012. However, 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.*

Other Approvals

- B. *This permit does not imply that any other approval required under any other by-law or legislation has been granted.*

Representations to Proposal

- C. *This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.*
-

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

Appeal Provisions

D. Attention is directed to Sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:

A planning appeal shall be instituted by lodging a notice of appeal with the Clerk of the Resource Management and Planning Appeal Tribunal.

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

Permit Commencement

E. This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 53(1b) 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.

REPORT:**1. THE PROPOSAL**

The proposal is to construct an extension to the rear of the existing dwelling. The extension includes a study and games room on the first floor (35.6m²) constructed 2.4m above the ground level with a carport and stairs underneath (enclosed area - 9.53m²). The overall height of the development is to be 5.795m and will be built to the side and rear boundaries. It is proposed to be clad in weatherboard to match existing dwelling and have a Colorbond roof.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject site is a flat rectangular title with an area of 285m², a 9m frontage and 30m depth. The site contains a single dwelling, one of ten joined dwellings along the southern side of Landale Street. Vegetation is sparse with some shrubs at the front of the dwelling. The vehicle access to the joined dwellings is via the laneway off Holbrook St at the rear of the dwellings. This laneway also provides access to the complex of multiple dwellings to the south of the joined single dwellings.

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

Surrounding development includes a mix of light industrial/commercial and residential uses. The residential development includes single and multiple dwellings which are predominantly single storey. The commercial and industrial development nearby includes large scale buildings.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

INNER RESIDENTIAL ZONE	
ZONE PURPOSE	
11.1.1	<p>To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.</p> <p>Complies. The proposed extension supports residential use of the site that is close to services and facilities.</p>
11.1.2	<p>To provide for compatible non-residential uses that primarily serve the local community.</p> <p>NA as the proposal is for residential use.</p>
11.1.3	<p>To allow increased residential densities where it would not significantly affect the existing residential amenity or historic character of the area, lead to increased on-road parking or reduce traffic safety.</p> <p>NA as the proposal does not impact residential densities but improve residential amenity of residents.</p>
11.1.4	<p>To maintain and develop the residential functions within the inner city areas and to ensure that commercial uses do not displace residential uses or dominate neighbourhoods.</p> <p>The proposal maintains residential functions within inner city area.</p>
11.1.5	<p>To protect and enhance the inner city residential areas and to recognise their major contribution to the city's character and tourist potential.</p> <p>The proposal complies with the character of this part of Invermay that has a limited tourist potential.</p>
11.1.6	<p>To encourage residential development that provides a high standard of residential amenity and streetscape contribution.</p> <p>The proposed extension will improve residential amenity of the residents. The impact on the streetscape is reduced by its location at the rear of the site and vegetation.</p>

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

3.2 Use

1. Use table

The proposal falls within the Residential use class: Single Dwelling which has permitted (no permit required) status.

2. Use Standards

USE STANDARDS	
11.3.1	AMENITY (NON RESIDENTIAL USES)
A1	If for permitted or no permit required
NA as the proposal is for residential use.	
A2	Commercial vehicles must only operate between 7am and 7pm Monday to Friday and 8am to 6pm Saturday and Sunday.
NA as the proposal is for residential use.	
A3	If for permitted or no permit required
NA as the proposal is for residential use.	
11.3.2	RESIDENTIAL CHARACTER - DISCRETIONARY USES
A1	Provision must be made for commercial vehicles for discretionary uses to be parked within the boundary of the property.
NA as no commercial vehicles are involved with the proposal.	
A2	Goods or materials are not stored outside or in locations visible from adjacent properties, the road or public land.
NA as the application is not for waste material storage.	

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

11.3.2	Residential Character - Discretionary Uses
A3	<p>Waste materials storage for discretionary uses must:</p> <ul style="list-style-type: none"> a) not be visible from the road to which the lot has frontage; and b) use self-contained receptacles designed to ensure waste does not escape to the environment.
<p>NA as the application is not for waste material storage.</p>	

3.3 Development Standards

11.4.1.1	SETBACK FROM A FRONTAGE FOR SINGLE DWELLINGS
A1	<p>Unless within a building area shown on a plan of subdivision, the wall of a single dwelling (excluding minor protrusions) must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> a) a minimum 4.5m from primary frontage; and b) a minimum 3m to a frontage other than primary frontage; or c) a distance which is not more or less than the maximum and minimum setbacks of the dwellings on immediately adjoining lots; or d) not less than the existing dwelling setback if less than 4.5m; or e) for development on land that abuts a road specified in the planning scheme to be a road to which this paragraph is to apply, be the minimum setback specified in the planning scheme in respect of that road.
<p>NA as the proposed extension is to the rear of a dwelling.</p>	

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

11.4.1.2	SITE COVERAGE AND REAR SETBACK FOR SINGLE DWELLINGS
A1	A maximum site coverage of 50% excluding building eaves and access strips where less than 7.5m wide
<p>Does not comply. A total area of the existing dwelling (146.46m²) and extension (45.13m²) is 191.59m² which equals 67% of the site area. Accordingly the development must be assessed against the performance criteria.</p>	
P1	<p>Site coverage must:</p> <ul style="list-style-type: none"> a) provide for useful areas of open space for gardens and outdoor recreation purposes; and b) allow areas to be retained for the absorption of rainwater into the ground; and c) have regard to streetscape qualities or be consistent with the statements of desired future character.
<p>Complies.</p> <p>A 93m² of private open space would be available for the residents. The extension is above the existing parking area. A 9.53m² of the ground floor enclosed area (stairs) will have a minor impact of the absorption of rainwater into the ground, however, there is sufficient area that would be returned for absorption of rainwater</p>	
A2	A minimum rear setback of 4m unless the lot is an internal lot.
<p>Does not comply. The proposed extension is to be 0.10m from the rear boundary. Accordingly the development must be assessed against the performance criteria.</p>	

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

11.4.1.2	Site Coverage and Rear Setback for single Dwellings
P2	<p>The location of buildings in relation to the rear boundary must:</p> <ul style="list-style-type: none"> a) allow for adequate visual separation between neighbouring dwellings; and b) maximise solar access to habitable rooms; and c) facilitate provision of private open space.
<p>Complies.</p> <p>A 3m laneway between the rear boundary and existing multiple dwellings plus fences provide adequate separation between the dwellings. A sufficient private open space is available in the middle of the site. The shadow diagrams demonstrate that the extension will overshadow a multiple dwelling to the south at 21 June at 10am and the jointed dwelling to the west at 21 June at 3pm. The impact of the overshadowing is considered minor.</p>	
11.4.1.3	BUILDING ENVELOPE FOR SINGLE DWELLINGS
A1	<p>All single dwellings (excluding minor protrusions extending less than 1.5m) must be contained within either of the following building envelopes:</p> <ul style="list-style-type: none"> a) determined by a minimum setback of 3m from side boundaries and minimum 4m from the rear boundary and maximum building height of 5.5m; or b) determined by projecting at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and at a distance of 4m from the rear boundary to maximum building height of 8.5m above natural ground level (see figures 11.4.1.3A and B); and walls are setback: <ul style="list-style-type: none"> i) a minimum of 1.5m from a side boundary; or ii) less than 1.5m provided the wall is built against an existing boundary wall or the wall or walls have a maximum total length of 9m or one third of the boundary with the adjacent property, whichever is the lesser.
<p>Does not comply - the extension is to be built with a zero setback to the side boundaries and height of 5.79m above the ground. Accordingly the development must be assessed against the performance criteria.</p>	

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

11.4.1.3	Building envelope for single dwellings
P1	<p>The siting and scale of single dwellings must be designed to:</p> <ul style="list-style-type: none"> a) ensure there is no unreasonable loss of amenity on adjoining lots by: <ul style="list-style-type: none"> i) overshadowing and reduction of sunlight to habitable rooms and private open space to less than 3 hours between 9.00 am and 5.00 pm on June 21 or by increasing existing overshadowing where greater than above; and ii) overlooking and loss of privacy; and iii) visual impacts when viewed from adjoining lots: and b) take into account steep slopes and other topographical constraints; and c) have regard to streetscape qualities or be consistent with the statements of desired future character.
<p>Complies.</p> <p>The shadow diagrams demonstrate overshadowing of the adjoining dwellings for less than 3 hours between 9am and 5pm on 21 June. The windows of the proposed extension are facing the private open space/courtyard on the site. Some overlooking may occur into the neighbour's backyard to the east but this is considered to be within reasonable limits. Visual impact of the extension will be minimised by the fencing and existing vegetation.</p>	
A2	<p>For internal lots, all single dwellings must be contained within a building envelope (excluding minor protrusions extending less than 1.5m) determined by a minimum 3m setback from all boundaries, excluding the access strip, and a maximum building height of 5.5m.</p>
<p>NA as the subject site not an internal lot.</p>	

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

11.4.1.4	FRONTAGE SETBACK AND WIDTH OF GARAGES AND CARPORTS FOR SINGLE DWELLINGS
A1	<p>Garages or carports within 12m of the frontage whether free-standing or part of the dwelling:</p> <p>a) must have a maximum total width of openings facing the primary frontage of 6m or half the width of the frontage, whichever is the lesser; and</p> <p>must have:</p> <p>b) a setback from frontage measured to the door, post or supporting column no less than required for a single dwelling in Standard 11.4.1.1 A1; or</p> <p>c) a setback from the primary frontage of a minimum 0.5m if the ground slopes up or down for 10m from the frontage at more than 1:5.</p>
NA as the development is proposed at the rear of the site.	
11.4.1.5	PRIVACY FOR SINGLE DWELLINGS
A1	<p>Balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) that have a finished surface or floor level more than 1m above natural ground level must have a minimum side setback of 3m and minimum rear setback of 4m.</p>
NA as the proposed carport will be at the ground level.	

