



LAUNCESTON CITY COUNCIL

# **COUNCIL AGENDA**

**COUNCIL MEETING  
MONDAY 25 MARCH 2013**

# LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

Monday 25 March 2013

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

Date: 25 March 2013

Time: 1.00 pm

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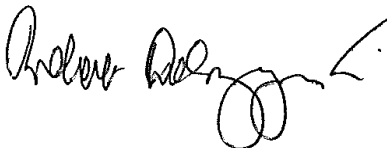
## Section 65 Certificate of Qualified Advice

### 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

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# LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

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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 12 March 2013 be confirmed as a true and correct record.
2. That the Minutes of the meeting of the Launceston City Council held on 12 March 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**

Nil

**6 PUBLIC QUESTION TIME**

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## 7 ANNOUNCEMENTS BY THE MAYOR

### 7.1 Mayor's Announcements

FILE NO: SF2375

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#### Thursday 14 March

- Presided at Private Citizenship Ceremony - Town Hall
- Attended and welcomed artists from Ten Days on the Island Event - 1st Performance of 21 Circus Acts in Civic Square
- Officiated at Civic Reception to mark the centenary of Launceston College

#### Friday 15 March

- Presided at Private Citizenship Ceremony - Town Hall
- Officiated at Football Federation Tas Skills Acquisition Festival - Aurora Stadium
- Attended Encore Productions Opening Night of Grease

#### Saturday 16 March

- Officiated at Tamar NRM Launch and Signing of Strategy document
- Attended Lilydale Arts Opening Celebration of Lilydale Mural Painted Poles & the inaugural Lilydale Festival of Wood
- Attended Breast Cancer Network Australia - "Mini Field of Women " at City Park

#### Monday 18 March

- Officially welcomed participants of Tour de Kids Charity Bike Ride Across Tasmania

#### Tuesday 19 March

- Attended Tas Polytechnic Northern Graduation Ceremony - Celebration of achievements of 2012 Graduates

#### Wednesday 20 March

- Attended LGAT General Meeting, General Management Committee and Metropolitan Councils Group meetings
- Attended Study Tasmania Welcome Event for International Students

#### Thursday 21 March

- Attended LGAT Mayor's Workshop
  - Attended and addressed Civic Reception to mark the 75th anniversary of St Giles
-

## 7.1 Mayor's Announcements...(Cont'd)

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### Friday 22 March

- Officiated at Launch of "Off the Wall" Anti-Graffiti Project
- Attended Tas Honour Roll of Women Event with Minister Cassy O'Connor
- Attended and addressed Harmony Day Celebration - UTAS
- Officiated and welcomed visitors at SKAL National Conference and AGM

### Saturday 23 March

- Attended Cityprom's Launch "So you think you can Busk"
- Officiated at Relay for Life Event
- Attended City Park Radio Harmony Day celebration and Official Opening of Studio D
- Attended Make-A-Wish Fairytale Ball - Hotel Grand Chancellor, Launceston

### Sunday 24 March

- Attended Lions Club of Lilydale Teddy Bears Picnic - Hollybank Reserve
-



8 ALDERMEN'S/DELEGATES' REPORTS

9 QUESTIONS BY ALDERMEN

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## 10 COMMITTEE REPORTS

### 10.1 Cataract Gorge Advisory Committee Meeting 13 February 2013

**FILE NO:** SF0839

**AUTHOR:** Tricia De Leon-Hillier (Parks Lease Management Officer)

**DIRECTOR:** Harry Galea (Director Infrastructure Services)

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#### **DECISION STATEMENT:**

To receive and consider a report from the Cataract Gorge Advisory Committee.

#### **RECOMMENDATION:**

That the report from the Cataract Gorge Advisory Committee meeting held on 13 February 2013 be received.

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#### **REPORT:**

The Cataract Gorge Advisory Committee held a meeting on the 13 February 2013 and discussed the following items:

1. Stone Shelter and BBQ Shelter  
Preliminary concept plans were presented and further development of plans agreed to.
  2. Security Arrangement  
Thomas Paul Security commenced 4 weeks ago in their work at the First Basin. They have given an update and feedback on a number of issues and situations they have taken care of. A number of reports have come in expressing support for the improved level of security in the basin this year.
  3. Opening hours for the Basin Café, Kiosk and Cataract Gorge Restaurant  
Item 10.1 Council Meeting of 29 January 2013 - details and business opening hours were adopted by Council for the Cataract Gorge Restaurant, Basin Café and Kiosk with the addition of a sign to advise visitors of an alternative food outlet on the two days when both facilities are closed.
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## 10.1 Cataract Gorge Advisory Committee Meeting 13 February 2013...(Cont'd)

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4. Sycamore Trees

The ongoing Sycamore removal program will commence between March to April 2013 and will take one week to complete.

5. Cataract Walkway Lookout

Preliminary discussion about the future of this lookout given its condition and difficulty in providing access to meet the current standards. Further investigations to be carried out including the mapping of views from all current lookouts in the area.

6. Cataract Gorge Volunteers Centre

There are currently 14 volunteers.

So far there has been 5,683 people go through since 21 May 2012, with a significant and consistent increase since early September last year. From observation part of the reason for such high numbers is due to some improved signage.

Best weeks so far are:

|                              |     |
|------------------------------|-----|
| 22 - 28 October 2012         | 267 |
| 1-7 October 2012             | 271 |
| 14-20 January 2013           | 301 |
| 21 -27 January 2013          | 323 |
| 31 December - 6 January 2013 | 367 |
| 7 - 13 January 2013          | 551 |

A kid's corner has been set up in the gallery space during the month of January 2013, with cushions to sit on and colouring in activities available. The next Gorge Walk and Talk is scheduled on 6 March 2013 - 'Duckreach' with Gus Green and Geoff Drake leading the group for a guided history of past, present and future of the station. The next walk is scheduled for 3 April 2013 - 'Kings Bridge' will be presented in two parts where people will learn about life before the bridge, life with half the bridge and then the full bridge as we know it now.

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**10.1 Cataract Gorge Advisory Committee Meeting 13 February 2013...(Cont'd)**

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**ECONOMIC IMPACT:**

N/A

**ENVIRONMENTAL IMPACT:**

N/A

**SOCIAL IMPACT:**

N/A

**STRATEGIC DOCUMENT REFERENCE:**

N/A

**BUDGET & FINANCIAL ASPECTS:**

NA

**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**

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**11 PETITIONS**

Nil

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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 45 Boland Street, Launceston - Construction of a building for use as a take away food premises**

**FILE NO:** DA0022/2013

**AUTHOR:** Leon Murray (Town Planner)

**DIRECTOR:** Michael Stretton (Development Services)

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#### **DECISION STATEMENT:**

To consider an application for construction of a building for use as a take away food premises at 45 Boland Street, Launceston.

#### **PLANNING APPLICATION INFORMATION:**

|                   |  |
|-------------------|--|
| Applicant:        | E Kalis Properties Pty Ltd                 |
| Property:         | 45 Boland Street, Launceston               |
| Area of the Site: | 4447m <sup>2</sup>                         |
| Zone:             | Commercial                                 |
| Codes:            | Car Parking and Sustainable Transport Code |
| Existing Uses:    | Bulky Goods Sales, Service Industry        |
| Classification:   | Take Away Food Premises                    |
| Date Received:    | 23 January 2013                            |
| Deemed Approval:  | Extension to 25 March 2013                 |
| Representations:  | One  |

#### **PREVIOUS COUNCIL CONSIDERATION:**

N/A.

#### **RECOMMENDATION:**

That Council approves DA0022/2013 for construction of a building for use as a take away food shop at 45 Boland Street, subject to the following:

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**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

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**1. ENDORSED PLANS**

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

**2. LEGAL TITLE**

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

**3. HOURS OF OPERATION**

The takeaway food premises must only operate between 6.00am to 6.30pm seven days a week.

**4. SEATING**

Seating and tables within the take away food premises and on the property may be provided for customers waiting for orders. Sit down dining in the building or on the site is not permitted.

**5. DELIVERY HOURS**

Deliveries to and from the site (including waste collection) must only take place prior to 9am seven days a week.

**6. LOADING AND UNLOADING**

Loading and unloading of vehicles and delivery goods and merchandise and the like to and from the premises must be carried out within loading bays or buildings as shown on the endorsed plans and be conducted so as to cause minimum interference with other vehicular traffic.

**7. NO STORAGE OUTSIDE BUILDING**

No goods or packaging materials may be stored outside the building.

**8. NOISE AND VIBRATION**

Extractor fans, compressors and the like must be suitably shielded/baffled to ensure the business does not cause unreasonable noise or interference to adjoining occupations by way of noise or vibration.

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**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

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**9. BICYCLE PARKING**

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.

**10. WASTE DISPOSAL BINS - COMMERCIAL**

Provision must be made on site for the storage of trade waste disposal bins. The bins provided must not occupy or obstruct access to any car parking or loading area indicated on the endorsed plan and must be contained within the property boundaries unless approved otherwise.

**11. DAMAGE TO COUNCIL INFRASTRUCTURE**

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.

**12. BEN LOMOND WATER REQUIREMENTS**

The development must be undertaken in accordance with Certificate of Consent 13-0015 which is attached to this permit.

**13. LAPSING OF PERMIT**

This permit will expire if the development and use is not commenced within two years of the date of granting of this permit.

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## **12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

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### Notes

#### Other Approvals

A. *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*
- (b) Plumbing permit*
- (c) Registration of Food Business*

#### Nuisance

B. *During operation of this use, the best practicable means must 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 & Pollution Control Act 1994 and Regulations there under.*

#### Restrictive Covenants

C. *The granting of this permit takes no account of any covenants applicable to the land that contradict the Launceston Interim Planning Scheme 2012. 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

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

#### Appeal Provisions

E. *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.*

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## **12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

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

### Permit Commencement.

*F. 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 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing.*

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## **REPORT:**

### **1. THE PROPOSAL**

The applicant seeks Council's approval to construct and use a 150m<sup>2</sup> building as a take away food premises (Attachment 2). The building would be constructed in between the existing chainsaw centre and the Shiploads bulky goods store, which is currently under construction. The proposed use would rely on the parking spaces that were approved under DA0396/2012 for extensions to the chainsaw centre and the new Shiploads building. No signage is proposed. The use is discretionary under the Launceston Interim Planning Scheme 2012 (the Scheme).

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

The 4447m<sup>2</sup> site is located on Boland Street (Attachment 1). It is located in between the Young's Vegie Shed and Decorama. On the other side of Boland Street lies the development that contains Autobarn, the Sports Arena and the Sleep 'n' Style bedding shop. To the south-east of the site (on the other side of the roundabout) lies the K Mart shopping complex. In the wider context, the site is located on the eastern periphery of the central business district. To the north (on the other side of the river) lies the helipad that is used for tourism purposes. Buildings in this location comprise offices and buildings for storage of helicopters.

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**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

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**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:

|        |   |
|--------|---|
| 23.1.1 | <p><i>To provide for large floor area retailing and service industries.</i></p> <p>The proposed use is not a retail or service industry use. However, the take away food premises would support the existing uses in the area (and the wider community) and would not conflict with the zone's intent to provide for large floor are retail and service industries.</p> |
| 23.1.2 | <p><i>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.</i></p> <p>As above.</p>   |
| 23.1.3 | <p><i>To ensure general retail uses support and do not threaten the established retail and business hierarchy.</i></p> <p>The proposed use would be relatively small in the context of the surrounding development. It would compliment the existing uses in the area and would not threaten the established retail and business hierarchy in the city.</p>             |

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**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

**3.2 Use**

**3.2.1 Use Table**

The take away food premises use is subject to discretionary consideration under the Scheme.

**3.2.2 Use Standards**

|   |   |
|---|---|
| <b>23.3.1</b>   | <b>EMISSIONS</b>  |
| A1  | <i>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.</i>  |
| Complies. The proposal is for a discretionary use which is setback more than 100m from a residential use.   |   |
| A2  | <i>All solid waste produced through processing or manufacturing operations on the site must be removed and disposed of:<br/>a) by a licensed waste removal operator; or<br/>b) in an approved land fill; or<br/>c) in accordance with a management plan approved by the Environment Protection Authority.</i> |
| Complies. 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. |   |
| <b>23.3.2</b>   | <b>STORAGE OF GOODS</b>   |
| A1  | <i>Storage of goods, materials or waste, other than for retail sale, must not be visible from any road or public place.</i>   |
| N/A. No outdoor storage of goods or materials is proposed.  |   |

**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

**3.3 Development Standards**

The Commercial zone development criteria are as follows:

|   |   |
|---|---|
| <b>22.4.1</b>   | <b>BUILDING DESIGN AND SITING</b>   |
| A1  | <p><i>All buildings are to be orientated to:</i></p> <p><i>a) face a road, mall, laneway or arcade, except where the development is not visible from these locations; and</i></p> <p><i>b) have the primary pedestrian entrance to buildings off the frontage to a road, mall, laneway or arcade.</i></p>                                     |
| <p>Does not comply - assessment against the performance intent of the objective and performance criteria is required.</p> <p>Whilst the building is not orientated to face Boland Street, it has been designed to follow along the building line that has been set by the approved extensions to the chainsaw centre. The entrance to the building would be clearly visible from Boland Street when approaching from the west and pedestrian access is suitable from the street. Therefore, compliance with P1 (as follows) is achieved.</p> <p><i>The entrance to a building must be clearly visible from a road and must provide a safe and accessible access for pedestrians from the road to the main entrance to the building.</i></p> |   |
| A2  | <p><i>Building height must not exceed</i></p> <p><i>a) 10m; or</i></p> <p><i>b) the average of the building heights on immediately adjoining titles; whichever is greater</i></p>   |
| <p>Complies. The building would have a maximum height of 5.2m</p>   |   |
| A3  | <p><i>Buildings must be set back a minimum distance of 5.5m from a frontage.</i></p>  |
| <p>Complies. The building would be located behind the chainsaw centre and would be greater than 5.5m from the frontage.</p>   |   |
| A4  | <p><i>Buildings can be built up to the side and rear boundaries</i></p>   |
| <p>Complies.</p>  |   |
| A5  | <p><i>Where the subject site is located on the boundary of a residential zone, new buildings or alterations to existing buildings must:</i></p> <p><i>a) be set back a minimum distance of 3.0m from the zone boundary; and</i></p> <p><i>b) have solid fencing along at least 1.8m high on all boundaries to residential properties.</i></p> |
| <p>N/A. The site does not abut a residential zone.</p>  |   |

**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

|  |   |
|--|---|
| <b>23.4.2</b>  | <b>STREETSCAPE</b>  |
| A1   | <p><i>Excepting walls built to the lot boundary, new buildings or extensions to existing buildings must:</i></p> <p><i>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</i></p> <p><i>b) have a minimum of 50% glazing to the external walls of offices component of the buildings; and</i></p> <p><i>c) be designed and orientated to ensure the main pedestrian entrance into the primary building is visible from the road; and</i></p> <p><i>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.</i></p>    |
|  | <p>a) - Complies<br/>                 b) - Complies<br/>                 c) - Complies<br/>                 d) - Does not comply - assessment against the performance intent of the objective and performance criteria is required.</p> <p>There would be a pathway that runs from the chainsaw centre to the take away shop. However, a protected pathway would not be provided from the road to the take away shop. Therefore, it is recommended that one parking space is line marked and a bollard is installed to provide pedestrian access from the street. The reduction in parking numbers would still accord with the Scheme.</p> <p><i>A safe and accessible access for pedestrians is provided from the road to the main entrance of the building.</i></p> |
| A2.1   | <i>Where employee car parking is proposed it must be located behind or to the side of the principal buildings on the site; and</i>  |
| A2.2   | <i>Car parking spaces for visitors and people with a disability must be located as close as practicable to the main entrance to the building.</i>   |
| <p>A2.1 - N/A. The applicant proposes to utilise the car parking that was approved under DA0396/2012.</p> <p>A2.2 - The applicant has provided two disabled spaces under DA0396/2012. These spaces are as close as practicable to the Shiploads store and are easily accessible via the pedestrian pathway that will be constructed.</p> |   |

**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

|   |  |
|---|--|
| <b>23.4.3</b>   | <b>TURNING AND ACCESS</b>  |
| A1  | <i>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.</i>           |
| Does not comply - assessment against the performance intent of the objective and performance criteria is required.  |  |
| <p>It is unlikely an 8.8m long truck would be required to service the take away food premises. The planning report accompanying the application states delivery vehicles would service the premises after hours. It is considered reasonable to restrict delivery hours to before 9am, which is the restriction imposed on DA0396/2012 for the Shiploads and chainsaw centre extensions. This would ensure the potential conflict between delivery and customer vehicles would be minimised as well as ensuring the effectiveness and efficiency of the road network is maintained. Therefore, the performance criterion (as follows) is met.</p> <p><i>It must be demonstrated that service vehicles can access the site to drop off and pick up goods and services, safely and without prejudicing the effectiveness or efficiency of the surrounding road network.</i></p> |  |
| <b>23.4.4</b>   | <b>SITE LANDSCAPING</b>  |
| A1.1  | <i>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</i>               |
| N/A. Landscaping was lawfully approved under DA0396/2012.   |  |
| A1.2  | <i>A minimum of 50% of the areas within the frontage setback is to be landscaped; and</i>  |
| N/A. Landscaping and car parking along the frontage was lawfully approved under DA0396/2012 and the take away food premises would have a negligible impact on the streetscape.  |  |
| A1.3  | <i>A minimum of 1 tree (capable of growing to a minimum height of 10.0m in height) per 250m<sup>2</sup> of lot area must be provided. Trees must be located, within a minimum 3.0m diameter landscaped area; and</i> |
| N/A. Landscaping was lawfully approved under DA0396/2012.   |  |
| A1.4  | <i>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.</i>   |
| N/A. No security fencing is proposed.   |  |

**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

**3.4 Overlays**

The applicable codes for this proposal are:

**3.4.1 Car Parking and Sustainable Transport Code**

**3.4.1.1 Use Standards**

| <b>E6.6.1</b>   | <b>CAR PARKING NUMBERS</b>  |                              |                           |                           |                         |   |    |                                  |  |  |  |   |  |
|---|---|------------------------------|---------------------------|---------------------------|-------------------------|---|----|----------------------------------|--|--|--|---|--|
| A1  | <i>The number of car parking spaces:<br/>a) will not be less than 90% of the requirements of Table E6.1; or<br/>b) will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater; or<br/>c) will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</i> |                              |                           |                           |                         |   |    |                                  |  |  |  |   |  |
| Complies. The take away food premises use would require one space per 15m <sup>2</sup> of floor area. Therefore, 10 spaces would be required. The previously approved car parking layout would provide 52 spaces (if the recommended pedestrian connection is required) which is sufficient for all uses on the site. The car parking requirements are broken down as follows:  |   |                              |                           |                           |                         |   |    |                                  |  |  |  |   |  |
| <table border="0"> <thead> <tr> <th><b>Approved/Proposed Use</b></th> <th><b>Car Parks Required</b></th> <th><b>Car Parks Provided</b></th> </tr> </thead> <tbody> <tr> <td>Take away food premises</td> <td>1 space per 15m<sup>2</sup> floor area (10 required)</td> <td>10</td> </tr> <tr> <td>Service industry<br/>(6 required)</td> <td>1 space per 80m<sup>2</sup> floor area<br/>6</td> <td></td> </tr> <tr> <td>Bulky Goods Sales<br/>(15 required for floor space)</td> <td>1 space per 100m<sup>2</sup> floor area plus 1 space per employee<br/>36. This would provide 21 spaces for staff.</td> <td></td> </tr> </tbody> </table> |   | <b>Approved/Proposed Use</b> | <b>Car Parks Required</b> | <b>Car Parks Provided</b> | Take away food premises | 1 space per 15m <sup>2</sup> floor area (10 required) | 10 | Service industry<br>(6 required) | 1 space per 80m <sup>2</sup> floor area<br>6 |  | Bulky Goods Sales<br>(15 required for floor space) | 1 space per 100m <sup>2</sup> floor area plus 1 space per employee<br>36. This would provide 21 spaces for staff. |  |
| <b>Approved/Proposed Use</b>  | <b>Car Parks Required</b>   | <b>Car Parks Provided</b>    |                           |                           |                         |   |    |                                  |  |  |  |   |  |
| Take away food premises   | 1 space per 15m <sup>2</sup> floor area (10 required)   | 10                           |                           |                           |                         |   |    |                                  |  |  |  |   |  |
| Service industry<br>(6 required)  | 1 space per 80m <sup>2</sup> floor area<br>6  |                              |                           |                           |                         |   |    |                                  |  |  |  |   |  |
| Bulky Goods Sales<br>(15 required for floor space)  | 1 space per 100m <sup>2</sup> floor area plus 1 space per employee<br>36. This would provide 21 spaces for staff.   |                              |                           |                           |                         |   |    |                                  |  |  |  |   |  |
| <b>E6.6.2</b>   | <b>BICYCLE PARKING NUMBERS</b>  |                              |                           |                           |                         |   |    |                                  |  |  |  |   |  |
| A1.1  | <i>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</i>   |                              |                           |                           |                         |   |    |                                  |  |  |  |   |  |
| A1.2  | <i>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.</i>   |                              |                           |                           |                         |   |    |                                  |  |  |  |   |  |
| A1.1 - Complies. Two bicycle parking spaces are proposed.<br>A1.2 - N/A. There is no parking precinct plan for this site.   |   |                              |                           |                           |                         |   |    |                                  |  |  |  |   |  |
| <b>E6.6.3</b>   | <b>TAXI DROP-OFF AND PICK UP</b>  |                              |                           |                           |                         |   |    |                                  |  |  |  |   |  |
| A1  | <i>One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof.</i>  |                              |                           |                           |                         |   |    |                                  |  |  |  |   |  |
| N/A. The take away food premises only requires 10 spaces.   |   |                              |                           |                           |                         |   |    |                                  |  |  |  |   |  |



**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

|  |  |
|--|--|
| <b>E6.6.4</b>  | <b>MOTORBIKE PARKING PROVISIONS</b>  |
| A1   | <i>One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.</i>   |
| N/A. The take away food premises only requires 10 spaces.                              |  |
| <b>3.4.1.2 Development Standards</b>   |  |
| <b>E6.7.1</b>  | <b>CONSTRUCTION OF CAR PARKING SPACES AND ACCESS STRIPS</b>  |
| A1   | <i>All car parking, access strips maneuvering and circulation spaces must be:<br/>a) formed to an adequate level and drained; and<br/>b) except for a single dwelling, provided with an impervious all weather seal; and<br/>c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</i>   |
| The car parking area approved under DA0396/2012 complies with the acceptable solution. |  |
| <b>E6.7.2</b>  | <b>DESIGN AND LAYOUT OF CAR PARKING</b>  |
| A1.1   | <i>Where providing for 4 or more spaces, parking areas must be located behind the building line; and</i>   |
| A1.2   | <i>Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</i>  |
| N/A. The car parking layout was approved under DA0396/2012.                            |  |
| A2.1   | <i>Car parking and maneuvering space must:<br/>a) have a gradient of 10% or less; and<br/>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and<br/>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<br/>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:<br/>i) there are three or more car parking spaces; and<br/>ii) where parking is more than 30m driving distance from the road; or<br/>iii) where the sole vehicle access is to a category I, II, III or IV road; and</i> |
| A2.2   | <i>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.</i>  |
| N/A. The car parking layout was approved under DA0396/2012.                            |  |

**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

|  |   |
|--|---|
| <b>E6.7.3</b>  | <b>CAR PARKING ACCESS, SAFETY AND SECURITY</b>  |
| A1   | <i>Car parking areas with greater than 20 car spaces must be:<br/>a) secured and lit unauthorized cannot enter or;<br/>b) lit and visible from buildings on or adjacent to the site during the times when parking occurs.</i>   |
| N/A. The car parking layout was approved under DA0396/2012.  |   |
| <b>E6.7.4</b>  | <b>PARKING FOR PERSONS WITH A DISABILITY</b>  |
| A1   | <i>All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</i>  |
| A2   | <i>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.</i>  |
| N/A. The car parking layout was approved under DA0396/2012.  |   |
| <b>E6.7.6</b>  | <b>LOADING AND UNLOADING OF VEHICLES – DROP-OFF AND PICK UP</b>   |
| A1   | <i>For retail, commercial, industrial, service industry or warehouse or storage uses:<br/>a) least one loading bay at must be provided in accordance with Table E6.4; and<br/>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.</i> |
| N/A. The take away food shop does not require a loading bay. |   |
| <b>E6.8</b>  | <b>PROVISIONS FOR SUSTAINABLE TRANSPORT</b>   |
| <b>E6.8.1</b>  | <b>BICYCLE END OF TRIP FACILTIES</b>  |
| A1   | <i>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.</i>   |
| N/A. The proposed use only requires two bicycle spaces.      |   |

**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

|  |   |
|--|---|
| <b>E6.8.2</b>  | <b>BICYCLE PARKING ACCESS, SAFETY AND SECURITY</b>  |
| A1.1   | <i>Bicycle parking spaces for customers and visitors must:<br/>a) be accessible from a road, footpath or cycle track; and<br/>b) include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and<br/>c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and be<br/>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</i> |
| A1.2   | <i>Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</i>   |
| <p>A1.1 - Complies</p> <p>A1.2 - Does not comply - assessment against the performance intent of the objective and performance criteria is required.</p> <p>The bicycle spaces would not be undercover. However, due to the nature of the bicycle parking (used by staff or customers and generally in good weather) undercover parking is not required. Therefore, compliance with the performance criteria (as follows) is achieved.</p> <p><i>Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.</i></p> |   |
| A2   | <i>Bicycle parking spaces must have:<br/>a) minimum dimensions of:<br/>i) 1.7m in length; and<br/>ii) 1.2m in height; and<br/>iii) 0.7m in width at the handlebars; and<br/>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.</i>  |
| Complies by condition.   |   |
| <b>E6.8.5</b>  | <b>PEDESTRIAN WALKWAYS</b>  |
| A1   | <i>Pedestrian access must be provided for in accordance with Table E6.5.</i>  |
| N/A. The pedestrian layout was approved under DA0396/2012.   |   |

**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

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**4. REFERRALS**

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

**Infrastructure Assets**

The standard condition for damage to Council infrastructure was recommended.

**Environmental Services**

Advisory notes were recommended for the registration of a food business and nuisance.

**Ben Lomond Water**

Certificate of Consent BLW DA No.13-0015 was issued.

**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 23 January to 12 March January 2013. One representation was received (Attachment 3).

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**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

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   |
|--|---|
| No objection if the business would be after hours.   | The shop is proposed to operate during business hours.  |
| The requirement for 10 parking spaces reduces the number of spaces for other uses on the site to 43. | The proposal can be provided with the 10 spaces it needs as per the Scheme. Forty-two spaces (as per the recommended reduction) are sufficient to service all uses on the site in accordance with the Scheme.   |
| Concerns about the nature of uses in the area and the likelihood of parking issues.                  | The proposed take away use (and the other approved uses on the site) can be provided with car parking to accord with the Scheme. However, the concerns about parking are valid. Therefore, it is recommended to restrict the use of the take away to walk in/walk out customers only. This would ensure the patrons of this use would not be seated within the building or anywhere on the site. This would assist in faster turnover of customers on the site and subsequent turnover of parking spaces. This has been agreed to by the applicant. |
| Lack of clarity regarding the submitted planning report.   | The content of the planning report was clarified with the representor. No further comment is required.  |

**6. CONCLUSION AND RECOMMENDATION**

The proposed take away food premises is subject to general discretion. It would not conflict with the purpose of the Commercial zone and car parking can be provided in accordance with the Scheme. The recommended conditions would ensure deliveries/servicing would be restricted to accord with the Shiploads and chainsaw centre uses on the site and the restriction of walk in/walk out patronage of the take away would help minimise the potential parking conflicts on the site. On this basis, the application is recommended for approval.

**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

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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 Interim Planning Scheme 2012

**BUDGET & FINANCIAL ASPECTS:**

N/A.

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**12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)**

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**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 were distributed separately.

1. Locality Map
  2. Plans
  3. Representation
-

**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings****FILE NO:** DA0057/2013**AUTHOR:** Pip Glover (Town Planner)**DIRECTOR:** Michael Stretton (Director Development Services)

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**DECISION STATEMENT:**

To consider an application for the construction of two multiple dwellings.

**PLANNING APPLICATION INFORMATION:**

Applicant: Prime Design  
Property: 55 Legges Crescent, Prospect  
Area of Site: 722m<sup>2</sup>  
Zoning: General Residential  
Existing Uses: Vacant land  
Classification: Residential - multiple dwellings  
Date Received: 20 February 2013  
Deemed Approval: 8 April 2013  
Representations: One

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

That the Council approves DA0057/2013 for the construction of two multiple dwellings at 55 Legges Crescent, Prospect subject to the following:

**1. ENDORSED PLANS**

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

**2. LEGAL TITLE**

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

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**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

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**3. NO BURNING OFF**

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. Remount Road Refuse Disposal Centre.)

**4. HOURS OF CONSTRUCTION**

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.

**5. AMENITY**

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

**6. MULTIPLE DWELLINGS - SERVICE FACILITIES**

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

- a) Mail receptacles must be provided and appropriately numbered for each dwelling unit.
- b) Each multiple dwelling must be provided with a minimum 6 cubic metre exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
- c) Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

**7. SITE LANDSCAPING**

The landscaping must be installed in accordance with the endorsed plan and;

- a) Be provided with convenient taps or a fixed sprinkler system installed for the purpose of watering all lawns and landscaped areas. Redirection of down pipes, on site storage of overland flows and the like are encouraged. Grey water reuse can be used subject to compliance.
  - b) Be installed within 3 months from the completion of the building works, or where subdivision by strata is proposed, the landscaping must be completed before the strata plan is sealed.
  - c) Be maintained as part of the use. It must not be removed, destroyed or lopped without the written consent of the Planning Authority.
-

**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

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**8. CONSTRUCTION OF RETAINING WALLS**

All retaining walls, irrespective of height, located within 1.5 metres of the property boundaries are to be designed and certified by a suitably qualified person. The design must have regard to the installation of fencing atop the retaining wall and other imposed loading in addition to site conditions on adjoining properties.

**9. FENCING**

All side and rear boundaries, behind the building line, must be provided with a new, solid (ie no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed to a height of at least 1.8m when measured from the highest finished level on either side of the common boundaries at the developers cost.

**10. DAMAGE TO COUNCIL INFRASTRUCTURE**

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.

**11. UPGRADING OF SERVICE CONNECTIONS**

Where it is required by a service provider (ie Ben Lomond Water, Telstra etc.) to upgrade, relocate or remove the existing connection or install a new connection the developer must apply to Council's Road Assets Manager for approval to install the connection across Legges Crescent.

The approved installation method is direction drilling/boring. Open trench installation will not be permitted except in EXCEPTIONAL circumstances and requires the written consent of the Road Assets Manager who will specify the required construction and reinstatement works.

No work is to commence for the installation, alteration or removal of the service connection until such time as the service crossing approval has been obtained.

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**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

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**12. SOIL AND WATER MANAGEMENT WORKS**

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites.

No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant.

The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

**13. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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.

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 and presented for inspection upon request by a Council officer.

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**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

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**14. SIDE ENTRY PIT MODIFICATION**

The existing side entry pit is to be converted to a stormwater manhole to facilitate the installation of a standard vehicular crossing with a 1 metre long transition wing.

A detailed plan showing the proposed modification works is to be submitted to Council's Infrastructure Services Directorate for approval, along with the engineering plan approval and inspection fee of \$250, with prior to commencing any works to modify the side entry pit.

All works are to be in accordance with Council's standard drawings and specifications. The process governing the installation, inspection and certification of the new work specified in the Council document Subdivision Guidelines is to be adhered to at all times.

All new work is to be inspected by Council's engineering officer prior to the backfilling of any trenches. All works associated with the stormwater infrastructure must be completed prior to the occupation of the development. All works are at the applicant's expense.

**15. VEHICULAR CROSSING**

Installation of the new crossing in accordance with Council's standard drawing R-08 requires the relocation of the existing side entry pit and stormwater manhole located in the road reserve. All works associated with the driveway and the stormwater side entry pit and manhole relocation must be completed prior to the occupation of the development. All works are at the applicant's expense.

No work shall be undertaken to relocate the stormwater side entry pit or manhole to construct the new vehicular crossing outside the property boundary without the prior approval of the works by the Council's Infrastructure Services Directorate. An application for such work must be lodged on the approved form.

The new crossing and relocated stormwater pit and manhole must be constructed to Council standards by a contractor registered under Bylaw 002 of 2000 **Private Works on Roads Bylaw** to perform such work. The work must include all necessary alterations to other services including lowering/raising pit levels and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg Ben Lomond Water, Telstra, and Aurora etc).

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**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

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**16. CAR PARKING CONSTRUCTION**

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

- a) Be designed to comply with the 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) Be provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas;
- g) 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.

**17. STRATA SUBDIVISION**

The proposal may be Strata titled. Prior to the Strata being certified and released, the following must be complied with:

- (i) all conditions on the permit and works shown on the endorsed plan and documents have been completed to the satisfaction of the Manager Planning and Building
- (ii) the distribution of reticulated water and provision of water meters within the development site meet the Council Policy or Procedure applicable at the date of the issue of the statement, and
- (iii) Payment of Council's prescribed fee

If this is to be staged the Strata plan must be accompanied by a Disclosure Statement and Master Plan.

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**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

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**18. BEN LOMOND WATER**

The development must comply with requirements of Certificate of Consent DA 13-049.

**19. LAPSING OF PERMIT**

This permit lapses after a period of two years from the date of granting of this permit if the use or development has not substantially commenced within that period.

Notes

A. Other Approvals

*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:*

- (a) *Building permit*
- (b) *Plumbing permit*

B. Restrictive Covenants

*Council does not enforce restrictive covenants that contradict the Launceston Planning Scheme 1996. 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.*

C. Appeal Provisions

*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.*

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**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

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***D. Permit Commencement***

*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.*

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**REPORT:****1. THE PROPOSAL**

The proposed development is for two single storey detached multiple dwellings on a vacant site. The dwellings are to be finished with a fired clay face brick and a tiled roof. Each dwelling consists of two bedrooms, combined kitchen, living, dining and study nook, bathroom, laundry, private open space and single garage. Unit 1 is orientated to engage with the street frontage and Unit 2 is internal to the site and is accessed via the common driveway along the southern boundary.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The subject site is located within stage 4 of the Hutton Ridge subdivision in the suburb of Prospect. The site is located at the north eastern end of Legges Crescent and the surrounding sites are currently vacant or under construction. The site is accessed from Peel Street West until the completion of stage 5 of the Hutton Ridge subdivision which will connect Legges Crescent to the south western end which is predominately development.