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

11.4.1.5	PRIVACY FOR SINGLE DWELLINGS
A2	<p>Windows of habitable rooms which have a floor level more than 1m above natural ground level must:</p> <p>(a) have a minimum side setback of 3m; or</p> <p>(b) be offset a minimum 1.5m from the window of habitable rooms on adjacent lots where on the same horizontal plane; or</p> <p>(c) have a minimum window sill height of 1.7m.</p>
<p>Complies with b) - the windows of the extension are facing the courtyard of the subject site and are offset more than 1.5m from the window of the property to the east.</p>	
11.4.1.6	FRONTAGE FENCES FOR SINGLE DWELLINGS
A1	<p>The maximum building height of fences on and within 4.5m of a frontage must be:</p> <p>(a) 1.2m if solid; or</p> <p>(b) 1.8m provided that the part of the fence above 1.2m has openings which provide a minimum 50% transparency</p>
<p>NA as fences are not included in this proposal.</p>	

3.4 Overlays and Codes

3.4.1 The Invermay/Inveresk Flood Inundation Area Code

The site is within the Inveresk Residential precinct as defined in the Invermay/Inveresk Flood Inundation Area Code. This precinct is described as follows: *Residential area with higher density housing interspersed with commercial and community uses. Significant heritage and cultural values exist.*

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

Use Standards

E16.6.1	TO PREVENT INAPPROPRIATE USE
A1	<p>Must not be:</p> <ul style="list-style-type: none"> a) Education and occasional care; or b) Emergency services; or c) Hospital Services.
Complies. Not for the above uses.	
A2	<p>Must not be Residential unless:</p> <ul style="list-style-type: none"> a) Single dwelling in the Invermay Residential or Inveresk Residential precincts; or b) Multiple dwelling in the Invermay Residential Precinct; or c) Residential associated with and supporting the educational activities within the Inveresk Cultural precincts.
Complies. Extension to a single dwelling within the Inveresk Residential Precinct.	
A3	<p>Must not be Community Meeting and Entertainment in the Riverside Industrial or Inveresk Residential precincts.</p>
Complies. Not for the above uses.	

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

Development Standards

E16.7.1	Intensification of residential development
A1	<p>A1 New residential development or extensions of existing buildings:</p> <p>a) must not increase the floor area of individual dwellings or total floor area on the title to more than 110% of that existing or approved on the 1st January 2008; or</p> <p>b) must not result in more than 200m² of residential floor area on a single title; or</p> <p>c) must be for residential uses associated with and supporting the educational activities within the Inveresk Cultural Precinct.</p>
Complies with b) - residential floor area will be less than 200m ² .	
A2	Subdivision or division of land by strata plan must not create any additional lots capable for any future residential development.
NA as development is not for a subdivision.	
E16.7.7	Flood Impact (New buildings and infrastructure)
NA as the proposal relates to the existing building.	

3.4.2 Car Parking and Sustainable Transport

Car Parking and Sustainable Code applies to all development but residential use this code is directly related to bedroom intensification. The proposed extension does not propose additional bedrooms so this code does not apply.

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

4.0 REFERRALS

The proposal was referred to the following departments and their responses are included below:

Infrastructure Asset

Requested two (2) conditions relating to Amenity and No burning off.

Environmental Services

Requested three (3) conditions relating to Damage to Council infrastructure, Works within/occupation of the road reserve and Soil and water management works.

Ben Lomond Water

Issued Certificate of Consent BLW DA No. 12-226.

5.0 REPRESENTATIONS

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 24 November to 7 December 2012. One representation was received

The table below represents a summary of the major issues contained within the representations. This should be read in conjunction with the full representation.

Issue	Comments
The proposal will have an adverse impact on the existing units to the south by reducing solar gain.	The shadow diagrams demonstrate that the extension will impact on sunlight access to one unit to the south closest to the subject site. The impact on sunlight access complies with performance criteria for a variation of the rear setback and a building envelope.
The extension's form is discordant to the prevailing forms in the local area, the overall height will be overbearing and out of character	Although the proposed two storey extension will be above the immediate single storey development, it will be consistent with nearby development that includes large scale and higher buildings. The closest large buildings are approximately 50m from the subject site.

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

Issue	Comments
<p>The proposal is not consistent with the following provisions of the planning scheme:</p> <p>a) the objective of the zone: <i>to allow increased residential densities where it would not significantly affect the existing residential amenity or historic character of the area, lead to increased on-road parking or reduce traffic safety.</i> - significantly affect the existing amenity of the residences to the south of the development</p> <p>b) site coverage and rear setback - the lack of a rear setback diminishes opportunity for solar access to habitable rooms of adjacent properties.</p> <p>c) building envelope for single dwellings - the proposal will unreasonably affect the amenity of the adjoining dwelling due to:</p> <ul style="list-style-type: none"> • the overbearing form of the proposed development reduces visual separation between neighbouring dwellings. The two-storey wall to the south of the subject site is out of character prevailing development in the local area. • Reduce passive solar heating, the overshadowing will largely cover the neighbouring dwelling. 	<p>As mentioned in this report the proposal seeks a variation of site coverage, rear setback and building envelope. The visual impact and loss of sunlight to the immediately adjoining multiple dwelling to the south meet performance criteria of development standards for a single dwelling.</p> <p>The proposal complies with the intent of the zone as it would not significantly affect the residential amenity, has not impact on car-parking or traffic. The carport is to be located on the existing car parking space. The development is separated by the laneway, fences and vegetation on the sites. This would reduce the visual impact of the extension. There are no windows facing the adjoining properties.</p> <p>The site is not heritage listed.</p>

6.0 CONCLUSION AND RECOMMENDATION

Subject to the recommended conditions it is considered that the proposal complies with Launceston Interim Planning Scheme 2012 and is appropriate to recommend for approval.

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such economic impacts have been considered.

12.3 33 Landale Street, Invermay - Construction of an extension to a single dwelling...(Cont'd)

ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such environmental impacts have been considered.

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2012

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

ATTACHMENTS:

The following attachments have been distributed separately.

1. Location Map
 2. Plans
 3. Elevations
 4. Shadow Diagrams
 5. Copy of representation
-

13 NOTICES OF MOTION - FOR CONSIDERATION**13.1 Alderman Peck - Notice of Motion - Tourism Tasmania Deputation****FILE NO:** SF5547 / SF2368**AUTHOR:** Alderman Peck**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman Peck to invite Mr John Fitzgerald, CEO of Tourism Tasmania to a future Council meeting.

PREVIOUS COUNCIL CONSIDERATION:

N/A

NOTICE OF MOTION:

That Council invite the CEO of Tourism Tasmania, Mr John Fitzgerald to a future Council Meeting by 31 April 2013 to give his vision for Launceston, the Northern Region and Tasmania on the future of tourism.

REPORT:

Alderman Peck will speak to the Notice of Motion.

Background as provided by Alderman Peck:

Launceston has been awarded Australia's No.1 Family Friendly City for 2013. Is there anyway Tourism Tasmania can help promote this magnificent award.

What is Tourism Tasmania doing immediately to focus on the holiday market, specifically with reference to Launceston? Will there be efforts to develop other segments including business and visiting friends and relations (vfr)?

The Tourism Tasmania restructure has meant minimal presence from the organisation in Launceston. How will you ensure strong relationships with the region?