The dwelling characteristics of the Hutton Ridge subdivision are predominately single dwellings with multiple dwellings interspersed throughout. There is currently one multiple dwelling development approved and under construction within the north western stage of Legges Crescent.

The site consists of a rectangular shaped block which slopes downhill from its northern side boundary to the southern boundary with a gradient of 7%. The site is cleared of vegetation.

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**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

**3. PLANNING SCHEME REQUIREMENTS**

**3.1 Zone Purpose**

The subject site is located within the General Residential zone.

|        |  |
|--------|--|
| 10.1.1 | <p><i>To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</i></p> <p>Complies. The multiple dwellings meet the zone density requirements and full infrastructure services are available to the site.</p>   |
| 10.1.2 | <p><i>To provide for compatible non-residential uses that primarily serve the local community.</i></p> <p>N/A. The proposal is for a residential use.</p>  |
| 10.1.3 | <p><i>Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off site impacts.</i></p> <p>N/A. The proposal is for a residential use.</p>  |
| 10.1.4 | <p><i>To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.</i></p> <p>Complies. The proposal is for single storey dwellings which have a high standard of amenity.</p>  |
| 10.1.5 | <p><i>To ensure that multiple dwellings and other forms of residential development are interspersed with single dwellings in a manner that ensures that single dwellings remain the primary form of dwellings in a road or neighbourhood.</i></p> <p>Complies - the development meets the density provisions which ensures that single dwellings remain the primary form of dwellings.</p>   |
| 10.1.6 | <p><i>To encourage multiple dwellings in the vicinity (within 400m) of district and local business/activity centres and to discourage multiple dwellings at sites which are remote (further than 1km) from business/activity centres, or located within areas of recognised character, cul-de-sacs or affected by natural hazards.</i></p> <p>Complies. The multiple dwellings are located 360m from the local shop on the corner of Westbury Road and Prospect Street and 525m from the Prospect village shopping centre.</p> |



**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

**3.2 Use**

**3.2.1 Use table**

The proposal development is within the Residential use class: multiple dwelling which has a discretionary status.

**3.2.2 Use Standards**

|   |  |
|---|--|
| <b>10.3.1</b>   | <b>AMENITY</b><br><i>To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.</i>  |
| A1  | <i>If for permitted or no permit required</i>  |
| N/A. The proposal is for a residential use.   |  |
| A2  | <i>Commercial vehicles for discretionary uses must only operate between 7am and 7pm Monday to Friday and 8am to 6pm Saturday and Sunday</i>          |
| N/A. The proposal is for a residential use.   |  |
| A3  | <i>if for permitted or no permit required</i>  |
| N/A. The proposal is for a residential use.   |  |
| <b>10.3.2</b>   | <b>RESIDENTIAL CHARACTER - DISCRETIONARY USES</b><br><i>To ensure that discretionary uses support:</i>   |
|   | <i>a) the visual character of the area; and</i>  |
|   | <i>b) the local area objectives, if any.</i>   |
| A1  | <i>Commercial vehicles for discretionary uses must be parked within the boundary of the property</i>   |
| N/A. The proposal is for a residential use.   |  |
| A2  | <i>Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public</i> |
| N/A. The proposal is for residential use.   |  |
| A3  | <i>Waste materials storage for discretionary uses must:</i>  |
|   | <i>a) not be visible from the road frontage</i>  |
|   | <i>b) use self-contained receptacles designed to ensure waste does not escape to the environment</i>   |
| Complies. Each dwelling has an area designated for waste storage which is not visible from the road frontage. |  |

**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

**3.3 Development Standards**

|   |  |
|---|--|
| <b>10.4.2.1</b>   | <b>DENSITY CONTROL</b><br><i>To ensure that:</i><br>a) <i>dwellings occur at a density appropriate to the character of the zone; and</i><br>b) <i>multiple dwellings and other forms of residential development are interspersed with single dwellings in a manner that ensures that single dwellings remain the primary form of dwellings in a road or neighbourhood.</i> |
| A1  | <i>Multiple Dwellings are constructed with a minimum site area per dwelling of 400m<sup>2</sup>.</i>   |
| Does not comply - Assessment against the performance criteria is required.  |  |
| P1.1  | <i>Multiple dwellings must not be constructed at a density that detracts from the prevailing character of a streetscape or neighbourhood.</i>  |
| P1.2  | <i>Multiple dwellings must be constructed at a minimum site area per dwelling of 350m<sup>2</sup>.</i>   |
| Complies. The subject site is located within the new subdivision on the northern end of Legges Crescent. The surrounding lots are currently vacant and therefore the development will not detract from the prevailing character of the streetscape. The site is 722m <sup>2</sup> and meets the minimum site area of 350m <sup>2</sup> per dwelling and therefore meets the performance criteria. |  |
| A2  | <i>Multiple dwellings must not be constructed at a density greater than 25% by lot number, of the number of lots on the same side of the road.</i>   |
| Complies. There are currently four multiple dwellings which are either developed or approved for development out of the twenty seven lots located on the same side of Legges Crescent. To meet the 25% density requirement a total of six lots can be developed as multiple dwellings. This proposal will take the density to 18%.  |  |
| A3  | <i>Multiple dwellings must not be constructed on more than 2 adjoining lots.</i>   |

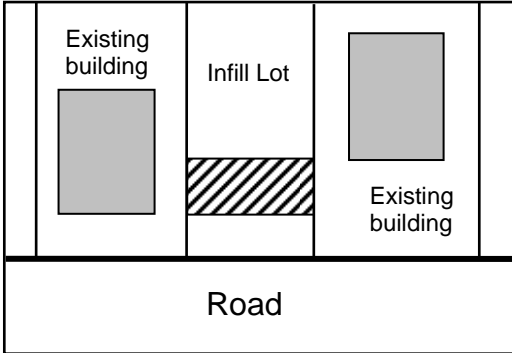
**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

|  |   |
|--|---|
| Complies. There are no multiple dwellings or approved multiple dwellings on the adjoining lots.  |   |
| <b>10.4.2.2</b>  | <b>STREETSCAPE INTEGRATION AND APPEARANCE</b>   |
|  | <ul style="list-style-type: none"> <li>a) <i>To integrate the layout of residential development with the streetscape; and</i></li> <li>b) <i>To promote passive surveillance; and</i></li> <li>c) <i>To provide each dwelling with its own sense of identity.</i></li> </ul>  |
| A1   | <ul style="list-style-type: none"> <li>a) <i>Multiple dwellings and residential buildings, must have a front door and a window to a habitable room in the building wall that faces a road; or</i></li> <li>b) <i>face an internal driveway or communal open space area</i></li> </ul>   |
| Complies. Unit one has a front door and habitable room windows facing the road. Unit two is orientated to face the internal driveway.                                      |   |
| A2   | <i>Dwellings must provide a porch, shelter, awning, recess, or similar architectural features which provides a visible identity, shade and weather protection to the front door.</i>  |
| Complies. Unit one has a recess to provide visible identity and protection to the front door. Unit two has a porch which provides visible identity and weather protection. |   |
| A3   | <p><i>Fences on and within 4.5m of the frontage must be no higher than:</i></p> <ul style="list-style-type: none"> <li>a) <i>1.2m if solid; or</i></li> <li>b) <i>1.5m provided that the part of the fence above 1.2m has openings which provide at least 30% transparency.</i></li> </ul>  |
| Does not comply - Assessment against the performance criteria is required.   |   |
| P3   | <p><i>Fences on and within 4.5m of the frontage must be designed to:</i></p> <ul style="list-style-type: none"> <li>a) <i>provide for security and privacy of residents while allowing for passive surveillance of the road; or</i></li> <li>b) <i>be consistent with the height, design and character of neighbouring fences and walls.</i></li> </ul> |

**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

|  |  |
|--|--|
| Complies. A 1.8m high timber paling fence is located within 3m of the front boundary. The fence is located on the side of the dwelling to provide a visual barrier to the private open space. It is considered that the fence will not impact on the streetscape or passive surveillance and therefore meets the performance criteria. |  |
| <b>10.4.2.3</b>  | <b>SITE COVERAGE</b>   |
|  | <ul style="list-style-type: none"> <li>a) <i>To ensure that the site coverage of residential development respects the existing neighbourhood character or desired future character statements, if any; and</i></li> <li>b) <i>To reduce the impact of increased stormwater run-off on the drainage system; and</i></li> <li>c) <i>To ensure sufficient area for landscaping and private open space.</i></li> </ul> |
| A1.1   | <i>Site coverage must not exceed 50% of the total site; and</i>  |
| A1.2   | <i>Development must have a minimum of 25% of the site free from buildings, paving or other impervious surfaces</i>   |
| Complies. <i>The site coverage is 32% and the area free from impervious surfaces is 29%.</i>   |  |
| <b>10.4.2.4</b>  | <b>BUILDING HEIGHT</b>   |
|  | <i>To ensure that the building height of development respects the existing neighbourhood character or desired future character statements, if any.</i>   |
| A1   | <i>Building height must not exceed:</i> <ul style="list-style-type: none"> <li>a) <i>6m on internal lots; and</i></li> <li>b) <i>8m elsewhere</i></li> </ul>   |
| Complies. The dwellings will not exceed 5m in height.  |  |
| A2   | <i>Building heights of dwellings not adjacent to a frontage must not exceed 6m.</i>  |
| Complies. Unit two does not exceed 5m in height.   |  |
| <b>10.4.2.5</b>  | <b>FRONTAGE SETBACKS</b>   |
|  | <i>To ensure that the setbacks of buildings from the frontage respects the existing neighbourhood character or desired future character statements (if any) and makes efficient use of the site.</i>   |

12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)

|   |   |
|---|---|
| <p>A1 .1</p>  | <p>The primary frontage setback must be:</p> <p>a) a minimum of 5m; or</p> <p>b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 10.4.2.5 below; and</p>  <p>Figure 10.4.2.5 – Primary Frontage Setback for Infill Lots</p> |
| <p>A1.2</p>   | <p>Other frontage setbacks must be a minimum of 3m</p>  |
| <p>Complies. Unit 1 is setback 5m from the front boundary.</p>                    |   |
| <p>10.4.1.6</p>   | <p><b>REAR AND SIDE SETBACKS</b><br/> <i>To ensure that the height and setback of buildings from a boundary respects the existing neighbourhood character and limits unreasonable adverse impacts on the amenity and solar access of adjoining dwellings.</i></p>   |
| <p>A1</p>   | <p>Buildings must be set back from the rear boundary:</p> <p>a) 4m if the lot has an area less than 1000m<sup>2</sup>; or</p> <p>b) 5m if the lot has an area equal to or greater than 1000m<sup>2</sup></p>  |
| <p>Does not comply - Assessment against the performance criteria is required.</p> |   |

**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

|  |   |
|--|---|
| P1   | <p><i>Building setback to the rear boundary must be appropriate to the location, having regard to the:</i></p> <ul style="list-style-type: none"> <li><i>a) ability to provide adequate private open space for the dwelling; and</i></li> <li><i>b) character of the area and location of dwellings on lots in the surrounding area; and</i></li> <li><i>c) impact on the amenity solar access and privacy of habitable room windows and private open space of existing dwellings; and</i></li> <li><i>d) size and proportions of the lot.</i></li> </ul> |
| <p>Complies. The proposed rear setback is 1.4m. The dwelling has been located towards the rear boundary to maximise the northern aspect of the dwelling and to meet the requirements for the private open space to receive adequate solar penetration. There are currently no existing dwellings adjoining the property and the reduced rear setback is unlikely to negatively impact on the character of the area. It is considered that the proposal meets the performance criteria.</p> |   |
| A2.1   | <p><i>Buildings must be set back from side boundaries:</i></p> <ul style="list-style-type: none"> <li><i>a) a minimum of 3m with maximum building height of 5.5m; or</i></li> <li><i>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 to a maximum building height of 8.5m above natural ground level</i></li> </ul>   |
| A2.2   | <p><i>Buildings must be set back from side boundaries a minimum of 1.5m from a side boundary or built to the side boundary provided the:</i></p> <ul style="list-style-type: none"> <li><i>a) wall is built against an existing boundary wall, or</i></li> <li><i>b) wall or walls have a maximum total length of 9m or one third of the boundary with the adjacent property, whichever is the lesser</i></li> </ul>  |
| <p>Does not comply - Assessment against the performance criteria is required.</p>  |   |

**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

|   |   |
|---|---|
| P2  | <p><i>Building setbacks to the side boundary must be appropriate to the location, having regard to the:</i></p> <ul style="list-style-type: none"> <li><i>a) ability to provide adequate private open space for the dwelling; and</i></li> <li><i>b) character of the area and location of dwellings on lots in the surrounding area; and</i></li> <li><i>c) impact on the amenity, solar access and privacy of habitable room windows and private open space of existing dwellings; and</i></li> <li><i>d) size and proportions of the lot.</i></li> </ul> |
| <p>Complies. The garage of Unit 2 is located 1m from the adjoining boundary. The eave of the garage is 2.6m above natural ground level with a roof pitch of 25 degrees. The proposed setback does not impact on the ability to provide private open space and due to the conservative height of the garage it will not impact on the amenity, solar access or privacy to any future dwelling located on the adjoining lot. It is considered that the proposal meets the requirements of the performance criteria.</p> |   |
| <b>10.4.2.7</b>   | <p><b>LOCATION OF CAR PARKING</b></p> <ul style="list-style-type: none"> <li><i>a) To provide convenient parking for resident and visitor vehicles; and</i></li> <li><i>b) To avoid parking and traffic difficulties in the development and the neighbourhood; and</i></li> <li><i>c) To protect residents from vehicular noise within developments.</i></li> </ul>   |
| A1  | <p><i>Shared driveways or car parks of other dwellings and residential buildings must be located at least 1.5m from the windows of habitable rooms</i></p>  |
| <p>Complies. The shared driveway is located 1.5m from habitable rooms of Unit 1 and the car parking spaces are located in excess of 1.5m from the other dwellings.</p>  |   |
| A 2.1   | <p><i>The layout of car parking for residential development must provide the ability for cars to enter and leave the site in a forward direction, except that a car may reverse onto a road if it has a dedicated direct access or driveway no greater than 10m from the parking space to the road; and</i></p>   |
| A 2.2   | <p><i>A tandem car space may be provided in a driveway within the setback from the frontage; and</i></p>  |
| A 2.3   | <p><i>Provision for turning must not be located within the front setback</i></p>  |
| <p>Complies. The proposed development has provided a turning bay behind Unit 1. Both units consist of a single garage and Unit 1 has a second car parking space adjacent to the garage while Unit 2 consists of a tandem car parking in front of the garage.</p>  |   |
| A 3   | <p><i>A garage or carport must be located:</i></p> <ul style="list-style-type: none"> <li><i>a) within 10m of the dwelling it serves; and</i></li> <li><i>b) at least 5.5m from a frontage; and</i></li> <li><i>c) with a setback equal to or greater than the setback of the dwelling to the frontage; or</i></li> </ul>   |

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|  |   |
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|  | <i>d) in line with or behind the front façade where the dwelling is facing an internal driveway</i>   |
| Complies. The proposed garages are located behind Unit 1 and are located within 10m of the dwelling it serves. |   |
| <i>A4</i>  | <i>The total width of the door or doors on a garage facing a road frontage must:<br/>a) be not more than 6m; or<br/>b) the garage must be located within the rear half of the lot when measured from the frontage</i> |

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12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)

|   |   |
|---|---|
| Complies. The garage door widths do not exceed 6m.  |   |
| <b>10.4.2.8</b>   | <b>OVERLOOKING</b><br><i>To minimise:</i><br>a) <i>overlooking into private open space and habitable room windows to provide a reasonable degree of privacy to the residents of the adjoining and the subject sites; and</i><br>b) <i>any adverse impact on the amenity of the adjoining and the subject site.</i>  |
| A 1.1   | <i>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window or private open space of dwellings within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio must be:</i><br>a) <i>offset a minimum of 1.5m from the edge of one window to the edge of the other; or</i><br>b) <i>have sill heights of at least 1.7m above floor level; or</i><br>c) <i>have fixed, obscure glazing in any part of the window below 1.7m above floor level; or</i><br>d) <i>have permanently fixed external screens to at least 1.8m above floor level; and</i><br>e) <i>obscure glazing and screens must be no more than 25% transparent. Views must be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7m above floor level, indicated in Figure 10.4.2.8; or</i> |
| A 1.2   | <i>New habitable room windows, balconies, terraces, decks or patio's that face a property boundary must have a visual barrier at least 1.8 metres high and the floor level of the habitable room, balconies, terraces, decks or patio's is less than 0.6m above the ground level at the boundary</i>  |
| Complies. There are currently no existing dwellings or approved permits for future dwellings on the adjoining properties. The two dwellings on site are located 9m apart and there are no habitable rooms which face each other. The dwellings habitable rooms and patios have a floor level less than 0.6m and the private open spaces and side and rear boundaries are fenced with 1.8m timber paling fences to provide privacy from any future dwelling. |   |
| A2  | <i>Screens used to obscure a view must be:</i><br>a) <i>perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels; and</i><br>b) <i>permanent, fixed and durable.</i>   |

12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)

|   |   |
|---|---|
| N/A. No screens are required to obscure views.  |   |
| <b>10.4.2.9</b>   | <b>PRIVATE OPEN SPACE</b><br><i>To provide adequate and useable private open space for the reasonable recreation and service needs of residents.</i>  |
| A 1   | <i>Each multiple dwelling must have private open space:</i><br><ul style="list-style-type: none"> <li>a) <i>with a continuous area of 40m<sup>2</sup> and a minimum dimension of at least 4m; and</i></li> <li>b) <i>directly accessible from, and adjacent to, a habitable room, other than a bedroom; and</i></li> <li>c) <i>with a gradient not steeper than 1:16; and</i></li> <li>d) <i>located on the side or rear of the dwelling; or</i></li> <li>e) <i>that is not provided within the setback from a frontage; or</i></li> <li>f) <i>where all bedrooms and living areas are wholly above ground floor, a balcony of 8m<sup>2</sup> with a minimum dimension of 2m; or a roof-top area of 10m<sup>2</sup> with a minimum width of 2m and direct access from a habitable room other than a bedroom.</i></li> </ul> |
| Complies. An area of 83m <sup>2</sup> has been provided for each dwelling. The private open space is accessed from the living rooms and is located on the side of the dwelling behind the front setback. The proposed retaining walls will enable the private open space to be of a gradient no steeper than 1:16.                      |   |
| A 2.1   | <i>Private open space must receive a minimum of 4 hours of direct sunlight on 21 June to 50% of the designated private open space area; or</i>  |
| A 2.2   | <i>The southern boundary of private open space must be set back from any wall 2m high or greater on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall as indicated in Figure 10.4.2.9.</i>   |
| Complies. The private open space for the dwellings is located to the north of the dwellings. The area is a minimum of 5.1m from the northern boundary and will receive a minimum of 4 hours of direct sunlight on 21 <sup>st</sup> June. The southern boundary of the private open space is setback in excess of the 3.5m requirements. |   |

12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)

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| <b>10.4.2.10</b>   | <b>NORTH-FACING WINDOWS</b><br>To allow adequate solar access to existing north-facing habitable room windows.  |
| A 1  | <i>If a north-facing habitable room window of an existing dwelling is within 3.0m of a boundary on an abutting lot, a building must be setback from the boundary, 1.0m plus 0.6m for every metre of height over 3.6m up to 6.9m, plus 1.0m for every metre of height over 6.9m for a distance of 3.0m from the edge of each side of the window as indicated in figure 10.4.2.10.<br/>A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i> |
| N/A. There are no existing dwellings on the adjoining properties.  |   |
| <b>10.4.2.11</b>   | <b>LANDSCAPING</b><br><i>To provide adequate storage facilities for each dwelling.</i>  |
| A 1.1  | <i>Landscaping must be provided to the frontage and within the development including:<br/>a) the retention or planting of vegetation; and<br/>b) the protection of any predominant landscape features of the neighbourhood; and<br/>c) pathways, lawn area or landscape beds.</i>   |
| A 1.2  | <i>No landscaping is required for outbuildings, decks and other ancillary structures.</i>   |
| Complies. A landscaping plan has been provided. It includes a range of species to provide a high standard of visual amenity. |   |
| <b>10.4.2.12</b>   | <b>STORAGE</b><br>To ensure that communal open space, car parking, access areas and site facilities are easily identified.  |
| A 1  | <i>Each dwelling must have access to at least 6 cubic metres of secure storage space.</i>   |
| Complies. Each unit has been provided with a 9 cubic metre storage shed.   |   |

**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

|   |  |
|---|--|
| <b>10.4.2.13</b>  | <b>COMMON PROPERTY</b>   |
|   | <p><i>To ensure:</i></p> <ul style="list-style-type: none"> <li>a) <i>that outbuildings do not detract from the amenity or established neighbourhood character; and</i></li> <li>b) <i>that dwellings remain the dominant built form within an area; and</i></li> <li>c) <i>earthworks and the construction or installation of swimming pools are appropriate to the site and respect the amenity of neighbouring properties.</i></li> </ul> |
| A 1   | <p><i>Development must clearly delineate public, communal and private areas such as:</i></p> <ul style="list-style-type: none"> <li>a) <i>driveways; and</i></li> <li>b) <i>landscaping areas; and</i></li> <li>c) <i>site services, bin areas and any waste collection points.</i></li> </ul>   |
| <p>Complies. Communal and private areas are identified by the dwellings, fencing and services provided for each dwelling.</p> |  |
| <b>10.4.2.14</b>  | <b>OUTBUILDINGS AND ANCILLARY DWELLINGS</b>  |
|   | <p><i>To ensure that:</i></p> <ul style="list-style-type: none"> <li>a) <i>site services can be installed and easily maintained; and</i></li> <li>b) <i>site facilities are accessible, adequate and attractive.</i></li> </ul>  |
| A 1   | <p><i>Outbuildings for each dwelling must have a:</i></p> <ul style="list-style-type: none"> <li>a) <i>combined gross floor area not exceeding 45m<sup>2</sup>; and</i></li> <li>b) <i>wall height no greater than 2.7m; and</i></li> <li>c) <i>maximum height not greater than 3.5m.</i></li> </ul>   |
| <p>Complies. The storage shed does not exceed the requirements.</p>   |  |
| A 2   | <p><i>A swimming pool for private use must be located:</i></p> <ul style="list-style-type: none"> <li>a) <i>behind the setback from a primary frontage; or</i></li> <li>b) <i>in the rear yard.</i></li> </ul>   |

**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

|  |  |
|--|--|
| N/A. A swimming pool is not included in this proposal.                     |  |
| A 3  | <p>Earthworks and retaining walls must:</p> <ul style="list-style-type: none"> <li>a) <i>be located at least 900mm from each lot boundary, and</i></li> <li>b) <i>if a retaining wall:</i> <ul style="list-style-type: none"> <li>i) <i>be not higher than 600mm (including the height of any batters) above existing ground level, and</i></li> <li>ii) <i>if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 800mm above existing ground level at each step, and</i></li> <li>iii) <i>not require cut or fill more than 600mm below or above existing ground level, and</i></li> <li>iv) <i>not redirect the flow of surface water onto an adjoining property, and</i></li> <li>v) <i>be located at least 1.0m from any registered easement, sewer main or water main.</i></li> </ul> </li> </ul> |
| Does not comply - Assessment against the performance criteria is required. |  |
| P3   | <p><i>Earthworks and retaining walls associated with residential buildings and multiple dwellings must be designed and located to ensure that:</i></p> <ul style="list-style-type: none"> <li>a) <i>no structural issues are caused for adjoining structures; and</i></li> <li>b) <i>groundwater and stormwater are dealt with appropriately to eliminate any nuisance for adjoining properties; and</i></li> <li>c) <i>the potential for loss of topsoil or soil erosion are adequately dealt with; and</i></li> <li>d) <i>the potential visual impact on neighbouring properties including any increased potential for overlooking or overshadowing are adequately addressed.</i></li> </ul>   |

**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

Complies by condition. Due to the terrain of the site retaining walls are proposed along the northern and western boundaries. The retaining wall along the northern boundary is 1.1m in height and is located 900mm from the boundary. The retaining wall along the western boundary is 950mm in height and is setback 500mm from the boundary. The proposed retaining walls are to support the more elevated adjoining site and a 1.8m high fence is proposed on the topside of the retaining wall to ensure that the dwellings will not be impacted by overlooking of any future dwelling. Conditions are recommended to be included on the permit to ensure the retaining walls are designed by a qualified person and soil and water issues are adequately managed. The proposal is therefore considered to meet the performance criteria.

|   |  |
|---|--|
| <b>10.4.2.15</b>  | <b>SITE SERVICES</b><br><i>To ensure that all non residential development undertaken in the Residential Zone is sympathetic to the form and scale of residential development and does not affect the amenity of nearby residential properties.</i> |
| A 1.1   | <i>A minimum of 2.0m<sup>2</sup> per dwelling must be provided for bin and recycling enclosures and be located behind a screening fence.</i>   |
| A 1.2   | <i>Provision for mailboxes must be made at the frontage.</i>   |
| Complies. The site plan has indicated areas set aside for bin and recycling provisions behind privacy fences and mailboxes are located on the front boundary. |  |

12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)

3.4 Overlays and Codes

3.4.1 Car Parking and Sustainable Transport Code

3.4.1.1 Use Standards

|   |  |
|---|--|
| <b>E6.6.1</b>   | <b>CAR PARKING NUMBERS</b><br>To ensure that an appropriate level of car parking is provided to service use.   |
| A1  | The number of car parking spaces:<br>a) <i>will not be less than 90% of the requirements of Table E6.1; or</i><br>b) <i>will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater; or</i><br>c) <i>will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</i> |
| Complies. The two bedroom dwellings require two car parking spaces each which have been provided on the site. |  |
| <b>E6.6.2</b>   | <b>BICYCLE PARKING NUMBERS</b><br><i>To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.</i>   |
| A1.1  | <i>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</i>  |
| A1.2  | <i>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.</i>  |
| Complies. Bicycle storage can be provided within the garages.   |  |
| <b>E6.6.3</b>   | <b>TAXI DROP-OFF AND PICK UP</b><br><i>To ensure that taxis can adequately access developments.</i>  |
| A1  | <i>One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof.</i>   |
| N/A. Only four car parking spaces are provided.   |  |
| <b>E6.6.4</b>   | <b>MOTORBIKE PARKING PROVISIONS</b><br><i>To ensure that motorbikes are adequately provided for in parking considerations.</i>   |
| A1  | <i>One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.</i>   |
| N/A. Only four car parking spaces are provided.   |  |

12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)

3.4.1.2 Development Standards

|   |  |
|---|--|
| <b>E6.7.1</b>   | <b>CONSTRUCTION OF CAR PARKING SPACES AND ACCESS STRIPS</b><br><i>To ensure that car parking spaces and access strips are constructed to an appropriate standard.</i>  |
| A1  | <i>All car parking, access strips maneuvering and circulation spaces must be:</i><br>a) <i>formed to an adequate level and drained; and</i><br>b) <i>except for a single dwelling, provided with and impervious all weather seal; and</i><br>c) <i>except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</i>  |
| Complies. The driveway is proposed to be levelled, sealed and drained. A condition will be included on the permit to ensure the car parking spaces are delineated and compliance with this clause is met. |  |
| <b>E6.7.2</b>   | <b>DESIGN AND LAYOUT OF CAR PARKING</b><br><i>To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.</i>   |
| A1.1  | <i>Where providing for 4 or more spaces, parking areas must be located behind the building line; and</i>   |
| A1.2  | <i>Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</i>  |
| Complies. The onsite parking is located behind the building line and turning is located behind Unit 1.  |  |
| A2.1  | <i>Car parking and maneuvering space must:</i><br>a) <i>have a gradient of 10% or less; and</i><br>b) <i>where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</i><br>c) <i>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</i><br>d) <i>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><br>i) <i>there are three or more car parking spaces; and</i><br>ii) <i>where parking is more than 30m driving distance from the road; or</i><br>iii) <i>where the sole vehicle access is to a category I, II, III or IV road; and</i> |



**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

|   |   |
|---|---|
| A2.2  | <i>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.</i>   |
| Complies. The driveway and car parking areas have a gradient of less than 10% and are able to enter and exit the site in a forward direction. A condition will be included on the permit to ensure car parking is constructed to comply with <i>Australian Standards AS 2890.1 – 2004 Parking Facilities, Part 1: Off Road Car Parking.</i> |   |
| E6.7.3  | <b>CAR PARKING ACCESS, SAFETY AND SECURITY</b><br>To ensure adequate access, safety and security for car parking and for deliveries.  |
| A1  | <b>Car parking areas with greater than 20 parking spaces must be: secured and lit unauthorized cannot enter or; lit and visible from buildings on or adjacent to the site during the times when parking occurs.</b> |
| N/A. Only four car parking spaces are provided.   |   |
| E6.7.4  | <b>PARKING FOR PERSONS WITH A DISABILITY</b><br>To ensure adequate parking for persons with a disability.   |
| A1  | <b>All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</b>  |
| N/A. Provisions for disability parking is not required.   |   |
| A2  | <b>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.</b>                            |

**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

|   |   |
|---|---|
| N/A. Only four car parking spaces are provided.   |   |
| <b>E6.7.6</b>                                     | <b>LOADING AND UNLOADING OF VEHICLES – DROP-OFF AND PICK UP</b><br><i>To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.</i>   |
| <b>A1</b>   | <i>For retail, commercial, industrial, service industry or warehouse or storage uses:</i><br>a) <i>least one loading bay at must be provided in accordance with Table E6.4; and</i><br>b) <i>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.</i>   |
| N/A. There are no requirements for a loading bay. |   |
| <b>E6.8</b>                                       | <b>PROVISIONS FOR SUSTAINABLE TRANSPORT</b>   |
| <b>E6.8.1</b>                                     | <b>BICYCLE END OF TRIP FACILITIES</b><br><i>To ensure that cyclists are provided with adequate end of trip facilities.</i>  |
| <b>A1</b>   | <i>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.</i>   |
| N/A. Only two bicycle bays are required.          |   |
| <b>E6.8.2</b>                                     | <b>BICYCLE PARKING ACCESS, SAFETY AND SECURITY</b><br><i>To ensure that parking and storage facilities for bicycles are safe, secure and convenient.</i>  |
| <b>A1.1</b>                                       | <i>Bicycle parking spaces for customers and visitors must:</i><br>a) <i>be accessible from a road, footpath or cycle track; and</i><br>b) <i>include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and</i><br>c) <i>be located within 50m of and visible or signposted from the entrance to the activity they serve; and be</i><br>d) <i>available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and</i> |
| <b>A1.2</b>                                       | <i>Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</i>   |

**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

|  |  |
|--|--|
| Complies. The bicycle bays can be located within the garages which are undercover and secure.                    |  |
| A2   | <i>Bicycle parking spaces must have:</i><br>a) <i>minimum dimensions of:</i><br>i) <i>1.7m in length; and</i><br>ii) <i>1.2m in height; and</i><br>iii) <i>0.7m in width at the handlebars; and</i><br>b) <i>unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</i> |
| Complies. The bicycle parking is located within the garage. The driveway provides suitable access to the street. |  |
| <b>E6.8.5</b>  | <b>PEDESTRIAN WALKWAYS</b><br><i>To ensure pedestrian safety is considered in development</i>  |
| A1   | <i>Pedestrian access must be provided for in accordance with Table E6.5.</i>   |
| Complies. Only four car parking spaces are required and therefore a separate pedestrian access is not required.  |  |
| <b>E6.6.1</b>  | <b>PRECINCT 1 – LAUNCESTON CBD PARKING EXEMPTION AREA</b>  |
| <b>E6.6.4</b>  | <b>LOCAL AREAS PROVISIONS</b><br><i>To remove the need for new use or development to provide onsite car parking within the exemption area.</i><br><br><i>To establish parking maximums within the exemption area</i>   |
| A1   | <i>No onsite parking provision.</i>  |
| N/A. The site is not subject to a local area provision.  |  |

#### 4. REFERRALS

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

##### Infrastructure Asset

Issues were raised in relation to the alterations to the existing crossover and therefore requiring modifications to the existing side entry pit. A condition has been included on the permit ensuring the modification to the side entry pit is designed to Council's standards. Additional conditions have been recommended relating to damage to council infrastructure, upgrading of services connections, soil and water management works, vehicular crossing and car parking construction.

**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

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**Environmental Services**

Two conditions were recommended relating to Amenity and No burning off.

**Ben Lomond Water**

Issued Certificate of Consent BLW DA No. 13-049.

**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 2 March 2013 to 18 March 2013. One representation was received. (See attachment 3)

The representation raises the issue of multiple dwellings being located either side of their future single dwelling at 53 Legges Crescent. There is currently a multiple dwelling development under construction at 51 Legges Crescent. The proposed development meets the density provisions of Clause 10.4.2.1. There are no provisions within the Launceston Interim Planning Scheme 2012 controlling the development of multiple dwellings being located either side of a single dwelling.

**6. CONCLUSION AND RECOMMENDATION**

Subject to the recommended conditions it is considered that the proposal complies with the 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.

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**12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)**

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**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 were distributed separately.

1. Location Map
  2. Plans
  3. Copy of representation
-

**12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012**

**FILE NO:** SF5824

**AUTHOR:** Julia Allen (Town Planner)

**DIRECTOR:** Michael Stretton (Director Development Services)

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**DECISION STATEMENT:**

To consider representations received during the public consultation period for the application for dispensation from local provisions to:

1. Set aside the whole provisions of the Open Space zone as they relate to title 164558/1, except for the area of land to be set aside for public open space; and
2. Set aside the whole of the provision within this title of the Particular Purpose Zone 1 - Techno Park as they relate to the land connecting Techno Park Drive to title 164558/1.
3. Apply the provisions of the Low Density Residential zone contained in the Interim Planning Scheme 2012 to the part of the land not set aside for public open space on title 164558/1.

and determine whether the proposed dispensation requires modification in light of the representations received.