13.1 Alderman Peck - Notice of Motion - Tourism Tasmania Deputation...(Cont'd)

We have seen Tourism Tasmania pull out of a number of traditional activities over the years. For example all capital city mainland offices over time have been closed. The old Tourism Bureau ran Launceston, Devonport, Burnie and Hobart. That has been passed on to voluntary bodies or Councils, most recently the call centre. What is the vision for Tourism Tasmania and what role is it going to play in destination management at the state and regional levels? Is the presumption that local councils are going to fill in the gaps?

Ensure funding of the Travel Information Centre for the long term future and adjusted to CPI as these facilities I believe are very important and if funding is not forthcoming Councils will have to seriously consider closing Launceston.

Officer Comments - Michael Stretton (Director Development Services):

The Notice of Motion to invite the CEO of Tourism Tasmania, Mr John Fitzgerald to a future Council meeting is a sound one, however, given the fact that Mr Fitzgerald only commenced in the position on 7 January 2013 it may be difficult for him to commit to attending a Council meeting before 31 April 2013. None the less, it is appropriate to extend him an invitation to address the Council on the range of issues mentioned in the motion as well as his vision for working with the newly formed Regional Tourism Organisations (RTO). It is also worth considering inviting the new CEO of Tourism Northern Tasmania, Mr Chris Griffin to present to Council as the RTO will provide a crucial role in Northern Tasmania tourism.

It's worth noting that in terms of the Council's Visitor Information Centre, Tourism Tasmania has confirmed that the same level of funding (\$120,000) will be provided for 2013/14, although it is likely that the funding arrangement will switch to a service level agreement. Additionally, it should be noted that the Council has already ceased providing a staffed visitor information service at the Launceston Airport and are currently in the process of providing an electronic 'touch screen' visitor information service.

STRATEGIC DOCUMENT REFERENCE:

N/A

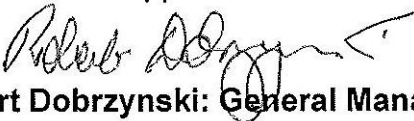
BUDGET & FINANCIAL ASPECTS:N/A

13.1 Alderman Peck - Notice of Motion - Tourism Tasmania Deputation...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Robert Dobrzynski: General Manager

ATTACHMENTS:

1. Notice of Motion as received from Alderman Peck.
-

LAUNCESTON CITY COUNCIL

MEMORANDUM

FILE NO: SF5547 : SF2368
TP
DATE: 1 February 2013

TO: Robert Dobrzynski General Manager
Cc Committee Clerks

FROM: Tony Peck Alderman

SUBJECT: Notice of Motion - Tourism Tasmania Deputation

In accordance with Clause 16 (5) of the Local Government Regulations 2005 (Meeting Procedures) please accept this Notice of Motion for placement on the agenda of the Meeting of Council to be held on 11 February 2013.

Motion

Council invite CEO of Tourism Tasmania Mr John Fitzgerald to a future Council Meeting by the 31 April 2013 to give his vision for Launceston, the Northern Region and Tasmania on the future of tourism.

Background

Launceston has been awarded Australia's No.1 Family Friendly City for 2013. Is there anyway Tourism Tasmania can help promote this magnificent award.

What is Tourism Tasmania doing immediately to focus on the holiday market, specifically with reference to Launceston? Will there be efforts to develop other segments including business and visiting friends and relations (vfr)?

The Tourism Tasmania restructure has meant minimal presence from the organisation in Launceston. How will you ensure strong relationships with the region?

We have seen Tourism Tasmania pull out of a number of traditional activities over the years. For example all capital city mainland offices over time have been closed. The old Tourism Bureau ran Launceston, Devonport, Burnie and Hobart. That has been passed on to voluntary bodies or Councils, most recently the call centre. What is the vision for Tourism Tasmania and what role is it going to play in destination management at the state and regional levels? Is the presumption that local councils are going to fill in the gaps?

Ensure funding of the Travel Information Centre for the long term future and adjusted to CPI as these facilities I believe are very important and if funding is not forthcoming Councils will have to seriously consider closing Launceston.

Attachments

Nil



Alderman Tony Peck

DIRECTORATE AGENDA ITEMS**17 INFRASTRUCTURE SERVICES****17.1 Kings Park - 2/40th Battalion Memorial****FILE NO:** SF0859**AUTHOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To discuss an alternative information plaque for the 2/40th Battalion memorial.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.1 - SPPC 4 February 2013
Discussion on contents of the information plaque.

RECOMMENDATION:

That Council adopt the modified signage, as tabled at the meeting, to be installed at the 2/40th Battalion memorial in Kings Park.

REPORT:

Council staff have been assisting a group in the construction of a memorial in Kings Park commemorating the 70th anniversary of the 2/40th battalion during World War 2. The 2/40th battalion contained a majority of Tasmanian service men and women.

Mayor Albert Van Zetten will represent the Council at the official launch of the memorial on Saturday, 23 February 2013.

The contents on the two information plaques have been prepared by Council staff under the direction of the co-ordinator of the group, Mr Rodney Stone, and these were recently erected in readiness of the official opening. Senior staff becoming aware of the contents of one of the plaques raised some concern on whether the content is insensitive to sections of our community. Certainly there is argument that as the events are truthful, the memorial is just a factual representation of the experiences of the battalion.

17.1 Kings Park - 2/40th Battalion Memorial...(Cont'd)

The matter was considered at the 4 February SPPC meeting and the collective view was that modifications to the signs were necessary given the memorial's location in a public park under the control of Launceston City Council.

An alternative pictorial plaque has been developed which removes the three contentious newspaper clippings and replaces them with more suitable alternatives. A copy has been forwarded to Mr Stone and is provided as Attachment 1.

The approved panel will be constructed and erected ready for the official launch of the memorial on 23 February.

ECONOMIC IMPACT:

N/A.

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

As a society it is right and proper that we pay our respects and demonstrate our gratitude to service men and women who have placed their lives at risk to protect our country. The community at large would support this project which is a demonstration of our gratitude.

STRATEGIC DOCUMENT REFERENCE:

The goal within the Councils *Strategic Plan 2008/2013* which is applicable to this report is: Goal 1.3 - Enhance and maintain Parks and Recreation areas, including river edges.

BUDGET & FINANCIAL ASPECTS:

The cost of the project total was paid by private contributions (\$7,000.00) and grants and a contribution by Councils Parks and Recreation Department. If an alternative plaque(s) is/are considered necessary then this will be fully funded by Council rather than attributing the cost to the remaining funds.

17.1 Kings Park - 2/40th Battalion Memorial...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Proposed modified information plaques (distributed electronically)
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18 CORPORATE SERVICES**18.1 Water and Sewerage Concessions - Not for Profit Organisations****FILE NO:** SF0332 / SF5135**AUTHOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the discussion paper on the arrangements for providing concessional charges for Not for Profit organisations.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That the Council recommend to the LGAT the application of the following principles in the final determination of the policy.

1. Apply charges to all who receive or are able to receive water and/or sewerage services.
 2. The Water and Sewerage Corporation to provide and fund a standard discretionary concession to Not for Profit organisations.
 3. Concessions should only be provided for fixed charges, with a cap of 50 percent of the fixed charge.
 4. Concessions should not be so large, for organisations funded by other levels of government that a significant cost shift is allowed to occur.
 5. The theoretical benefits of funding concessions from local government (taxing body) are outweighed by the administrative efficiency of the concession being provided by the Water and Sewerage Corporation.
 6. The exclusions from or constraints on access to concessions need to meet a similar standard to the 'owned and occupied exclusively' test that applies to charitable rating exemptions.
-

REPORT:

In setting a policy framework it is important that the basic principle that charges will be applied to all who receive or are able to receive water and/or sewerage services is confirmed.

In considering any discretionary concessions, which moderate the effect of this principle, there are three issues to resolve.

18.1 Water and Sewerage Concessions - Not for Profit Organisations...(Cont'd)

- a) How will the concession be determined and calculated?
- b) How will the concessions be administered?
- c) How will the concessions be funded?

In addressing these issues the following criteria should be considered.

Two Part Pricing Model

A key principle on which the water pricing (two part) model has been based and applied nationally, is that it is important for all customers to receive pricing signals (volumetric and trade waste charges) that have the potential to encourage changes in usage and system demand.

Cost Shifting

Not for Profit organisations may be funded by grants from the Australian Government. The provision of concessions to these organisations, from other levels of government, has the potential to understate the true costs of the services provided and to facilitate cost shifting between levels of government.

Who should fund concessions?

It is arguable that concessions (similarly to the treatment of Community Service Obligations) should be funded from general taxation revenue and not from water and sewerage revenue. This view can be tempered by the amount or materiality of the concession and the reasonable expectation that public water authorities can be directly involved in the community.

It is unlikely that the value of the concessions being considered will be significant, such that the funding source significantly effects or distorts (increases the cost to other customers) the pricing of the Water and Sewerage Corporation.

However the payment of distributions to Councils with the Councils then funding any concession is a more theoretically correct model.

Administrative Efficiency (Who knows the charges?)

The Water and Sewerage Corporation is now the organisation that is in possession of the details of the charges that are applied to each customer. Thus it is in the best position to calculate and apply concessions. This would be a simpler administrative process than Councils individually providing concessions.

Uniform or Standard Concessions

While the importance of this criterion may be disputed (Council's have often sought to have the autonomy to make their own policy decisions), a centrally administered policy is the one most likely to effectively deliver a uniform or standard approach.

18.1 Water and Sewerage Concessions - Not for Profit Organisations...(Cont'd)

The option for individual councils to provide further concessions or grants is reasonable but should not be allowed to create pressure for increases in any centrally provided concessions on the basis that there is then a new obligation to maintain a uniform approach.

Exclusions or Constraints

The paper notes the concessions don't apply where the

- a) Not for Profit is a tenant; or
- b) Not for Profit holds a liquor or gaming licence.

The requirement to own a property is administratively simple, unless the Water and Sewerage Corporation also has customer (lessee) records. It also is consistent with the 'owned and occupied' rating exemption requirement of the Local Government Act. Some may view this as too restrictive but the challenge with providing a concession to occupiers would be to ensure that the benefit of any concession actually flowed to them as the tenant.

The exclusion should also apply to where the occupation of the property is not for charitable purposes even though the owner of the property is a Not for Profit organisation.

Conclusions

1. Apply charges to all who receive or are able to receive water and/or sewerage services.
2. The Water and Sewerage Corporation to provide and fund a standard discretionary concession to Not for Profit organisations.
3. Concessions should only be provided for fixed charges, a simple cap of 50 percent of the fixed charge seems appropriate.
4. Concessions should not be so large, for organisations funded by other levels of government that a significant cost shift is allowed to occur.
5. The theoretical benefits of funding concessions from local government (taxing body) are outweighed by the administrative efficiency of the concession being provided by the Water and Sewerage Corporation.
6. The exclusions from or constraints on access to concessions need to meet a similar standard to the 'owned and occupied exclusively' test that applies to charitable rating exemptions.

ECONOMIC IMPACT:

Not a significant economic impact.

18.1 Water and Sewerage Concessions - Not for Profit Organisations...(Cont'd)

ENVIRONMENTAL IMPACT:

Not a significant environmental impact.

SOCIAL IMPACT:

Not for Profit organisations play an important role in the community.

STRATEGIC DOCUMENT REFERENCE:

Strategy 5.7: Ensure an effective transition to the new sewer and water arrangements.


BUDGET & FINANCIAL ASPECTS:

Not expected to be a significant change to the Council's budget.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey, Director Corporate Services

ATTACHMENTS:

1. Draft State-Wide Not-for-Profit Community Organisation Pricing Approach (distributed separately)
 2. Ben Lomond Water - Not-for-Profit Community Organisation Rebate Report (distributed separately)
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COUNCIL AGENDA

Monday 11 February 2013

19 GENERAL MANAGER

19.1 87 Lindsay Street Invermay

FILE NO: 14030

GENERAL MANAGER: Robert Dobrzynski

DECISION STATEMENT:

To undertake consideration upon a proposal received relating to Council owned land.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.3 - SPPC 4 February 2013

RECOMMENDATION:

That in response to a proposal received from Mr Errol Stewart, Managing Director of Old Launceston Seaport, for an option to purchase 87 Lindsay Street Invermay, comprising the silos development currently existing on the site, together with a total area of land of approximately 6500m², the Council determines in the following manner:

1. In relation to 87 Lindsay Street, acquired by the Council pursuant to the Land Acquisition Act 1993:
 - i) That the land known as 87 Lindsay Street Invermay (as contained within Certificate of Title Volume 1143521 Folio 1, Certificate of Title Volume 202442 Folio 1 and Certificate of Title Volume 84957 Folio 1) is no longer required by the Council for any purpose;
 - ii) The Council makes offer by notice in writing to sell the land to Roberts Limited from whom the fee simple estate in the land was acquired, as required by the provisions of the Land Acquisition Act 1993;
 - iii) The offer to purchase to Roberts Limited is based on the current status of the land, including its location on the unprotected side of the Launceston Flood Protection Levees, and upon the current zoning of the land as Open Space.

 2. The North Bank Master Plan project be broadened to include the potential development of 87 Lindsay Street Invermay, and in consideration of the proposal from Mr Errol Stewart, together with such further development uses for the site as considered appropriate. Further, the North Bank Master Plan be broadened to incorporate the Bunnings land (former Gunns site) in order to provide an overall strategic direction for the precinct area from a land use planning perspective. Outcomes from this process should be aimed to provide precinct based strategic urban land use considerations upon:
-

19.1 87 Lindsay Street Invermay...(Cont'd)

- i) The appropriateness of the proposed development of a hotel, restaurant and convention facility at the silos;
 - ii) The influence and value proposition to the North Bank Master Plan developments proposed;
 - iii) The appropriate zoning in the precinct to maximise proper and orderly urban planning outcomes related to amenity, functionality and maximising contributions to the community both socially and economically;
 - iv) The strategic justification of any planning scheme amendment to change the zoning of the area.
 3. In the event that Roberts Limited decline to purchase 87 Lindsay Street Invermay, the Council, in consideration of the strategic work undertaken in 2. above undertake the following:
 - i) Advertise indicating the Council has received a proposal for the purchase and development of the silos site located at 87 Lindsay Street Invermay.
 - ii) Indicate that the land is no longer required by the Council for any purpose;
 - iii) Describe the development proposal for the site;
 - iv) Indicate that the Council is proposing to call Expressions of Interest (EOI) for the sale and development of the site;
 - v) Seek public comment.
 4. Subject to consideration of the outcomes from the process in Clause 3 above, the Council may:
 - i) Determine to sell the land pursuant to compliance with Section 177 of the Local Government Act 1993. It should be noted that this does not compel the Council to sell the land, it does however provide the statutory authority for the Council to do so if it so determines;
 - ii) Call for Expressions of Interest for the purchase and development of the land consistent with the urban planning principles within the precinct planning undertaken;
 - iii) Determine on the Expressions of Interest received
 5. That Mr Errol Stewart be formerly communicated the process proposed by the Council in this matter.
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19.1 87 Lindsay Street Invermay...(Cont'd)

REPORT:**1. Introduction**

The Council has received a proposal to purchase the land and buildings located at 87 Lindsay Street, Invermay (see attachment 1). In making a decision on the proposal, the Council is required to take into consideration a variety of matters. This report endeavours to consider an appropriate process on matters relating to statutory compliance, community interest and a high standard of urban planning.

2. Proposal to Purchase

A proposal has been received from Mr Errol Stewart the Managing Director of Old Launceston Seaport to purchase 87 Lindsay Street Invermay, comprising the silos development currently existing on the site, together with a total area of land of approximately 6500m². Mr Stewart has sought an option for 1 year to purchase the land and buildings for a figure of \$250,000. The option would be subject to the Council agreeing to sell the land and rezoning of the land being undertaken to enable development to proceed.

The proposed development of the site by Mr Stewart involves converting the silo structures to comprise a 64 room hotel and convention centre, with a restaurant on the top floor. Mr Stewart has indicated the development proposal will also consider construction of two apartments immediately below the restaurant depending upon cost and viability.

I understand that various schematics prepared by ARTAS Architects have been forwarded to all Aldermen providing a diagrammatic representation of the proposed development along with concept designs.

3. Land Acquisition Act 1993

87 Lindsay Street Invermay comprising the silos development was purportedly acquired by the Launceston City Council under the authority contained within Regulation 37 (ea) of the Local Government (General) Regulations 2005 which states (inter alia):

37. Compulsory acquisition of land

A Council may acquire land under section 176 of the Act for the following purposes:

(ea) the undertaking of work, or the provision of access for the undertaking of work, for the prevention, control or mitigation of a flood;

19.1 87 Lindsay Street Invermay...(Cont'd)

The Land Acquisition Act 1993 deals with the disposal of land taken within Section 73 which states (inter alia):

73. Disposal of land taken

(2) Subject to this section, if land that has been taken by an acquiring authority, other than the Crown, under this Act or a corresponding previous enactment is no longer required by the authority for any purpose, the authority –

(a) may sell the land, if authorized to do so by its special Act –

(3) Where –

(b) an acquiring authority proposes to sell land in accordance with subsection (2)(a)

the Minister or authority shall first offer, by notice in writing, to sell the land –

(e) where the land was not so severed and if it is practicable to do so, to the person from whom the fee simple estate in the land was acquired under this Act or to that person's personal representatives or another person entitled to that person's estate under the law of succession.