**PREVIOUS COUNCIL CONSIDERATION:**

Item number 12.5 Council meeting 10 December 2012 resolved to initiate the application for dispensation at 163 Poplar Parade, Youngtown (Volume 164558 Folio 1).

**RECOMMENDATION:**

That Council:

1. Considers all the representations received for the application for dispensation at 163 Poplar Parade, Youngtown (Volume 164558 Folio 1) pursuant to Section 30Q Land Use Planning and Approval Act 1993 (the Act); and
-

## **12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

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2. Recommends to the Tasmanian Planning Commission that the application for dispensation at 163 Poplar Parade Youngtown (CT Volume 164558 Folio 1) be supported, subject to the retained Open Space zone having a minimum width of 50 metres, and covering the full length of the proposed linear park reserve connection between the Youngtown Memorial Park, Youngtown Regional Park and Poplar Parade; and
  3. Continues to withhold judgement on the subdivision proposed as it is not part of the application currently being assessed by the Tasmanian Planning Commission and recommend to the Commission that the subdivision be assessed as a planning application pursuant to Section 57 of the Act, if the dispensation is approved.
- 

### **REPORT:**

#### **1 Background**

The proposal involves an application to the Tasmanian Planning Commission (TPC) for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 under section 30P(1) of the Land Use Planning and Approvals Act 1993 (the Act) for 163 Poplar Parade and Techno Park Drive, Youngtown.

The proposal seeks to:

1. Set aside the whole provisions of the Open Space zone as they relate to title 164558/1, except for the area of land within the title to be set aside for public open space; and
2. Set aside the whole of the provision of the Particular Purpose Zone 1 - Techno Park as they relate to the land connecting Techno Park Drive to title 164558/1.
3. Apply the provisions of the Low Density Residential zone contained in the Interim Planning Scheme 2012 to the part of the land not set aside for public open space on title 164558/1.

The subdivision proposal submitted with the application is not part of the application being assessed.

The Council determined to support the proposal at the Council meeting on 10 December 2012. The application was then advertised in accordance with the Act's requirement and 16 representations were received.

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**12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

At the close of the advertising period, the Council has 35 days to consider the merit of each representation and determine whether any modification is required in light of those representations pursuant to Section 30Q of the Act. The Council must then report back to the TPC. The TPC may then decide to hold hearings. At their conclusion the TPC will determine whether to grant, modify or reject the application.

**2 Representations**

The application was advertised from 19 January to 17 February 2013. Sixteen (16) representations were received. The issues raised are summarised in Table 1. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representation received and attached to this report (attachment 3).

**Table 1: Representors Issues**

| <b>Representation</b> | <b>Issues Raised</b>  |
|-----------------------|---|
| M Blyth               | 1. Degradation of pedestrian safety and interaction;<br>2. Increased traffic volume will be noisy, degrade safety and increase congestion at Hobart Road intersection.<br>3. Negative impacts on native habitat and birdlife.   |
|                       | <b>Officer Discussion of Merit</b>  |
|                       | 1. The impact on pedestrian safety and interaction will be affected by the layout and design of future development on the site. This will be subject to scrutiny in a future planning application should the application for dispensation be approved.<br>2. Increased traffic will arise as a result of the zone change. The traffic report however indicates that the increases will be within the capacity of the road network. See section 3 of the report for details.<br>3. There is protection for the remnant woodland given under the Biodiversity code of the Interim Scheme and other legislation. See section 3 of this report for details. |
|                       | <b>Recommended Alterations</b>  |
|                       | No change.  |



**12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

| <b>Representation</b> | <b>Issues Raised</b>   |
|-----------------------|--|
| L Bowerman            | <p>1. Road link with Lorne Street will;</p> <ul style="list-style-type: none"> <li>a) increase traffic congestion on local streets;</li> <li>b) degrade safety;</li> </ul> <p>2. Reduction in property values.</p> <p>3. Notification should include all properties potentially affected.</p>  |
|                       | <p><b>Officer Discussion of Merit</b></p> <p>1. Road links will be the subject of a future planning application if the dispensation is approved. Increased traffic is anticipated and information supplied indicates that it will be within the capacity of the road network. See section 3 of the report for further details.</p> <p>2. Property values are affected by many factors which are generally beyond planning control. This is not a planning matter.</p> <p>3. Notification was done in accordance with the Act which involved letters sent to immediately adjoining properties, newspaper advertisement, onsite notices and the application was displayed on Councils website and in Town Hall for four weeks.</p> |
|                       | <p><b>Recommended Alterations</b></p> <p>No change.</p>  |
| <b>Representation</b> | <b>Issues Raised</b>   |
| J Bull                | <p>1. Poor notification;</p> <ul style="list-style-type: none"> <li>a) online application difficult to find;</li> <li>b) address misleading</li> </ul> <p>2. Degradation of amenity;</p> <ul style="list-style-type: none"> <li>a) loss of bush and mountain views.</li> <li>b) increased traffic reducing pedestrian safety and park access.</li> <li>c) increased noise.</li> <li>d) increased lighting.</li> </ul> <p>3. Lower property value.</p>  |

**12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

|                       |  |
|-----------------------|--|
|                       | <p><b>Officer Discussion of Merit</b></p> <p>1. Notification was undertaken in accordance with the Act.<br/> a) This application is not a typical planning application and it could not be included within the usual application link on the planning page due to its nature and the large file size.<br/> b) The address used is the official address of the property. The title reference was included in the advertised material to aid property identification.</p> <p>2. a) The remnant woodland is identified as a threatened community. See section 3 of the report for further details;<br/> b) Increased traffic will occur, however it is within the capacity of the road network. See section 3 of the report for details;<br/> c) Noise is anticipated to be no different to the noises expected in any residential area. During construction, any noise generated must be within the accepted limits described under the noise regulations of the Environmental Management and Pollution Control Act 1994. If breaches occur these will be investigated. Other noises that exceed what could reasonably be expected in a residential matter will be dealt with on a case by case basis.<br/> d) Increased lighting will occur arising from street lights and lights from houses. An increase would occur for any non open space/rural use on the land. Low Density residential however is likely to result in less lighting than denser forms of residential development or commercial uses.</p> <p>3. See comments made to L Boweman's representation.</p> |
|                       | <p><b>Recommended Alterations</b></p> <p>No change to dispensation.</p>  |
| <b>Representation</b> | <b>Issues Raised</b>   |
| M & H Cardiff         | <p>1.Loss of views.<br/> 2.Increased traffic.<br/> 3. Lower property value.</p>  |
|                       | <p><b>Officer Discussion of Merit</b></p> <p>1. Beyond the scope of planning consideration.<br/> 2. Increased traffic is anticipated and information supplied indicates that it will be within the capacity of the road network. See section 3 of the report for further details.<br/> 3. See comments made to L Boweman's representation.</p>   |
|                       | <p><b>Recommended Alterations</b></p> <p>No change.</p>  |

**12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

| <b>Representation</b> | <b>Issues Raised</b>   |
|-----------------------|--|
| C & L Chugg           | <p>Have large aviary. Concerned if a house is built close to the boundary that it will result in complaints about the aviary. Would prefer to retention of Open Space zone.</p> <p><b>Officer Discussion of Merit</b></p> <p>The Low Density Residential zone acceptable solutions require a minimum setback of 5 metres from the rear boundary, and 3 metres from a side boundary. Where these are varied, the performance criteria must be met. The performance criteria refers to the impact on character, amenity, and privacy. The amenity provision does refer to the adjoining dwelling rather than the subject property which does limit the scope for considering the impacts of the aviary.</p> <p>However, the bushfire provisions will have to be considered for any new dwelling. This is likely to provide for larger setbacks from boundaries than the Low Density zone states to be able to achieve the separation distances required for bushfire safety. This will in effect achieve a greater separation from the aviary thereby minimising the impact.</p> <p>Between the Low Density zone provisions and the application of the Bushfire Code, there is likely to be sufficient separation achieved between a future dwelling and the aviary.</p> <p><b>Recommended Alterations</b></p> <p>No change.</p> |
| <b>Representation</b> | <b>Issues Raised</b>   |
| R Cooke               | <p>The representor was contacted on 6 March 2013. Mr Cooke has no issue with the zone change only if there is a road connection to either Medina Street or Lorne Street. He has no issue if the primary access is via Techno Park Drive.</p> <p><b>Officer Discussion of Merit</b></p> <p>The reporting has established that Techno Park Drive is capable of servicing the site. Road connectivity is generally encouraged however any links to either Lorne or Medina Street will be subject to scrutiny to ensure issues like safety are adequately considered in a future planning application, should this dispensation application be approved. That future planning application will be advertised enabling further public comment.</p>  |

**12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

|                       |   |
|-----------------------|---|
|                       | <b>Recommended Alterations</b>  |
|                       | No change.  |
| <b>Representation</b> | <b>Issues Raised</b>  |
| J Dilger              | <ol style="list-style-type: none"> <li>1. Road connections to Lorne Street affecting traffic safety and access.</li> <li>2. Increased load on sewerage system.</li> <li>3. Increased noise.</li> <li>4. Land will be used for affordable housing.</li> </ol>  |
|                       | <b>Officer Discussion of Merit</b>  |
|                       | <ol style="list-style-type: none"> <li>1. This will be subject to a future planning application if the dispensation application is approved. See section 3 of this report for further details.</li> <li>2. Ben Lomond Water have advised that there is sufficient capacity within the existing system to cater for this proposed residential area. See section 3 of the report for further details.</li> <li>3. See comments made to J Bull's representation.</li> <li>4. Unlikely given density of the low density residential areas however this issue is not a planning matter. Furthermore units are prohibited in the Low Density Residential zone.</li> </ol> |
|                       | <b>Recommended Alterations</b>  |
|                       | No change.  |
| <b>Representation</b> | <b>Issues Raised</b>  |
| G & R Donahue         | <ol style="list-style-type: none"> <li>1. Lack of consultation.</li> <li>2. Road connection to Lorne Street will:               <ol style="list-style-type: none"> <li>a) reduce safety of park access.</li> <li>b) increase traffic congestion.</li> </ol> </li> <li>3. Loss of native habitat for birdlife.</li> </ol>  |
|                       | <b>Officer Discussion of Merit</b>  |
|                       | <ol style="list-style-type: none"> <li>1. See comments made for J Bull's representation.</li> <li>2. This will be subject to a future planning application if the dispensation application is approved. See section 3 of this report for further details.</li> <li>3. The remnant woodland is identified as a threatened community. See section 3 of the report for further details</li> </ol>  |
|                       | <b>Recommended Alterations</b>  |
|                       | No change.  |
| <b>Representation</b> | <b>Issues Raised</b>  |
| G Harvey              | <ol style="list-style-type: none"> <li>1. Requests an extension of time to make comments. Mr Harvey was contacted on 6 March 2013. His main issues are:               <ol style="list-style-type: none"> <li>a. Property identification misleading should have map included showing property.</li> <li>b. Remnant woodland is the main drawcard for Lorne Street residents. Wants bushland retained, preferably for open space purposes.</li> <li>c. Does not support a road connection to Lorne Street.</li> </ol> </li> </ol>   |

**12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

|                       |  |
|-----------------------|--|
|                       | <p><b>Officer Discussion of Merit</b></p> <p>a. The title used is the official address of the property. Title details were provided in the notification to aid property identification.</p> <p>b. Remnant bushland is a threatened community. See section 3 of the report for further details.</p> <p>c. Road connectivity encouraged, where safety and traffic issues are addressed because it provides better community outcomes however this issue is subject to a future application. See section 3 of report for details.</p> |
|                       | <p><b>Recommended Alterations</b></p> <p>No change.</p>  |
| <b>Representation</b> | <b>Issues Raised</b>   |
| B Jack                | <ol style="list-style-type: none"> <li>1. Request extension of time to make further comments.</li> <li>2. Traffic congestion in road network in and around Lorne Street.</li> <li>3. Water pressure issues will be exacerbated.</li> </ol>   |
|                       | <p><b>Officer Discussion of Merit</b></p> <ol style="list-style-type: none"> <li>1. Extension of time can not granted, however, the officer did try to contact Mr Jack however attempts were unsuccessful.</li> <li>2. This will be subject to a future planning application if the dispensation application is approved. See section 3 of this report for further details.</li> <li>3. Service pressures in the area meet WSAA minimum Static Head requirements. This issue maybe a localised problem.</li> </ol>                 |
|                       | <p><b>Recommended Alterations</b></p> <p>No change.</p>  |
| <b>Representation</b> | <b>Issues Raised</b>   |
| J & R<br>McNaughton   | <ol style="list-style-type: none"> <li>1. Insufficient information provided. More encouragement provided to view plan.</li> <li>2. Noise generation from traffic.</li> <li>3. Request progress update.</li> </ol>  |
|                       | <p><b>Officer Discussion of Merit</b></p> <ol style="list-style-type: none"> <li>1. Notification was undertaken in accordance with the Act.</li> <li>2. Traffic noise is expected and is an ordinary part of any urban area. The impact is expected to be within reasonable limits.</li> <li>3. Representator will be notified during key steps for the remainder of the process including the TPC's decision.</li> </ol>  |
|                       | <p><b>Recommended Alterations</b></p> <p>No change.</p>  |

**12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

| <b>Representation</b> | <b>Issues Raised</b>   |
|-----------------------|--|
| J & L Pearce          | <ol style="list-style-type: none"> <li>1. Object to road connections through Lorne or Medina Streets due to increased traffic and safety for pedestrians.</li> <li>2. Concerned about use of lot 300. Should be retained as parkland.</li> <li>3. Concerned about impact on birds and animals</li> <li>4. Request more public consultation and notification. All streets potentially affected by the proposal should be notified.</li> </ol> |
|                       | <b>Discussion of Merit</b>   |
|                       | <ol style="list-style-type: none"> <li>1. Road connections subject to future application. See section 3 of the report for details.</li> <li>2. The remnant bushland is identified as a threatened community. See section 3 of the report for further details.</li> <li>3. See section 3 of the report for further details.</li> <li>4. See comments made to J &amp; R McNaughton</li> </ol>  |
|                       | <b>Recommended Alterations</b>   |
|                       | No change.   |
| <b>Representation</b> | <b>Issues Raised</b>   |
| A & L Pearson         | <ol style="list-style-type: none"> <li>1. Stormwater to be piped to Council's reticulated stormwater system and not directed to the Pearce's dam.</li> <li>2. Stormwater discharge as proposed considered inadequate and will cause pollutants to contaminate the dam.</li> </ol>  |
|                       | <b>Discussion of Merit</b>   |
|                       | <p>The reticulated stormwater system collects stormwater and discharges it to a watercourse. This is standard practise for stormwater design.</p> <p>If the dam is located on a water course then depending on the future design of the subdivision, the stormwater could be discharged into that watercourse.</p>   |
|                       | <b>Recommended Alterations</b>   |
|                       | No change.   |

**12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

| <b>Representation</b> | <b>Issues Raised</b>   |
|-----------------------|--|
| B Simpson             | <p>1. Better notification required.</p> <p>2. Concerned about:</p> <ul style="list-style-type: none"> <li>a. Road link to either Lorne or Medina Streets</li> <li>b. Affect on property values</li> <li>c. Impact of additional people living in are on local schools, child care facilities and bus routes</li> <li>d. Additional load on sewer and stormwater systems.</li> <li>e. Impact on native flora and fauna.</li> <li>f. Safety concerns on streets surrounding used for parking by South Launceston Football Club members.</li> <li>g. Ownership of 163 Poplar Parade. Thought it was state owned and subject to 99 year grazing lease.</li> </ul>  |
|                       | <p><b>Discussion of Merit</b></p> <p>1. See previous comments made to other representors on the same issue.</p> <p>2a. This will be subject to a future planning application if the dispensation application is approved. See section 3 of this report for further details.</p> <p>b. See comments made to L Bowman's representation.</p> <p>c. Additional people will provide greater demand for local schools, child care and bus services and thereby improve the viability of all those services.</p> <p>d. Yes there will be an additional load on the sewer and stormwater system, however according to relevant authorities, the system has the capacity.</p> <p>e. Remnant bushland is identified as a threatened community. See section 3 of the report for further details.</p> <p>f. This is a traffic management issue currently.</p> <p>g. Property was state owned until 2012.</p> |
|                       | <p><b>Recommended Alterations</b></p>  |
|                       | <p>No change.</p>  |

**12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

| <b>Representation</b> | <b>Issues Raised</b>  |
|-----------------------|---|
| P Webb                | <ol style="list-style-type: none"> <li>1. Existing peaceful and socially close knit community will be negatively affected by proposal.</li> <li>2. Affect on property values</li> <li>3. Negative effect on the birdlife</li> <li>4. Community want to preserve existing lifestyle attributes of the area.</li> </ol> <p><b>Discussion of Merit</b></p> <ol style="list-style-type: none"> <li>1. Acknowledge the desire to maintain existing community values. The change in land use proposed is considered to have a lesser impact than if the land were used for General Residential or a non residential use.</li> <li>2. See comments made to L Boweman's representation.</li> <li>3. The remnant bushland is a threatened community See section 3 of the report.</li> <li>4. Park linkages will be maintained and improved. The residential densities proposed are lower than suburbia so the impacts will be less.</li> </ol> <p><b>Recommended Alterations</b></p> <p>No change.</p> |

**3 Issues**

**3.1 Subdivision**

The subdivision plan included in the dispensation application is not being considered as part of the application for dispensation. The subdivision would be assessed via the discretionary planning application assessment process under Section 57 of the Act if the dispensation application is approved.