(5) A person who receives a notice referred to in subsection (3) offering land for sale may, within the period of 60 days after the service of the notice or the period determined under section 78, accept that offer in writing.

(6) A person who accepts an offer in accordance with subsection (5) may make that acceptance subject to agreement on the price or other consideration.

In reference to 87 Lindsay Street Invermay, land compulsorily acquired by the Council, the following matters are relevant to deliberations:

- 87 Lindsay Street containing the silos was one of 3 freehold properties compulsorily acquired from Roberts Limited (Roberts) by Launceston City Council.
 - The intention of the acquisition was for the purposes specified under the Local Government (General) Regulations 2005 "for the authorised purpose of undertaking work for the prevention control or mitigation of a flood."
 - Compulsory acquisition becomes effective upon the gazettal of the notice of acquisition which occurred 23 April 2008.
-

19.1 87 Lindsay Street Invermay...(Cont'd)

- Section 73 of the Land Acquisition Act 1993 provides that an acquiring authority, if the land is no longer required for any purpose may sell the land. The Land Acquisition Act specifies that a "relevant period" is applied to the disposal process.
- The relevant period is 7 years from the date the acquisition was published in the Gazette. In this case gazettal of the acquisition occurred 23 April 2008. The relevant period will expire 24 April 2015.
- If in the period prior to 24 April 2015 Council proposes to sell 87 Lindsay, Section 73 subsection (3) of the Land Acquisition Act requires Council to first offer the land to the party from whom the land was acquired, being Roberts Limited.
- Roberts Limited then have 60 days (or such extension of time as is agreed) to consider the proposal. Council on its part in making the decision to sell is required under the Local Government Act to be advised of the value of the land. Roberts Limited if they were to exercise their right to purchase, can elect to have the price determined in the same manner as a disputed claim under the Land Acquisition Act 1993.
- If Roberts Limited were not interested in purchase they can waive their rights in which case disposal would proceed in accordance with the Local Government Act 1993.

In my view the appropriate sequence would be as follows should Council wish to proceed with the sale of 87 Lindsay Street, Invermay:

1. Council to make a decision that 87 Lindsay Street is no longer required for flood protection purposes or for any purpose.
 2. Roberts Limited to be offered the opportunity to purchase.
 3. Council receives decision of Roberts Limited.
 4. If decision is to purchase then negotiations proceed with Roberts Limited.
 5. If decision of Roberts Limited is not to purchase then the property can be offered for sale.
-

19.1 87 Lindsay Street Invermay...(Cont'd)

4. Local Government Act 1993

In the event that land that has been taken by an acquiring authority (the Launceston City Council in this instance) is no longer required for any purpose, the Council may sell the land, subject to compliance with Section 177 of the Local Government Act 1993. Section 177 indicates as follows:

(1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.

(2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practice as a land valuer under section 4 of the Land Valuers Act 2001.

(3) A council may sell –

(a) any land by auction or tender; or

(b) any specific land by any other method it approves.

(4) A council may exchange land for other land –

(a) if the valuations of each land are comparable in value; or

(b) in any other case, as it considers appropriate.

(5) A contract pursuant to this section for the sale, lease, donation, exchange or other disposal of land which is public land is of no effect.

(6) A decision by a council under this section must be made by absolute majority.

5. Legal Advice

Legal advice has been sought regarding the present proposal to develop the acquired Roberts titles (silos and wool store) into a 64 room hotel and restaurant, with a possible addition of 2 penthouse residential apartments.

The advice was sought in relation to the provisions of Section 73 of the Land Acquisition Act 1993, particularly in relation to the requirement for the Council to first offer, by notice in writing to sell the land to the person from whom the fee simple estate in the land was acquired under the provisions of the Act. Given the relatively narrow interpretation afforded by Regulation 37 (ea) of the Local Government (General) Regulations 2005 the

19.1 87 Lindsay Street Invermay...(Cont'd)

advice sought specifically focused on the matter of acquisition being undertaken within the provisions of the Land Acquisition Act 1993, or rather was the acquisition effectively a more conventional land sale and purchase with willing seller and buyer.

In the event, the legal advice has indicated that Section 73 (3) of the Land Acquisition Act 1993 imposes a mandatory obligation on the Council, if it determines to sell, to first offer to sell the land comprised in the relevant titles to Roberts before it embarks on any sale to a developer.

The legislation provides the Council with a discretion to sell the land, and once the Council has determined to exercise that discretion, it must make the offer to Roberts. There is nothing in the manner of the Council's acquisition of the silos and wool stores areas that provides circumstances which detract from or negatives the Council's obligations in this manner.

6. Statutory / Strategic Planning and Heritage Considerations

Use of Land:

The proposed development will primarily be a hotel, with conference facilities, a restaurant and potentially permanent apartments. The development will need to have multiple use classes - apartments are not generally "directly associated with and subservient" to a hotel so should not be classified in the same use class. This would apply to the restaurant and function centre also.

Giving use classes of:

- Hotel - Visitor accommodation
- Residential development - Multiple dwelling
- Restaurant - food services
- Conference centre - community meeting and entertainment

The optimal approach would be to provide for all likely uses.

Zoning

The site is currently zoned Open Space in which visitor accommodation and residential are prohibited uses. Accordingly it would be necessary to re-zone the land, or alternatively to develop a Specific Area Plan to incorporate the development into the existing zone

19.1 87 Lindsay Street Invermay...(Cont'd)

In order to be able to justify and support an application to the Tasmanian Planning Commission (TPC) to re-zone the site or to insert a Specific Area Plan, it will be necessary to provide a sound strategic land use planning basis. To achieve this, the following actions would be proposed:

- Broaden out the current North Bank Master Plan project to include this potential development, and desirably the Bunnings land, to provide an overall strategic direction for the precinct area from a land use planning perspective;
- The Master Plan would then be used as the basis for initiating/justifying the changes to the Planning Scheme for both the silo site and the Bunnings site to facilitate the desired land use outcomes.

It would be proposed that should Council wish to proceed with the proposal, an early meeting be facilitated with the TPC and the proposed developer to describe what is intended and receive feedback at the earliest appropriate opportunity. This meeting would identify the TPC's preferred approach for progressing with the proposal. It may be desirable to seek a Specific Area Plan if there is a risk that the Tasmanian Planning Commission may determine that the type of re-zoning is a 'spot zoning' and not support it.

In these circumstances, the developer could wait until the Master Plan is completed to enable its use as a strategic justification to support the application to the Council/TPC. The required timeframe would accord with the proposed 12 months for TPC approval.

Process to alter the scheme:

The process for altering the Planning Scheme will depend upon the timing of the Development Application. If it were to be submitted under the Interim Planning Scheme it would need to be handled as a Dispensation. If the application comes in once the Planning Scheme has been declared, a Section 43A would be the most appropriate application. Both processes are detailed below:

Dispensation:-

1. An application is made to the Tasmanian Planning Commission (TPC) for a dispensation to the Interim Planning Scheme to allow the development;
 2. The TPC will request the Council's opinion on whether to grant the Dispensation. If the Council refuses to support the dispensation the TPC must refuse the application;
 3. If the Council consents to the application then it must advise the TPC;
 4. The TPC will then determine to either reject the application or to place the application on public exhibition for two weeks;
-

19.1 87 Lindsay Street Invermay...(Cont'd)

5. Hearings are conducted by the TPC if required to consider any representations
6. Decision handed down by the TPC on the dispensation.

Section 43A:-

Section 43A of the Land Use Planning and Approvals Act allows the Council to consider this process for a Permit and consequential scheme amendment, (for development which is not ordinarily permitted unless the Planning Scheme is first amended).

1. Application is received or the Council decides to initiate an amendment
2. A report on the Combined Amendment / Application is to be considered by the Council.
3. If approved, the draft permit, amendment Plan and the report are submitted to TPC within 7 days.
4. Amendment and draft permit are placed on exhibition for 3 weeks.
5. If there are any representations received these are reported to the next available Council meeting for consideration. The Council then reports to TPC on the combined amendment application and any representations received.
6. Hearings are conducted by the TPC if required.
7. Decision handed down by TPC on amendment and permit and applicant and representors advised of the decision.
8. Decision advertised in local paper as required.

Matters within proposal to be addressed:

Known issues to be addressed - flooding, emergency management, traffic and parking, access, servicing, visual impact, food business construction requirements, Building Code of Australia;

Permanent residential units - if it is proposed to include units which are to be permanent residences the multi-unit development standards would apply including (provision of daylight to habitable rooms, common property, storage, location of car parking, Private Open space, and active ground floors);

Investigations will be required to rule out any site contamination concerns;

Heritage - The silos are not listed on the Tasmanian Heritage Register. Unless the Heritage Council determines to list the building in the meantime there would be no need to refer an application to the Heritage Council.

19.1 87 Lindsay Street Invermay...(Cont'd)

7. Flooding and Emergency Management Considerations

Advice has been sought from the Launceston Flood Authority in regard to the development proposal in its current form.

In regard to the provision of services to the proposed building, if the levees were overtopped and Invermay was inundated, in such an instance it is possible that both power and sewerage services to Invermay would be out for several weeks, if not months. As such the building could be uninhabitable during this period unless contingency arrangements are incorporated into the building's design and construction. i.e. sewage storage and backup power supply.

It is intended the portion of the existing levee facing the Tamar River will be retained to "quieten" the flow, with the levee facing the North Esk River being reduced to some level above high tide (nominally 3.0m AHD). The land upon which the silo is located would therefore flood above a 1 in 25 year ARI flood without any protective infrastructure being provided.

In regard to the hydrological effects of the design, modelling would be required to evaluate the impacts of the building and associated infrastructure. The provision of an oval podium around the building to above a 1 in 200 ARI flood height would not be expected to have a large impact on the floodplain or levees beyond that of the existing silo building, due to the retention of the Tamar River side levee and consequential slow water flow that would result. It would be prudent for the design to be modelled or at least have an expert opinion on the likely hydrological impacts.

The Authority would not allow any construction on or near (within 10m) of any levee without specific approval subject to detailed engineering assessment of potential impacts (ground subsidence, etc).

Services to/from the building (power, water, sewer) must not penetrate any levee. They may be arranged to go over the levee or go under the levee by horizontal directional drilling. In both instances the design would need to meet the Authority's standard to ensure the levees are not compromised. Excavation of any levee is not allowable.

From an emergency management perspective, there would need to be an understanding that business continuity could not be guaranteed during times of flood or potentially, even flood threat. This would particularly apply in relation to access to the proposed car park as part of the development, as the flood gate would be closed.

19.1 87 Lindsay Street Invermay...(Cont'd)

There would need to be clear understanding that the length of time the flood gate was closed would be at the Council's and others (TAS Police, SES) discretion. The proposed installation of a sliding gate at a point near the development would minimise closure times due to the ease of operation.

It is understood from the concept plans that pedestrian access from the development is proposed to be available via the flood levee. In the event that this is the case, then parking of patrons at the development could be undertaken in Lindsay Street and access to the car park may not be an issue.

It would be envisaged that these matters would be part of the conditions attached to any development application permit.

Additionally, in the event that the area is inundated, there would be a time (perhaps considerable) required for clean up operations to ensure the area is functional again. Such activity may not be a high priority for emergency services depending on damage to other areas. In any event it would be expected that the developer would undertake activities to clear any debris from the development car park area.

The remaining issue relates to the possibility of the Invermay area being evacuated. In the event this occurred, then the proposed development would also be evacuated.

8. Traffic Management Considerations

Calculations of expected traffic flows resulting from the 64 rooms, restaurant and ancillary activities (staff / trade / other customers) have been undertaken.

It is not anticipated that the traffic load from the proposed development would clash with any development located along Lindsay Street. However traffic flows from the development may overlap Bunnings traffic given they undertake late night trading. It would be anticipated that this impact would be low.

Whilst it is difficult to estimate the North Bank traffic arising from development of this site following the master plan. It is unlikely to have a marked impact even at its peak.

Calculations of likely vehicles per day volumes, the timing of the volumes and intersection capacity do not suggest that there are significant concerns regarding the capacity of existing infrastructure to cope with the proposed development.

19.1 87 Lindsay Street Invermay...(Cont'd)

9. Council Policy relating to the Sale of Land

87 Lindsay Street Invermay was compulsorily acquired by the Launceston City Council from Roberts in association with a proposal to construct the Launceston Flood Protection Levee project. The land is not public land, and freehold title to the land is held by the Council.

In the case of Council land that is not public land, the prescribed process under the Local Government Act 1993 (the Act) is limited to the necessity to obtain a qualified valuation and to determine a decision under the section by an absolute majority (Section 177 of the Act).

However it is considered important that the Council process relating to the management of proposals for the sale of substantial parcels of Council land includes public consultation, where the community can make comment on any proposal.

It is anticipated that the Council would not consider a proposal for the sale of Council owned land unless it was aware of the use to which the Council owned land was to be put. Any development contemplated as part of a proposal for the purchase of Council owned land should require consideration by the Council on a range of matters including:

- Is the development appropriate in scale and nature for the site.
- Can the development be built in a manner that does not pose risks from flooding.
- Does the development demonstrably add positively to the economic and social prosperity and quality of life enjoyed within the City.
- A Precinct or Sub-Precinct Plan which comprehensively considers all aspects relating to the proper planning of the area and its integration with the central area planning within the Greater Launceston Plan.
- Community views on the proposal.

It would be important that strategic planning considerations were based on an integrated strategic land use planning framework. This framework should require consideration of a broader area than merely the proposed site. This ensures that any proposal for the development of the Council owned land is consistent with strategic planning objectives in the broader precinct rather than potentially creating conflicts and blighting future development prospects in the precinct. Any planning undertaken would need to be cognisant of a requirement for integration with adjacent precinct planning to ensure consistency and value adding to superordinate strategic planning goals in the area.

19.1 87 Lindsay Street Invermay...(Cont'd)

In the event that following consideration of all the strategic planning matters, the Council is of the view the proposal should proceed to the next stage of deliberation, there are a range of statutory and public interest matters which would need to be addressed. These have been indicated previously in this report.

Whilst there is a limited prescribed statutory process regarding Council owned land, it is clear that there would be community interest in any proposal for the sale of Council owned land. Accordingly, a public process is contemplated which provides the opportunity for community comment on any proposal to sell Council owned land which is not public land. This process would include:

- A public process similar to that indicated within Section 178(4) of the Local Government Act 1993, notifying that objections to the proposal may be made.
- Consideration of any objections received.
- Compliance with the requirements of Section 177 of the Local Government Act 1993 relating to the requirement to obtain a qualified valuation of the land and to determine any decision under the Section by an absolute majority.

The strategic planning and statutory processes that Council would undertake would engage significant community input regarding both any proposal for the sale of Council land, and any development proposed on the land. In this instance requiring a rezoning of the land would also involve an attendant public process.

Following consideration of strategic and statutory matters relating to a proposal for the purchase of Council owned land and the proposed development on such land, in the event that the Council determines to proceed further in consideration of a proposal, an Expression of Interest process (EOI) should be pursued to ensure transparency and equality of participation for any individual or organisation within the community who may be interested in undertaking development on the Council owned land.

Essentially at this point, the Council has considered strategic and statutory requirements, and taken into consideration community comment on a proposal to purchase Council owned land and proposed development on the land. In the event that the Council believes it is in the community interest that the proposal proceeds, the EOI process then ensures that the Council is considering all potential development proposals for the land which may be forthcoming from the community. The EOI process will publicly invite proposals for the development of the site, consistent with the objectives of any precinct planning that has been undertaken, together with other objectives established by the Council for development of the site.

19.1 87 Lindsay Street Invermay...(Cont'd)

It would be envisaged that the public process seeking comment on the proposal to sell public land would precede any Council decision on the sale of the land. In the event that the Council decided to sell the Council owned land, it would be strongly recommended that an expression of interest process be undertaken exploring interested parties in the development.

Whilst it is acknowledged that often an initiative from an individual developer with a proposal for the development of Council owned land, for example the Errol Stewart proposal for 87 Lindsay Street Invermay, initiates the Council's consideration of the sale of Council owned land, the Council as a public authority needs to ensure its processes can withstand public scrutiny and meet the standards of good stewardship, by acting transparently and providing the opportunity for all interested parties to make submissions through an expression of interest process.