**3.2 Traffic Impacts**

With regards to Techno Park Drive to Quarantine Road, the Traffic Impact Assessment Report (TIA) submitted concludes:

*' A traffic assessment .....of a proposed subdivision south of Techno Park indicates the subdivision will generate a minor component of the traffic using Techno Park Drive based on predicted plus 20 year traffic conditions and with full take up of the Techno Park land by developments similar to existing.*

*Analysis of the Quarantine Road/Techno Park Drive junction indicates some congestion at morning peak hour times but with a service level comparative to that existing elsewhere on higher order access roads within the Launceston Urban area.*



## **12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

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*No traffic safety issues have been identified with regard to the subdivision layout and the existing street network in proximity to the development.'*

The report indicates that around 95% of the traffic from Techno Park Drive will be from the commercial component, the remainder being from potential residential development and that the road system seems to be adequate for the additional traffic anticipated.

The TIA submitted did not consider any other road linkages.

Council's Infrastructure Services Department make the following comments:

- Techno Park Drive has capacity to carry the increased traffic and there is no concern about the mix of traffic nor any conflicting peak periods;
- There are concerns with congestion (particularly at peak periods) at the Quarantine Road and Techno Park Drive junction and as part of a future subdivision application for the site, will be seeking the developer to provide for channelization (and right hand turn) and pedestrian refuge at the intersection; and
- A second road connection will be required to service the site as part of a future subdivision application. The second connection is preferred from Medina Street via the existing reserve access.

Sufficient information has been provided to demonstrate there is sufficient capacity within the existing road network via Techno Park Drive to service the site safely which is sufficient for assessing the merits of the dispensation application.

Any additional road linkages proposed and their impacts on pedestrian and vehicle safety, access and congestion can be considered in detail at the subdivision stage.

### **Infrastructure Capacity**

The site is located within an area where there is a reticulated water, sewer and stormwater system and the site has access to Council maintained roads.

With regards to hydraulic services, the dispensation application submitted provides the following comments from Ben Lomond Water (Attachment 2):

Depending upon the nature of the proposed development (assumed commercial with a small residential component) existing services would be adequate.

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**12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

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*Generally the sewers are 150mm diameter or larger with substantial grade. Further investigation involving hydraulic modelling may be required when you provide further detail on the intended use and in turn the likely discharge to the sewer.*

*The water main in Techno Park Drive is 150mm - as smaller 630D polyethylene main also exists.*

*Service pressures in the areas meet WSAA minimum Static Head requirements - Hydraulic Modelling for fire flows for the proposed development may be required when you provide more detail o the intended use.*

No stormwater issues have been identified for the site.

In light of those comments, hydraulic services appear to be adequate for the site.

**3.2 Flora and Fauna Impact**

The remnant *amydalina* woodland located adjacent to the rear of the Lorne Street properties is identified as *Eucalyptus amydalina* forest and woodland on Cainzoic deposits (DAZ). It is identified as a threatened vegetation community. The Flora and Fauna Habitat assessment report submitted with the application indicates that the community is highly degraded with the understorey almost totally absent. The report acknowledges that remnant forests are important 'habitat islands' for mobile birds and animals, however local diversity in this patch is significantly diminished. The report recommends:

- a) avoidance or minimal disturbance of the area in particular trees with hollows to support birdlife;
  - b) replanting of the understorey and ground cover species to provide habitat to native birds and animals;
  - c) conduct floristic survey during spring to coincide with peak flowering time during November to late January in order to confirm presence/absence of any threatened flora; and
  - d) weed control and ongoing maintenance.
-

**12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

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The impact on flora and fauna will depend on the use of the land and importantly how it is managed. Residential use of the land is not necessarily incompatible with managing the remnant woodland. It could be incorporated as part of a larger residential lot that has sufficient land to allow a house being built without the need to clear. There is other legislation that affects the management and/or clearance of the remnant woodland. An additional mechanism that could be used, if deemed necessary, is a section 71 agreement. This could require retention of the woodland and outline management appropriate management requirements.

This part of the land is also identified as priority habitat under the interim scheme and so is subject to the Biodiversity code. The Biodiversity Code applies whenever priority habitat is proposed for clearance regardless of which zone the land is in. It restricts clearance or disturbance unless a certified forest practices plan is obtained.

The two options would be to either retain the Open Space zone for this part of the land which also restricts the uses permissible or allow the Low Density Residential zone provisions to apply which allows for residential living. Due to the application of the code, the issue would have to be considered in any future planning application. The planning application would be discretionary, therefore requiring a public consultation period.

Council's parks department have no interest in the remnant woodland for open space purposes.

The low density provisions in themselves are inadequate however, there appears to be sufficient protection afforded to the woodland with the application of the Biodiversity Code in the interim planning scheme and other legislation including the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999*, *Tasmanian Threatened Species Protection Act 1995* and *Nature Conservation Act 2002*.

**3.3 National broadband network**

Construction has commenced for the National Broadband Network in Launceston. It is estimated that it will be over 12 months before it is completed in the Techno Park area. This higher speed and capacity internet will provide greater business opportunities however it is difficult to determine to what extent and what demand would be created for Techno Park. This probably requires further review once the NBN is installed however it's likely that this land will still not be needed if there is demand.

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## **12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

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### **4 Conclusion**

An application for dispensation to set aside the Open Space provisions and apply the Low Density Residential provisions, other than for a linear strip, on the land Volume 164558/1 was exhibited for a four week period. Sixteen (16) representations were received raising a number of issues including road connectivity and safety and traffic impacts, loss of flora and fauna, and servicing. All these issues can be adequately addressed through appropriate consideration and design within the scope of the existing Launceston Interim Planning Scheme provisions. No additional or specific development clauses are deemed necessary or an extension to or application of another zone from what has been submitted in the application. It is therefore recommended that the Council notify the Tasmanian Planning Commission that no modification is required to the application in light of the representations received.

### **ECONOMIC IMPACT:**

The proposal does not detract from the ability of Technopark to fulfil its strategic potential for catering to the needs of hi-tech, clean businesses in large buildings in a parkland setting. The additional low density residential lots are not likely distort the land supply due to the small number of additional lots yielded and the low number of low density residential lots in the locality. Accordingly it will improve housing choice in the area.

### **ENVIRONMENTAL IMPACT:**

The remnant threatened vegetation community is in poor condition but can be managed when considered as part of a future development of the site. Other environmental considerations can be addressed by existing planning scheme requirements and legislation.

### **SOCIAL IMPACT:**

The proposal can provide important open space connections to improve outdoor recreation opportunities and access as well as providing a greater housing choice with this infill development site.

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**12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

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**STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2012  
Regional Land Use Strategy - Northern Tasmania 2011  
Launceston Industrial Strategy 2009  
Launceston Residential Strategy 2009  
Open Space Strategy 2007  
Protection of Agricultural Land Policy  
State Coastal Policy  
Water Quality Management Policy  
National Environmental Protection Measures

**BUDGET & FINANCIAL ASPECTS:**

N/A although there will be future maintenance obligations if the parkland is created and handed over to Council.

**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 were distributed separately.

1. Location map
  2. Dispensation report
  3. Representations
-

**13 NOTICES OF MOTION - FOR CONSIDERATION****13.1 Alderman Sands - Notice of Motion - Recognition of National Highway Network****FILE NO:** SF5547**AUTHOR:** Alderman Sands**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To consider a Notice of Motion from Alderman Sands regarding the National Highway Network.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**NOTICE OF MOTION:**

The Launceston City Council support Andrew Wilkie MHR motion that the House acknowledge that Bass Strait should be part of the National Highway network.

And secondly that Launceston City Council encourages all Tasmanian Councils to support the motion that will be before the House of Representatives.

---

**REPORT:**

Alderman Ball will speak to this Notice of Motion.

**Background as provided by Alderman Ball:**

The distinct disadvantage of high freight costs from this State must be considered by the Federal Government to allow comparable costs both to and from the State for freight, passenger vehicles and people.

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## **13.1 Alderman Sands - Notice of Motion - Recognition of National Highway Network...(Cont'd)**

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*Officers Comments - Bruce Williams (Economic Development Officer)*

*Transport planning features in the current Tasmanian State Government Economic Development Plan. The plan indicates there will be a continued focus on collaborative transport planning by State and Local Governments. Transport planning is critical to enabling access to employment education and recreation and the growth and health of Tasmania's communities. Priority will be given to the implementation of the Southern Regional Integrated Transport Plan and the review of the Cradle Coast and Northern Regional Integrated Transport Plans*

*Access*

*Air delivers the majority of passenger's to/from Tasmania at 89%market share. Sea is still a key component at 11% of total and 15% of pure visitors. Sea is growing at half the rate of air (over the last decade),*

*In reviewing the trends in monthly passenger numbers on the TT Line to and from Tasmania, it is clear that there is really only one month of the year where capacity may be constrained due to demand. That month is January. All other months of the year have ample capacity.*

*Freight volumes*

*Despite the perception that the Tasmania economy is faltering this is not reflected in the volume of containers freighted. Approximately 27,000 containers are shipped to and from Tasmania each month. Over the past 3 years there has been is a consistent trend in increased container volumes each year across almost all months of the year.*

*For example the 2011/12 container volumes increased for the calendar year of 2011 v 2012 by 4.4%.*

*The majority of containers are transported from Mersey/Lyell [44%] followed by Hobart [41%], Bell Bay [14%] and King Island [1%]. Mersey/Lyell has now become the predominant end point for container transport.*

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**13.1 Alderman Sands - Notice of Motion - Recognition of National Highway Network...(Cont'd)**

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*Freight Cost*

*Rising freight costs has clearly been cited by businesses as a concern. The cost of freight to Tasmanian businesses has been impacted recently by a variety of factors. These include the withdrawal of the AAA International Shipping service from Bell Bay and the subsequent additional road-freight cost to and from Burnie and Devonport, the Port of Melbourne Corporation's Port Licence Fee and the carbon tax affecting maritime fuel. All of these increases have had an impact on Tasmanian businesses within a very short timeframe.*

*Current Proposals*

*A particularly damning report and recommendations was made by Michael Deegan relating to Tasmanian Ports and Shipping on 24 May 2012. In this report it was recommended that the establishment of a review of shipping costs and competition policy issues for both sea freight and passenger services to be undertaken by the Australian Competition and Consumer Commission. The report also recommended the Commonwealth withdraw its direct funding of the Tasmanian Freight Equalisation Scheme and that Tasmania be assisted to undertake structural adjustment.*

*The report also highlighted the following:-*

*For Tasmania, the loss of the AAA service which enabled Tasmanian products to reach Asia without trans-shipment through Melbourne, the increased size of container vessels, the relatively shallow channel depths 9.4m [Burnie and Devonport] to 10.8m Bell Bay and prohibitive cost of dredging to a depth of 14m has all but ensured Tasmania is shut out from the international market.*

*In addition in 2008-09, six axle vehicles transported the largest proportion of freight. Rail transported only about a quarter of the total freight task transported by six-axle vehicles.*

*The Tasmanian Department of Infrastructure, Energy and Resources Review of Gazetted High Productivity Vehicle Network also demonstrated a problem being faced by Tasmania's road network in that a number of sections of road are classed as either "Does not meet the Tasmanian Guidelines" or "Marginally Below the Tasmanian Guidelines". This indicates that the two networks required to transport freight throughout the State are structurally incapable of doing so.*

*Tas Ports' submission to Infrastructure Australia on the Bell Bay intermodal expansion is also worthy of discussion. Whilst it remains on the Priority List, on the basis of potential future capacity constraints, given the loss of international traffic and rail from the Port of Bell Bay, consideration must be given as to whether the project remains viable for the future*

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**13.1 Alderman Sands - Notice of Motion - Recognition of National Highway Network...(Cont'd)**

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*Bass Labor MHR Geoff Lyons is lobbying his federal counterparts for \$38.8 million over three years to fit out a ship to travel once a week between Bell Bay and Brisbane ports, carrying Tasmanian freight and Australian maritime trainees. The training-trading ship would have up to 100 trainees aboard at any one time, and room for 600 containers that can transfer in Brisbane on to seven international shipping lines heading to north and east Asia. On the basis that ship docked twice per month and moved 1200 containers per month this would equate to approximately 4% of the monthly shipping volume for Tasmania or 32% of the current shipping container volume from Bell Bay.*

*Bell Bay Aluminium recently announced a new "multipurpose" freight service to Asia with Singapore-based Swire Shipping. The new Swire service won't be enough to plug all the holes in the state's freight needs, but it is understood that the monthly service from Bell Bay that will carry up to 300 containers which equates to 1% of the shipping volume Tasmania or 8% of the current shipping container volume from Bell Bay.*

**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.

  
**Robert Dobrzynski: General Manager**

**ATTACHMENTS:**

1. Notice of Motion - Alderman Sands
-

## LAUNCESTON CITY COUNCIL

### MEMORANDUM

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FILE NO: SF5547 :  
TS  
DATE: 4 March 2013

TO: Robert Dobrzynski                      General Manager  
Cc        Committee Clerks

FROM: Ted Sands                              Alderman

**SUBJECT: Notice of Motion - Recognition of National Highway Network**

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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 Monday, 25 March 2013.

#### **Motion**

The Launceston City Council support Andrew Wilkie MHR motion that the House acknowledge that Bass Strait should be part of the National Highway network.

And secondly that Launceston City Council encourages all Tasmanian Councils to support the motion that will be before the House of Representatives.

#### **Background**

The distinct disadvantage of high freight costs from this State must be considered by the Federal Government to allow comparable costs both to and from the State for freight, passenger vehicles and people

#### **Attachments**

Nil



**Alderman Ted Sands**

**13.2 Alderman Norton - Notice of Motion - Mowbray Connector/Northern Outlet****FILE NO:** SF5547 / SF5619 / SF1390**AUTHOR:** Alderman Norton**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To consider a Notice of Motion from Alderman Norton in regards to the Mowbray Connector/Northern Outlet

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**NOTICE OF MOTION:**

That the Launceston City Council makes urgent representations to the Premier, Minister for Transport and Department of Infrastructure, Energy and Resources demanding that immediate steps be taken to address the fatal traffic safety design flaws at the Mowbray Connector on the Northern Outlet.

---

**REPORT:**

Alderman Norton will speak to the Notice of Motion.

**Background as provided by Alderman Norton:**

The Mowbray Connector on the Northern Outlet is currently an unacceptably dangerous blight on the traffic safety of Launceston.

The design of the intersection is a clear consequence of cost cutting being regarded as a higher priority than the generally accepted traffic management safety principles of design.

The Mowbray Connector experiences high volumes of multi lane traffic, particularly during peak periods. The area also experiences fog and other adverse weather conditions during winter.

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**13.2 Alderman Norton - Notice of Motion - Mowbray Connector/Northern Outlet...(Cont'd)**

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In this high accident risk volatile environment, motorists travelling north along Goderich Street, and seeking to turn right into Mowbray Connector are forced to queue in a moderately sized turning lane and then traverse two lanes of approaching traffic through an unprotected intersection.

It is inconceivable that in light of the traffic volumes, traffic speed, multi lane nature of East Tamar Highway traffic approaching travelling south, and regular adverse weather events of fog, rain and ice, that this unprotected intersection is deemed to be safe or meet Australian Standards for traffic management.

The Council has raised this matter previously on a number of occasions.

It will be a desperate circumstance if tragic fatal consequences result due to the State Government's continuing inaction to connect and appropriately regulate this intersection.

*Officer Comments - Harry Galea (Director Infrastructure Services)*

*The concerns expressed in the Notice of Motion have been raised with the Department of Infrastructure, Energy & Resources (DIER) in recent times. The Department (at Council's 7 March 2011 SPPC meeting) had indicated that options include:*

- *Short term warning signs (intelligent system)*
- *Roundabout would create another problem rather than overall solution*
- *Look at turning lane and merging lane lengths (particular concerns where turning lanes overflow back into the high speed lanes)*

*An analysis of the traffic accident statistics indicates that for the five year period between January 2008 and March 2013 that:*

- *Number of property damage accidents are 13*
- *Number of injury accidents are 6*

*The traffic volumes for East Tamar Highway and Mowbray Connector are 20,000 and 10,000 respectively.*

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**13.2 Alderman Norton - Notice of Motion - Mowbray Connector/Northern Outlet...(Cont'd)**

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**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.

  
**Robert Dobrzynski: General Manager**

**ATTACHMENTS:**

1. Notice of Motion - Alderman Norton
-

## LAUNCESTON CITY COUNCIL

### MEMORANDUM

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FILE NO: SF5547 : SF5619 : SF1390  
IN  
DATE: 7 March 2013

TO: Robert Dobrzynski                      General Manager  
Cc                      Committee Clerks

FROM: Ian Norton                              Alderman

**SUBJECT: Notice of Motion - Mowbray Connector/Northern Outlet**

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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 Monday 25 March 2013.

#### **Motion**

That the Launceston City Council makes urgent representations to the Premier, Minister for Transport and Department of Infrastructure, Energy and Resources demanding that immediate steps be taken to address the fatal traffic safety design flaws at the Mowbray Connector on the Northern Outlet.

#### **Background**

The Mowbray Connector on the Northern Outlet is currently an unacceptably dangerous blight on the traffic safety of Launceston.

The design of the intersection is a clear consequence of cost cutting being regarded as a higher priority than the generally accepted traffic management safety principles of design.

The Mowbray Connector experiences high volumes of multi lane traffic, particularly during peak periods. The area also experiences fog and other adverse weather conditions during winter.

In this high accident risk volatile environment, motorists travelling north along Goderich Street, and seeking to turn right into Mowbray Connector are forced to queue in a moderately sized turning lane and then traverse two lanes of approaching traffic through an unprotected intersection.

It is inconceivable that in light of the traffic volumes, traffic speed, multi lane nature of East Tamar Highway traffic approaching travelling south, and regular adverse weather events of fog, rain and ice, that this unprotected intersection is deemed to be safe or meet Australian Standards for traffic management.

The Council has raised this matter previously on a number of occasions.

## LAUNCESTON CITY COUNCIL

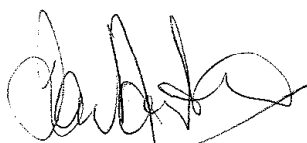
### MEMORANDUM

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It will be a desperate circumstance if tragic fatal consequences result due to the State Government's continuing inaction to connect and appropriately regulate this intersection.

#### Attachments

Nil



Alderman Ian Norton

**13.3 Alderman Norton - Notice of Motion - School Zone Speed Signage around Launceston College****FILE NO:** SF5547 / SF2345**AUTHOR:** Alderman Norton**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To consider a Notice of Motion from Alderman Norton regarding speed signage around Launceston College.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

N/A

**NOTICE OF MOTION:**

The Launceston City Council writes to DIER requesting that in line with its policy of making school zones 40km areas during specific times correlating with school commencement and conclusion that it includes the Launceston College precinct along Paterson St from Margaret St to Wellington St, along Brisbane Street from Margaret Street to Wellington St and along Margaret Street from Paterson Street to York Street.

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**REPORT:**

Alderman Ball will speak to this Notice of Motion.

**Background as provided by Alderman Ball:**

The Launceston College precinct as outlined above is one of the busiest school areas in the state. The College is the closest school to any CBD in Australia. The precinct also has polytechnic students in it meaning that at any given time over 2000 students aged 15 and above are moving in this area, crossing the road etc.

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### **13.3 Alderman Norton - Notice of Motion - School Zone Speed Signage around Launceston College...(Cont'd)**

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The streets outlined above are extremely busy ones – the Brisbane Street area picks up all of the traffic off the West Tamar Highway including heavy vehicles, buses and passenger/commercial vehicles. This area is one of the busiest in the city at times correlating with start and finish times of the college. Similarly the Paterson St traffic comes in from Trevallyn and is heavy at the times outlined above. Margaret St is also home of Sacred Heart Primary school meaning there are hundreds of young children in the area as well.

When I have asked questions about this issue at council previously and we have received correspondence from DIER on it, it has been pointed out that the reason the area isn't designated 40km like other schools is the age of the students. This is flawed logic on DIER's behalf- Year 11 students can be 15 or 16 years old-indeed many are 16 on commencement of the school year- the same age as high school students. Further to this a number of primary and high school students actually catch buses or alight from buses in this precinct- a simple visual examination of the hundreds of students catching buses or crossing the road on the Brisbane Street side and Margaret St area for example at the start and finish of the school day would show this to be the case.

The area in question is not huge but reducing speed will greatly reduce the risk to students. It would not create excessive delays but would slow the traffic down in the immediate vicinity of the school and ensure safer speeds should a mishap occur.

*Officer Comments - Harry Galea (Director Infrastructure Services)*

*The Department of Infrastructure Energy & Resources (DIER) policy has been to approve the installation of 40 kph speed zones along the main frontage of primary schools and secondary schools operative around the schools' morning start and evening finish times. Also DIER have reinforced the speed signage by installation of electronically controlled LED signage at all primary schools and vulnerable secondary schools. Approval of 40 kph speed zones are not applied to colleges, TAFE institutes or tertiary establishments. I understand the argument is that such students are not within the vulnerable age class and considered responsible for decision making and further that it is problematic to identify a definite start or finish time period.*

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**13.3 Alderman Norton - Notice of Motion - School Zone Speed Signage around Launceston College...(Cont'd)**

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**STRATEGIC DOCUMENT REFERENCE:**

N/A

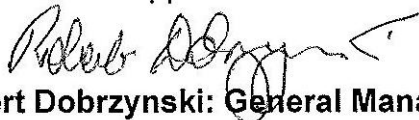
**BUDGET & FINANCIAL ASPECTS:**

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.



**Robert Dobrzynski: General Manager**

**ATTACHMENTS:**

1. Notice of Motion - Alderman Norton
-

## LAUNCESTON CITY COUNCIL

### MEMORANDUM

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FILE NO: SF5547 : SF2345  
IN  
DATE: 15 March 2013

**TO:** Robert Dobrzynski                      General Manager  
**Cc**        Committee Clerks

**FROM:** Ian Norton                              Alderman

**SUBJECT:**    **Notice of Motion - School Zone Speed Signage around  
Launceston College**

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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 Monday 25 March 2013.

#### **Motion**

The Launceston City Council writes to DIER requesting that in line with its policy of making school zones 40km areas during specific times correlating with school commencement and conclusion that it includes the Launceston College precinct along Paterson St from Margaret St to Wellington St, along Brisbane Street from Margaret Street to Wellington St and along Margaret Street from Paterson Street to York Street.

#### **Background**

The Launceston College precinct as outlined above is one of the busiest school areas in the state. The College is the closest school to any CBD in Australia. The precinct also has polytechnic students in it meaning that at any given time over 2000 students aged 15 and above are moving in this area, crossing the road etc.

The streets outlined above are extremely busy ones – the Brisbane Street area picks up all of the traffic off the West Tamar Highway including heavy vehicles, buses and passenger/ commercial vehicles. This area is one of the busiest in the city at times correlating with start and finish times of the college. Similarly the Paterson St traffic comes in from Trevallyn and is heavy at the times outlined above. Margaret St is also home of Sacred Heart Primary school meaning there are hundreds of young children in the area as well.

When I have asked questions about this issue at council previously and we have received correspondence from DIER on it, it has been pointed out that the reason the area isn't designated 40km like other schools is the age of the students. This is flawed logic on DIER's behalf- Year 11 students can be 15 or 16 years old-indeed many are 16 on commencement of the school year- the same age as high school students. Further to this a number of primary and high school students actually catch buses or alight from buses in this precinct- a simple visual examination of the

## LAUNCESTON CITY COUNCIL

### MEMORANDUM

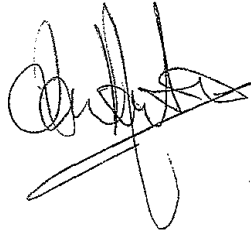
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hundreds of students catching buses or crossing the road on the Brisbane Street side and Margaret St area for example at the start and finish of the school day would show this to be the case.

The area in question is not huge but reducing speed will greatly reduce the risk to students. It would not create excessive delays but would slow the traffic down in the immediate vicinity of the school and ensure safer speeds should a mishap occur.

### Attachments

Nil

A handwritten signature in black ink, appearing to read 'Ian Norton', with a long horizontal stroke extending to the right.

**Alderman Ian Norton**

**13.4 Alderman Ball - Notice of Motion - Launceston - Tasmania's first Child Friendly City?****FILE NO:** SF5547 / SF2916 / SF0135 / SF3804**AUTHOR:** Alderman Ball**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To consider a Notice of Motion from Alderman Ball regarding Launceston becoming the first Child Friendly City in Tasmania through achieving Child Friendly City status.

**PREVIOUS COUNCIL CONSIDERATION:**

Item 4.1 - Strategic Planning and Policy Committee - 4 March 2013 - *Received a Deputation from Anglicare Tasmania Inc. on the Child Friendly Cities Concept.*

**NOTICE OF MOTION:**

That Council;

1. Gives in-principle support to Launceston becoming the first Child Friendly City in Tasmania through achieving Child Friendly City status as recognised by UNICEF.
  2. Identifies and works with key partners to convene a Child Friendly City Working Group to develop a strategic pathway to achieving Child Friendly City status and identify the resources and organisational commitment necessary from all stakeholders to successfully embark on the process most likely to achieve this end.
  3. Provides sufficient resources in the 2013/14 budget to initiate the above process.
- 

**REPORT:**

Alderman Ball will speak to this Notice of Motion.

**Background as provided by Alderman Ball:**

This Motion comes to Council in response to a presentation to Aldermen by representatives of Anglicare proposing that Launceston works towards becoming Tasmania's first Child Friendly City.

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## **13.4 Alderman Ball - Notice of Motion - Launceston - Tasmania's first Child Friendly City?...(Cont'd)**

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According to the UNICEF website a Child Friendly City is defined as follows;

*A child friendly city is the embodiment of the Convention on the Rights of the Child at the local level, which in practice means that children's rights are reflected in policies, laws, programmes and budgets.*

*In a child friendly city, children are active agents; their voices and opinions are taken into consideration and influence decision making processes.*

Please find attached a document outlining what might be involved with Launceston becoming a Child Friendly City.

Launceston has recently been recognised as the most Family Friendly City in Australia and this initiative would see our reputation further enhanced by demonstrating our commitment to the children of our city; recognising and including their voices in the discussions we have as a community and ensuring that their status and wellbeing is mapped and evaluated so that we can measure how our children are faring and set ourselves the task of improving their lives where-ever we can.

This is not something that Launceston City Council will do on our own; we are the facilitators and supporters for gaining Child Friendly City accreditation however there are many other organisations out there keen to start this process with us.

I contacted Anglicare to find out what support and/or partnership opportunities are out there for the initiative and they responded with the following information;

- a) The draft Children and Families Accord document supported in principle by 40+ separate organisations/different levels of government that were involved in the 2 year consultation and development process.
  - b) Anglicare's Child Friendly Cities Conference held at UTAS in October 2012 generated a great deal of interest, including 120 representatives who workshopped 'How can Launceston become Tasmania's first Child Friendly City?'
  - c) The Launceston to George Town Communities for Children Council fully supports progressing the concept. The Council consists of 18 external members representing a diverse section of the local community.
  - d) Representative groups such as the Northern Early Years Group have been very enthusiastic in their support of the project and have asked how they can be involved.
-

## **13.4 Alderman Ball - Notice of Motion - Launceston - Tasmania's first Child Friendly City?...(Cont'd)**

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- e) The Communities for Children program currently funds 12 Community Partners who all work with Children 0-12 years and families in the Launceston to George Town area.

This motion seeks to start the journey for our city to achieve Child Friendly City status.

It would be envisaged that a final report would come back to Council outlining the strategic pathway to achieving the above and an estimate of the resources needed to do it so that Council could make a final determination on the matter; however it is important that we start the journey.

It is clear from the above points forwarded by Anglicare that there is widespread support and there are partnership opportunities available for this initiative and by Council giving in-principle support and convening the Child Friendly City working group we can begin the journey of becoming Tasmania's first Child Friendly City.

The more support, empowerment, confidence and opportunity we give our children, the more they are prepared to be engaged in their family and community and lead the Launceston of tomorrow.

*Officer Comments - Leanne Hurst (Manager Community Tourism & Events)*

*The pursuit of status as a Family Friendly city is listed as an action item within the Launceston Community Plan (2010), Preferred Future 2.8 - Coordinate service provision for families. The Department of Health and Human Services is listed as the lead agency, with the Council, community service providers and the Northern Early Years Group as partners. The motion refers more specifically to 'Child Friendly' status, as recognised by UNICEF. The minor difference in terminology is not necessarily significant except that the Council has recently made a decision related specifically to Launceston's current status as the most Family Friendly city, as announced by Suncorp. Considerable resources have and will be put into maximising the exposure created by this announcement, supported by the already considerable work that is done in the area of children and families.*

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**13.4 Alderman Ball - Notice of Motion - Launceston - Tasmania's first Child Friendly City?...(Cont'd)**

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*The recommendations within this motion refer to a more robust process of accreditation, in accordance with guidelines as set by UNICEF. This will require either additional resources, or a reduction in the activities already undertaken by the Community Development team, in order to achieve the outcome that is sought. The Community Development team within the Community, Tourism and Events Department is currently resourced with the following officers: Youth and Community Officer, Community Safety Officer (part-time), Sustainability Officer, Grants and Sponsorship Officer, and the Administrative and Community Projects Officer (part-time) who is responsible for children and families, disability access, and provides assistance to the Manager for other projects such as the Positive Ageing Strategy, Harmony Day, as well as managing the awards programs for Volunteer Week and Children's Week.*

*Activity currently undertaken in the area of children's services includes: the running of the Music in the Park series in summer, participation on the Communities for Children Council, coordination of promotion for Children's Week, coordinating the Children's Week Awards, assisting with the Children's Expo, facilitating complimentary activities for children as part of the Junction Arts Festival, administration of the Children's Week Facebook page, and coordination of a schools project to coincide with Harmony Day annually. The Administrative and Community Projects Officer also sits on a working group identifying the most appropriate means to centralise key information about services for families, and is currently developing a guide for free and low cost things for families to do in Launceston which will be published within the next few months.*

*If the Council agrees in principle to pursue accreditation as a UNICEF-endorsed Child Friendly City, there is merit in taking a lead role in the process. Whilst the project has been championed by the Communities for Children Council, that group is limited by the reach of its brief, which takes in the northern suburbs of Launceston only, as well as the East Tamar and George Town. The Communities for Children Council and its members and networks, as well as the Northern Early Years Group, would be key stakeholders. However, if the Council were to take the lead role then, as already indicated, there would need to be additional resources allocated, or other existing programs would need to be cut. There is every likelihood that the Council's agreement in principle to support the aspiration of pursuing accreditation as a Child Friendly City would create an expectation that the project will proceed, and that the Council will drive the process. On this assumption it is anticipated that this would become a medium to long-term project, extending well beyond the convening of the working group and preparation of a report back to Council. The process of implementing the strategy, gaining accreditation and ongoing reporting would require considerable commitment of officer time which, even if a shared responsibility, must be overseen centrally and resourced accordingly.*

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**13.4 Alderman Ball - Notice of Motion - Launceston - Tasmania's first Child Friendly City?...(Cont'd)**

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**STRATEGIC DOCUMENT REFERENCE:**

Launceston Community Plan (2010), Preferred Future 2.8: Action (to be addressed in three to five years) - Facilitate the establishment of Launceston as an accredited Family Friendly City.


**BUDGET & FINANCIAL ASPECTS:**

A request has been made for an allocation of \$10,000 towards Family Friendly activity in 2013/14. However, a commitment to convene and coordinate the process of gaining UNICEF accreditation as a Child Friendly City will require either additional officer resources, or the cessation of some existing programs within the Community, Tourism and Events department.

**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 - Alderman Ball
  2. Communities for Children - How can Launceston become a Child Friendly City?
  3. Making Bendigo a Child Friendly City
-

## LAUNCESTON CITY COUNCIL

### MEMORANDUM

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FILE NO: SF5547 :  
JB

DATE: 15 March 2013

TO: Robert Dobrzynski General Manager

Cc Committee Clerks

FROM: Jeremy Ball Alderman

SUBJECT: **Notice of Motion - Launceston – Tasmania’s first Child Friendly City?**

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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 Monday 25 March 2013.

#### **Motion**

1. Gives in-principle support to Launceston becoming the first Child Friendly City in Tasmania through achieving Child Friendly City status as recognised by UNICEF.
2. Identifies and works with key partners to convene a Child Friendly City Working Group to develop a strategic pathway to achieving Child Friendly City status and identify the resources and organisational commitment necessary from all stakeholders to successfully embark on the process most likely to achieve this end.
3. Provides sufficient resources in the 2013/14 budget to initiate the above process.

#### **Background**

This Motion comes to Council in response to a presentation to Aldermen by representatives of Anglicare proposing that Launceston works towards becoming Tasmania’s first Child Friendly City.

According to the UNICEF website a Child Friendly City is defined as follows;

*A child friendly city is the embodiment of the Convention on the Rights of the Child at the local level, which in practice means that children’s rights are reflected in policies, laws, programmes and budgets.*

*In a child friendly city, children are active agents; their voices and opinions are taken into consideration and influence decision making processes.*

Please find attached a document outlining what might be involved with Launceston becoming a Child Friendly City.

Launceston has recently been recognised as the most Family Friendly City in Australia and this initiative would see our reputation further enhanced by demonstrating our commitment to the children of our city; recognising and including their voices in the discussions we have as

## LAUNCESTON CITY COUNCIL

### MEMORANDUM

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a community and ensuring that their status and wellbeing is mapped and evaluated so that we can measure how our children are faring and set ourselves the task of improving their lives where-ever we can.

This is not something that Launceston City Council will do on our own; we are the facilitators and supporters for gaining Child Friendly City accreditation however there are many other organisations out there keen to start this process with us.