10. Conclusions

1. The Council has received a proposal from Mr Errol Stewart, the Managing Director of Old Launceston Seaport to purchase 87 Lindsay Street Invermay, comprising the silos development currently existing on the site, together with a total area of land of approximately 6500m². Mr Stewart has sought and option for 1 year to purchase the land and buildings for a figure of \$250,000. The option will be subject to the Council agreeing to sell the land and rezoning of the land being undertaken to enable development to proceed.
 2. The Council needs to determine whether it wishes to proceed with consideration of the proposal. In the event that Council does wish to proceed with consideration of the proposal there are a number of legislative and strategic urban planning issues that would need to be considered.
 3. In any event, it would be appropriate for the Council to address its requirements under the Land Acquisition Act 1993. This will provide the flexibility for the Council to consider the Stewart proposal or any other proposals interested in the purchase and development of the silos. These requirements are:
 - The Council to determine that the land is no longer required.
 - The Council to first offer to sell the land to Roberts, from whom the land was originally acquired.
 4. In the event that Roberts wished to purchase the land, they would do so within its current condition on the "wet" side of the flood levees, therefore liable to inundation from a 1:25 year flood, and with the current zoning of Open Space in place.
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19.1 87 Lindsay Street Invermay...(Cont'd)

5. The Council and TPC could only consider an amendment to the zoning based upon the strategic justification of a Precinct Plan which considers in an integrated manner a development proposal from Roberts. Absent a development proposal, there would be no logical basis upon which the Council could consider a zoning change, unless the Council itself was proposing the site as a development opportunity.
6. Disposal of land surplus to the requirements of Bunnings on the former Gunns site will commence imminently. The current zoning of the former Gunns land is commercial. This enables the following nature of uses:

No Permit Required - Use Class

- Passive recreation
- Natural and cultural values management

Permitted - Use Class

- Bulky goods sales
- Equipment and machinery sales and hire
- Recycling and waste disposal
- Service industry
- Storage
- Transport depot and distribution
- Utilities
- Vehicle fuel sales and service

Discretionary - Use Class

- Bulky goods sales
 - Business and professional services
 - Community meeting and entertainment]
 - Educational and occasional care
 - Emergency services
 - Food services
 - General retail and hire
 - Hotel industry
 - Manufacturing and processing
 - Research and development
 - Sport and Recreation
 - Vehicle parking
 - Visitor accommodation
-

19.1 87 Lindsay Street Invermay...(Cont'd)

If a high value use such as a hotel, restaurant, conference centre is to be viable at the silos site, the use to which the balance of the former Gunns site is put will need to be compatible, or at the least not incompatible with the proposed development on the silos site.

7. Accordingly, the window of opportunity to influence these matters could potentially close quickly. A possible outcome could then be that development of the silos for the proposed use is no longer feasible because of proposals for incompatible land uses operating across the road which comply with current Council zoning on the land on the former Gunns site.
 8. The Council should broaden out the North Bank Master Plan project to include the potential development of the silos site. The proposal from Errol Stewart should be used as the basis of consideration, however further uses may also be contemplated if appropriate. The North Bank Master Plan should also be broadened to incorporate the Bunnings land (former Gunns site), in order to provide an overall strategic direction for the precinct area from a land use planning perspective. This will provide precinct based strategic urban land use considerations upon:
 - i) The appropriateness of the proposed development of a hotel, restaurant and convention facility at the silos;
 - ii) The influence and value proposition to the North Bank Master Plan developments proposed;
 - iii) The appropriate zoning in the precinct to maximise proper and orderly urban planning outcomes related to amenity, functionality and maximising contributions to the community both socially and economically;
 - iv) These matters would provide the strategic justification of any planning scheme amendment to change the zoning of the area enabling the proposal to proceed to development application stage.
 9. To maximise the Council's policy flexibility in order to seriously consider the Errol Stewart proposal, the Council should take immediate action to:
 - i) Determine the land the subject of the silo development proposal (to be specifically identified) is no longer required by the Council for any purpose, as required by Section 73(2) of the Land Acquisition Act 1993 (the Act);
 - ii) Offer by notice in writing to sell the land to Roberts from whom the land was acquired (Section 73(3) of the Act);
 - iii) The offer to purchase to Roberts would be based on the current status on all matters relating to the site.
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19.1 87 Lindsay Street Invermay...(Cont'd)

10. Upon receipt of a response from Roberts within the statutory period (Section 73(5) of the Act) the Council could then determine the appropriateness of taking the action contemplated in Clause 8 above.
11. If Roberts decline to purchase the land, the Council would consider the strategic work undertaken in Clause 8 above, and may determine to:
 - i) Advertise indicating it has a received a proposal for the purchase and development of the silos site (to be defined specifically);
 - ii) Indicate that the land is no longer required by the Council for any purpose;
 - iii) Describe the development proposal for the site;
 - iv) Indicate that the Council is proposing to call Expressions of Interest (EOI) for the sale and development of the site;
 - v) Seek public comment.
12. Subject to consideration of the outcomes from the process in Clause 11 above, the Council may:
 - i) Determine to sell the land pursuant to compliance with Section 177 of the Local Government Act 1993. It should be noted that this does not compel the Council to sell the land, it does however provide the statutory authority for the Council to do so if it so determines;
 - ii) Call for Expressions of Interest for the purchase and development of the land consistent with the urban planning principles within the precinct planning undertaken;
 - iii) Determine on the Expressions of Interest received.

ECONOMIC IMPACT:

The development proposal received from Mr Stewart would have a positive economic impact on the City through employment and purchases associated with both the construction and operation of the hotel, restaurant and convention facility. The development would also add to the tourism product and economic yield of the City.

Advice currently to hand indicates a construction cost for the proposed Silos development of approximately \$14 million.

19.1 87 Lindsay Street Invermay...(Cont'd)

In a construction project there are two types of economic multipliers that can be calculated:

- Primary multipliers which estimate the business-to-business effects of the development project. Utilising a commonly accepted multiplier of 0.74 for these effects is considered attributable to such projects. On the basis of a project having a construction value of \$14m, then the primary multiplier effect is $0.74 \times \$14m$, which equals approximately \$10.4m;
- Secondary multipliers, which estimate the subsequent effects of beneficial flows to the economy from the construction project arising from the spending of wages in the initial construction project and in the participating businesses effected in the first round of multipliers. The additional effect of second round multipliers is approximately 0.32 of the original construction value. Based on a project construction value of \$14m then the secondary multiplier effect is $0.32 \times \$14m$, which equals approximately \$4.5m.

Thus a project with a construction value of \$14m will have total multiplier effects on the economy of approximately \$14.9m and the total impact on the economy is approximately \$28.9m arising from the construction.

In terms of the ongoing operation of the facility, it is anticipated that 40 fulltime and 10 part time positions will be employed.

Total wages are anticipated at \$2m annually. The annual turnover of the facility is estimated at approximately \$5 million.

In relation to accommodation and hospitality businesses, there are two types of economic multipliers that can be calculated during the operational (post construction) phase:

- Primary multipliers which estimate business-to-business effects of the project in operation. Application of a multiplier of 0.4 to account for the first round multiplier effects of a new tourism precinct is appropriate. Based on a forecast annual turnover of approximately \$5m per annum, then the primary multiplier effect is $0.4 \times \$5m$ equals \$2m. That is, in a hotel type project an amount equal to about 40% of the estimated direct turnover of the hotel will be additionally generated through purchase of business supplies and services;
 - Secondary multipliers which estimate the subsequent effects of beneficial flows to the economy from the project in operation. These will arise through the spending of wages from the initial project operation and wages from other businesses benefiting from the initial project operation. This is often termed the consumption effect and is approximately equal to 0.3 of the estimated turnover of the particular project. Once again if the project has a forecast annual turnover
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19.1 87 Lindsay Street Invermay...(Cont'd)

of \$5m per annum then the secondary multiplier effect is 0.3 multiplied by \$5m equals \$1.5m. In a hotel type project an amount equal to 30% of the estimated direct turnover of the hotel will be additionally generated through wages and subsequent expenditure effects;

- So, the project with a forecast annual turnover of \$5m per annum could be expected to generate a further \$2m through business-to-business effects and a further \$1.5m through wages (expenditure) effects. The total economic benefit to the economy of the hotel would therefore be approximately \$8.5m a year to the regional economy.

The cumulative contribution of the Silos development proposal to the regional economy is therefore calculated as \$28.9 million in the first year and \$8.5 million in following years.

ENVIRONMENTAL IMPACT:

The development proposal received from Mr Stewart would improve the environment of the silo location and would result in the removal of asbestos laden buildings. The environment of the locality would be enhanced as a major adjunct to the quality of life enjoyed in the City.

SOCIAL IMPACT:

The development proposal received from Mr Stewart would have a major positive social impact through the upgrade of a derelict area of the City in a prominent visual location transformed into a modern function facility as a major anchor development for the North Bank rejuvenation.

STRATEGIC DOCUMENT REFERENCE:

Priority Area: 3 Social and Economic Environment

Goal: 3.1 Promoting a health, prosperous and positive community

BUDGET & FINANCIAL ASPECTS:

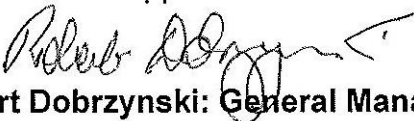
Funding would be sourced from existing budgets to expand the North Bank Master Plan and to undertake the associated statutory processes required.

19.1 87 Lindsay Street Invermay...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Robert Dobrzynski: General Manager

ATTACHMENTS:

1. Email from Errol Stewart re: Silo Development dated 2nd January 2013
 2. Silo Proposal North Bank January 2013 (to be distributed separately)
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Attachment 1

Robert Dobrzynski

From: Errol Stewart [errol@jmc.com.au]
Sent: Wednesday, 2 January 2013 4:35 PM
To: Robert Dobrzynski
Cc: Alison Plunkett
Subject: Silo Development.

Hi Robert,

Hope this finds you well and looking forward to 2013. What a great year it will be.

I thought to start the year off I wish to formally make an offer to buy the silos from Council. The total area of land I seek is roughly 6000m². It might vary slightly but not substantially.

To date I have had discussions with several engineers the flood authority Chairman Alan Birchmore and CEO Andrew Fullard. All people I have spoken to are very enthusiastic about the idea of a reuse of the silos.

I have talked at length with Jack Edwards the Senior Port Engineer who piled the silos and Jim Gandy the senior Engineer at Gandy and Roberts who was responsible for the design changes of the Hobart Silos when redeveloped a few years ago.. Jack Edwards informed me that the construction of each of the grain silo's at Hobart ,Launceston and Devonport was identical so this will aid future engineering parameters in the design.

All in all I am very confident that the silos can be engineered to be structurally sound for redevelopment. In addition to this we have had preliminary talks about flood protection and we have identified that constructing a football shaped concrete levee on piles around the silos at the same height of the new levee we can adequately protect the silos in the event of a catastrophic flood. We will make provision for an exit on to the existing levee for pedestrians. In essence all development will take place above the flood levee height to ensure we have no flood issue in the future.

Given the demise of Gunn's and the closure of the Mill site opposite this now opens the door to consider the Silo's for a redevelopment. The proposal I wish to put forward is to build 64 room Hotel and convention centre along with a restaurant on the top floor. We could incorporate two apartments immediately under the restaurant and we will consider the cost of this before we submit final plans. The silos are an adequate size for single Hotel room accommodation however they are not suited for general residential living in my view because the viewing aspect is South rather than North.

In any event I wish to formally make an offer to council to buy the silos and 6000M² of land surrounding the structure. Indicative costs are that we will need to spend around \$10 million plus the cost of the flood protection wall and the car park and the convention centre. These have yet to be costed but we believe are important elements to the viability of the project.

The silo's themselves do not offer much in terms of value but they exist in terms of height. The new venture is about the same height perhaps a metre or two higher and I think this will make the process of approval more acceptable to the community. In essence I see land as the asset and would like to make a formal offer of \$250,000 for the land and buildings. Obviously when completed it will be a significant rate generator for the city.

If council agree to sell the property I would seek an option for one year which is a reasonable time to rezone the land which I now think is very achievable. Obviously providing council support the proposal. This is a very exciting proposal and not without some risk. Hotels are a very challenging business particularly new ventures however Peppers who manage our Hotel at Seaport are very excited about the opportunity to offer a new experience in Launceston. The rooftop restaurant will need to be outstanding as will the rooms but it will attract some new business particularly given the investment in a great conference space.

I will prepare a package for all councillors outlining detailed drawings and elevations for their consideration and get them to you by mid next week.

Kind Regards

Errol Stewart

20 URGENT BUSINESS

Nil

21 WORKSHOP REPORT(S)

21.1 Workshop Report

FILE NO: SF4401

AUTHOR: Michael Tidey (Director Corporate Services)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a report on any Council workshop held since the last meeting in accordance with Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2005.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council notes the workshops as outlined in the table below:

Date		Purpose
4 February 2013	Strategic Planning & Policy	<ul style="list-style-type: none"> • Received information on <ul style="list-style-type: none"> ○ Kings Park - 2/40th Battalion Memorial ○ Goderich/Lindsay Street Intersection - Treatment Options ○ 87 Lindsay Street Invermay ○ LGAT Annual General Meeting - Call for Motions ○ Investigate appropriate honour and recognition of Ron Atkins OAM ○ Investigate appropriate honour and recognition for Francis Bassett Emms ○ Launceston Interim Planning Scheme 2012 - Assessment of Representations

21.1 Workshop Report...(Cont'd)

REPORT:

There is a legislative requirement to report to the community the date and purpose of any Council workshop held since the last Council meeting.

ECONOMIC IMPACT:

There is no economic impact on the community.

ENVIRONMENTAL IMPACT:

There is no environmental impact on the community.

SOCIAL IMPACT:

There is no social impact on the community.

STRATEGIC DOCUMENT REFERENCE:

Launceston City Council Strategic Plan 2008-2013 -

5.5 Implement enhanced community engagement

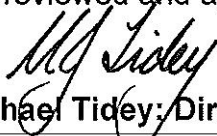
BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey: Director Corporate Services

22 INFORMATION / MATTERS REQUIRING FURTHER ACTION**22.1 Information / matters requiring further action****FILE NO:** SF3168**AUTHOR:** Cathy Williams (Administration Officer / Committee Clerk)

This report outlines requests for information by Aldermen when a report or agenda item will be put before Council or a memorandum circulated to Aldermen.

It will be updated each Agenda, with items removed when a report has been given.

MATTERS ARISING FROM COUNCIL - REQUIRING FURTHER ACTION - AT 11 FEBRUARY 2013

Meeting Date, Item # & File No.	Outstanding Items & Action Requested	Officer Responsible & Officer Comment	Due Date
<p>27 June 2011 Council 12.1 SF5547 / SF5445</p>	<p>Notice of Motion - Rating System Analysis That Council; 1. Presents modelling undertaken on the implementation of a rating system based on Unimproved Capital Value (Land) and the impacts, positive and negative that this would have on ratepayers; 2. Provides written advice on the advantages and disadvantages of the implementation of such a system and presents the advice to the public; 3. That, more importantly, Council undertakes a major public review of the current rating system and determines, in consultation with the community, the fairest, most progressive and simplest rating system available in Australia; and 4. Implements the system agreed upon, for the rating period beginning 2012-13</p>	<p>Michael Tidey</p> <p>Project will have a number of phases.</p> <p>First presentation occurred in December 2011.</p> <p>Further action deferred pending the State Government review.</p> <p>The preparatory work for the State Government report is currently being finalised with the report expected by the end of August.</p> <p>It is now expected that the analysis and modelling will be completed during October with a presentation in early November.</p> <p>State Government report was received on 19 October 2012 and listed for discussion at SPPC on 6 November 2012.</p> <p>Item listed for discussion at the SPPC meeting on 17 December 2012.</p> <p>Information will be presented as part of the budget consultation process.</p>	<p>April 2012 August 2012</p> <p>Nov 2012</p> <p>April 2013</p>
<p>13 March 2012 Council 14.1 SF0841</p>	<p>Duck Reach Redevelopment</p> <p><u>Resolution at Council Meeting 13/03/2012: additional point 4</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Consider the report outlining recent investigation into a redevelopment of the Duck Reach site. 2. Endorse the investigation of third-party investment opportunities for the redevelopment of the Duck Reach Site. 3. On finalisation of the 	<p>Rod Sweetnam</p> <p>Correspondence has been received from Hydro Tasmania indicating their agreement to enter into a MOU with Council. The MOU is being drafted in consultation with Hydro.</p> <p>The MOU will be presented to Council for consideration.</p> <p>Finalisation of the MOU will allow the business case analysis to proceed.</p> <p>The draft MoU has been sent to Hydro Tasmania for review and comment prior to report to Council.</p> <p>Awaiting formal response to the draft MoU as presented. This includes a binding agreement on water supply.</p>	<p>Nov 2012</p> <p>Dec 2012</p> <p>July 2013</p>

MATTERS ARISING FROM COUNCIL - REQUIRING FURTHER ACTION - AT 11 FEBRUARY 2013

Meeting Date, Item # & File No.	Outstanding Items & Action Requested	Officer Responsible & Officer Comment	Due Date
	<p>business case analysis outlined in the report, and identification of potential third party development opportunities, Council review the redevelopment options for the Duck Reach site based on a future report.</p> <p>4. Agree that further investigation by Council is predicated upon Hydro Tasmania formally committing to a minimum base flow of 2.5 cumecs which is the current voluntary release by Hydro Tasmania.</p>		

23 ADVICE OF FUTURE NOTICES OF MOTION

24 REPORTS BY THE MAYOR

25 REPORTS BY THE GENERAL MANAGER

26 CLOSED COUNCIL ITEM(S)

Nil

27 MEETING CLOSURE