I contacted Anglicare to find out what support and/or partnership opportunities are out there for the initiative and they responded with the following information;

- a) The draft Children and Families Accord document supported in principle by 40+ separate organisations/different levels of government that were involved in the 2 year consultation and development process.
- b) Anglicare's Child Friendly Cities Conference held at UTAS in October 2012 generated a great deal of interest, including 120 representatives who workshopped 'How can Launceston become Tasmania's first Child Friendly City?'
- c) The Launceston to George Town Communities for Children Council fully supports progressing the concept. The Council consists of 18 external members representing a diverse section of the local community.
- d) Representative groups such as the Northern Early Years Group have been very enthusiastic in their support of the project and have asked how they can be involved.
- e) The Communities for Children program currently funds 12 Community Partners who all work with Children 0-12 years and families in the Launceston to George Town area.

This motion seeks to start the journey for our city to achieve Child Friendly City status.

It would be envisaged that a final report would come back to Council outlining the strategic pathway to achieving the above and an estimate of the resources needed to do it so that Council could make a final determination on the matter; however it is important that we start the journey.

It is clear from the above points forwarded by Anglicare that there is widespread support and there are partnership opportunities available for this initiative and by Council giving in-principle support and convening the Child Friendly City working group we can begin the journey of becoming Tasmania's first Child Friendly City.

The more support, empowerment, confidence and opportunity we give our children, the more they are prepared to be engaged in their family and community and lead the Launceston of tomorrow.

## LAUNCESTON CITY COUNCIL

### MEMORANDUM

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#### Attachments

Towards Launceston Becoming a Child Friendly City.

A handwritten signature in black ink, appearing to be 'J Ball', written in a cursive style.

**Alderman Jeremy Ball**

## How Can Launceston Become A Child Friendly City?



Presentation to Launceston City Council's SPPC

4 March 2013

Anglicare Tasmania - Paul Mallett, Ruth Chalk & Lisa Mies

### **What is A Child Friendly City?**

- A child friendly city is the embodiment of the Convention on the Rights of the Child at the local level, which in practice means that children's rights are reflected in policies, laws, programmes and budgets.
- In a child friendly city, children are active agents; their voices and opinions are taken into consideration and influence decision making processes.

### **Child Friendly Cities Vision**

- Children are equal citizens with the same rights as adults
- Children are asked their ideas and opinions
- Children ideas and opinions are seriously considered by adults
- Children feel safe in their community
- Adults care for the environment for children now and in the future

### **The Child Friendly City Framework for Action outlines 9 Building Blocks for a Child Friendly City:**

1. Ensure children's participation
2. Have a child friendly legal framework
3. Develop a city-wide children's rights strategy
4. Create a children's rights unit or have a coordinating mechanism
5. Ensure a child impact assessment and evaluation
6. Have an appropriate children's budget
7. Ensure a regular state of the city's children report

8. Make children's rights known among adults and children
9. Support independent advocacy for children

### **City of Greater Bendigo's Experience**

Bendigo is the first city in Australia to be recognised as a Child Friendly City by the United Nations International Children's Emergency Fund (UNICEF) in 2007.

- Community Awareness
- Child Friendly City Leadership Group
- Consultation with children
- State of Bendigo Children's Report
- Children's web page
- Research partnerships
- Sticker program – Child Friendly Business

### **The State of Bendigo's Children Report**

- The development of this report helped to strengthen Bendigo commitment to being Australia's first officially recognised Child Friendly City:  
*Building Block 7- A regular State of the city's Children Report: insuring sufficient monitoring and data collection on the state of children and their rights.*
- The report provided local data on 20 or so indicators and makes comparison with state wide data as a measure of how we are performing against State averages.
- The report is an initiative of the Child Friendly City Leadership Group of which the City of Greater Bendigo is the auspice. The group is comprised of executive representation from lead agencies across Greater Bendigo who support children and young people.

**Background on the Communities for Children (CfC) Program  
(Launceston-George Town)**

- CfC targets the most vulnerable and disadvantaged children 0 – 12 years and families in Launceston's Northern Suburbs to George Town.
- CfC aims to engage families who are not well connected with services, offering them opportunities to participate in community life, and support and assistance in their parenting role in ways that are sensitive and appropriate to their needs, circumstances and wishes.
- Established in 2004; funded by Australian Government under the Family Support Program.
- Launceston City Council has a long-term relationship with CfC Program since its inception, including through the CfC Advisory Council (Community Development reps Tess & Leanne), Children's Expo (sponsorship, promoting Council's Community Development initiatives, Mayor & Alderman Ball -MC role), Children and Families Accord consultation, and attendance at our Child Friendly Cities conference in Launceston, Oct 2012.

**Communities for Children Priority Areas**

1. Healthy Young Families and Learning and Care
2. Supporting Families and Parents
3. Child Friendly Communities and Reducing Disadvantage through Social Inclusion
4. Family and Children's Services Working Effectively as a System

**CfC Council Membership 2013**

- Joyce Langmaid  
*Non-government (Adult) Service Provider representative, Mission Australia*
- Denise Delphin  
*Non-government Service Provider (Adult) representative, Manager, Northern Suburbs Community Centre*
- Cathy Hurst  
*Non-government (Family Support) Service Provider representative, Bapcare*
- Simon Reeve  
*Non-government (Family Support) Service Provider representative, Relationships Australia*
- Elizabeth Daly  
*Non-government (Children) Service provider representative, Northern Early Years Group*
- Theresa Sutczak  
*Local Government representative, Launceston City Council (Proxy: Leanne Hurst)*
- Cr Tim Cory  
*Local Government representative, George Town Council*
- Debbie Smith  
*Non-government (Children) Service provider representative, Playgroup Tasmania*
- Lou Clark (TBC)  
*Business representative, Rio Tinto*
- Janine Healey  
*Business representative, Ruddicks Accounting*
- Natalie Hay  
*School representative, Education Department, Ravenswood Child & Family Centre*
- Rebecca Hope  
*Parent representative*
- Anthony Healey  
*School representative, St Finn Barr's Primary School*
- Chrissy Diedrichs  
*Parent representative*
- Mike Willie  
*State Government, Department of Health & Human Services (DHHS)*
- Steve MacKenzie  
*State Government, Disability, Child, Youth and Family Services (Child & Family)*
- Esme Murphy  
*Australian Government, (DEEWR) State office*
- Claire Bryant  
*Australian Government, departmental/service delivery (Centrelink)*
- Andrew Etherington  
*Australian Government, Families Section, FaHCSIA*
- Anglicare Communities for Children team – Ruth Chalk, Lisa Mies, Diane Martin



## Making Bendigo a child friendly city: a set of indicators of child and young people's well-being to galvanise action

Authors: Jeanette Pope, Department of Planning and Community Development, Melbourne & Leah Galvin, St Luke's Anglicare, Bendigo

**Words (excluding references): 1713**

In 2007, the city of Bendigo in central Victoria was the first city in Australia to be granted Child Friendly City status by UNICEF (UNICEF 2011). Two years later, St Luke's Anglicare established a Bendigo Child Friendly City Leadership Group to coordinate effort across the Local Government, the community sector, State Government departments, business and other critical stakeholders working with children and young people. One of the Leadership Group's most significant achievements to date has been establishing a set of indicators to galvanise action, support strategic planning and monitor progress (UNICEF 2011). This article outlines the process undertaken to produce the indicator set, released as *The State of Bendigo's Children Report* (Pope & Nolan 2011), as a lesson for others who may wish to replicate it.

### **A strong authorising environment and networks that bring in capacity**

The Bendigo Child Friendly City Leadership Group provides a forum for organisations involved in improving the wellbeing of children and young people to discuss ideas for implementing the nine UNICEF principles for a Child Friendly City (UNICEF 2011). It recognises that impacting on the wellbeing of children and young people is complex and will require the combined efforts of government, the non-government sector, business and the community itself. One of the Leadership Group's first decisions was to implement the UNICEF principle that a Child Friendly City should produce a regular report to monitor the wellbeing of its children and young people (UNICEF 2011).

In 2010 the desire to create an indicator set was raised at a workshop run by the State Government Department of Education and Early Childhood Development (DEECD) to review Bendigo's Australian Early Development Index (AEDI) results (a national measure of children's

development taken from all Australian children in their first year of school in 2009) (RCH 2011). A researcher (one of the authors) from the Department of Planning and Community Development (DPCD) attended the workshop and offered St Luke's Anglicare a week's volunteering leave to write an indicator framework. At the completion of the volunteering leave DEECD offered a small grant for a research assistant to be supervised to complete the data collection and for St Luke's Anglicare to publish the report.

#### **A community owned indicators framework**

Deciding what indicators to use is a critical decision for a community. Indicators highlight public policy issues and attention is drawn to issues with measures. If designed carefully indicators can become an effective and trusted public information source that can galvanise action and ensure policy is just (Innes 1994). If poorly designed, indicators risk being seen as a biased account of the issues communities face and ignored (Innes 1994). The first task of the indicator project was therefore to create an indicator framework that told the story about what was important to the community about its children and young people. Developing the framework began with a review of:

- the Leadership Group's strategic documents;
- a significant body of strategic and research work undertaken by the Local Government (City of Greater Bendigo) as part of its earlier child friendly commitment;
- State, Federal and international indicator frameworks; and
- the notes from the AEDI workshop.

During the review the developing framework was iterated with key stakeholders in interviews.

The resulting framework is a statement that acknowledges that the wellbeing of children is dependent on the wellbeing of families (and vice versa) and that family wellbeing is in turn dependent on the wellbeing of communities (and vice versa). The framework statement reads:

"In a child friendly city...

- **Children are ...** developing well; safe and secure; engaged learning and earning; happy and healthy; and active citizens;
- **Families are ...** providing a positive lifestyle; supported by child expertise; creating a positive learning environment, safe; modelling good citizenship; and

- **Communities have...** quality organisations, services and programs; capacity; quality infrastructure; broad networks; well planned, safe environments; community government and business working together; mechanisms for involving children's voices, and those working with children, in decision-making") (Pope & Nolan 2011).

The importance of writing the strategic story first – before looking at data – can not be overstated. It ensured the story was not driven purely by available data and that important policy issues did not slip off the agenda simply because there are no measures. This was important when the Leadership Group came to select eight priority issues for action from the indicators, as half were data gaps.

Once the framework was determined, data sources were reviewed for potential indicators in each topic area. To be included, indicators needed to come from a theoretically sound/accepted and technically accurate time series data collection that described a topic at the Local Government Area level as a minimum (Innes 1994).

The draft framework, populated with forty potential indicators, was presented to a workshop of around forty stakeholders from Local and State government, the community sector, schools and academia. The workshop examined whether:

- the framework included all topics important to the community; and
- the best indicators (including gaps) for each topic had been selected. To keep the story coherent, and focused on the issues of greatest importance, indicators were only allowed to be added if others were removed.

At the conclusion of the workshop there was a very high level of agreement on both the overall framework and the indicators to populate it. This process created a locally relevant strategic story and ensured data gaps were identified.

#### **The final report**

The report was designed to compare each indicator for Bendigo to the state average using a simple traffic light graphic (green meaning Bendigo was doing better than the state average, orange same, red worse). Time trends were included if they were available. Detail was also

given about when the next data would be available and how the community could find data for future reports. The report highlighted data gaps and noted if these would be filled by forthcoming data collections. The report also included summaries of one-off research projects in Bendigo that described aspects of children's wellbeing in more detail (such as research run by the City of Greater Bendigo into children's favourite places). Adding further research "case studies" in the future will build up a compendium of information about local children and young people's wellbeing over time.

It has been important that funds were provided by DEECD to produce a high quality report for the community. It has also been important that the work of the community has been publicly acknowledged by significant people outside of the community. This has included a foreword by the Director of the Centre for Community Child Health, Frank Oberklaid, and the report being launched by well known children's rights advocate Moira Rainer and the State Minister for Children and Early Childhood Development, the Hon Wendy Lovell MLC. These endorsements added a sense of priority and commitment to the child friendly agenda.

**Action resulting from the indicators: strategic planning and building support**

The indicators have since been used for strategic planning and to build support and interest in partnership work. The Leadership Group has selected eight indicators as priorities, of which four are data gaps. Selection was made considering local energy/interest, key stakeholders existing strategic plans and budgeting opportunities. Creating priorities allows communities to focus on issues for which there is passion and enthusiasm and prevents them becoming overwhelmed by the enormity of complex problems that may take considerable time and effort to address.

The Leadership Group presented the priority indicators to a workshop of its broader stakeholders to develop an action plan. Workshop participants were asked to reflect on how their work could positively impact the indicators and to specifically consider:

- How data gaps could be filled;
- The actions required to create improvements in the indicators; and
- Ways organisations could join up resources to progress action in these areas.

The Leadership Group has also agreed to take every opportunity to speak on the group's priorities and a *Communications and Community Engagement Strategy* is currently being written that includes explicit opportunities to raise awareness of the report to strengthen community ownership of Child Friendly City activities.

#### **Conclusion**

The Bendigo Child Friendly City Leadership Group has created a high quality indicator report, *The State of Bendigo's Children* (Pope & Nolan 2011), that provides a snap shot of the wellbeing of children and young people living in Bendigo. The indicators populate an ecological framework that sees the wellbeing of children, their families and the community as interrelated.

The creation of the indicators report has involved engagement of a wide range of local stakeholders. This has had the dual benefit of building local interest in, and ownership of, the Child Friendly Cities agenda and grounding its planned actions in the local policy and program environment. Stakeholders reported they enjoyed taking the time out from their regular work for a "big picture" strategic discussion about outcomes at the indicators workshops.

There were four reasons this project was a success. The first was the authorising environment and networks that initiated it. Bendigo had already built a network of individuals and organisations dedicated to this area of work. This meant there was a significant amount of community energy, support and assistance available when writing the report (particularly from the Local Government). Second, the Leadership Group used its broader networks to bring capacities and resources into the community that were not available locally. The relationship between the State government and the community in particular generated resources that made the project possible. Third, the engagement of a range of stakeholders throughout the project created a high quality report, fostered enthusiasm for the work and generated innovative ideas for future activities. Finally, the Leadership Group's networks have allowed local stakeholders to see interest in their work from a variety of influential people outside of the community, which has fostered continued motivation for the work.

Overall, this project has worked because it brought together the three types of knowledge that underpin effective community planning: technical information, local knowledge and strategic/political knowledge (Innes 1996; DPCD 2011). Few organisations hold all three (DPCD 2011). Professor Fiona Stanley has described this as the “know – do gap” and argues it is an important barrier to overcome to improve the wellbeing of children and young people (Bammer et al 2010). Impacting on the indicators will require this collaboration to continue.

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**DIRECTORATE AGENDA ITEMS****15 FACILITY MANAGEMENT AND GOVERNANCE SERVICES****15.1 Introduction of Health & Fitness Programs at Launceston Aquatic****FILE NO:** SF4201**AUTHOR:** Rod Sweetnam (Facility Management & Governance Services) and Melissa Carlton (Manager, Launceston Aquatic)**DIRECTOR:** Rod Sweetnam (Facility Management & Governance Services)

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**DECISION STATEMENT:**

To obtain approval for the introduction of health and fitness programs at Launceston Aquatic.

**PREVIOUS COUNCIL CONSIDERATION:****Item 14.1 - Council - 12 December 2011**

*It was resolved that Council develops an in-house managed dry programs area (including gymnasium) based on the financial model provided in the 'Aquatic Recreation Victoria' Operational Review and approves the commencement of the second stage of the implementation plan, including completion of detailed design and capital works scoping, with the proposal to come back to Council for approval prior to implementation.*

**Item - 15.1 - Council - 13 August 2012**

*It was resolved that the matter be deferred to allow further modelling by Council staff.*

29 October 2012

*Aldermen's briefing with Simply Great Leisure (SGL)*

**Item - 4.6 - SPP - 18 February 2013**

*Consultant's progress report on operational efficiencies and presentation on introduction of dry programs at Launceston Aquatic*

**RECOMMENDATION:**

1. That health and fitness facilities (including gymnasium facilities) be established at Launceston Aquatic to be owned and operated by Launceston City Council.
  2. That \$460,000 be allocated in the 2013/14 budget for the provision of capital works at Launceston Aquatic
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## **15.1 Introduction of Health & Fitness Programs at Launceston Aquatic...(Cont'd)**

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### **REPORT:**

Since opening in May 2009, more than 1,250,000 visits have been recorded at Launceston Aquatic. This is an average of 345,000 visits per year or 945 visits per day. For aquatic activities, the Centre's usage is greater than the industry benchmark for communities and centres of a similar size.

Consultants Simply Great Leisure (SGL), have identified that Launceston Aquatic also has a significant economic impact in the region. Including:

- The employment of 90 employees (equivalent of 30 full time employees);
- The purchasing of 1.5 million dollars' worth of goods and services annually; and
- The generation of over 2 million dollars revenue from fees and charges annually.

While usage of the aquatic facilities has been greater than projected, the annual operating subsidy for the Centre has exceeded initial budget expectations. An operational review was commissioned in 2011 and carried out by Aquatic Recreation Victoria (ARV). The purpose of the review was to establish the causes of the high operating subsidy and provide recommendations to reduce the subsidy.

The three major performance improvement recommendations from the review were to:

1. Expand the Learn-to-Swim Program.
2. Install cogeneration technology; and
3. Introduce health and fitness facilities and programs.

Since the tabling of the ARV Operational Review at Council, the Learn-to-Swim Program has expanded from 600 students in 2011 to 1250 students in 2013. Installation of the cogeneration has commenced and is expected to be operational in April 2013. So far, the combined effect of the implementation of the recommendations from the ARV review has resulted in a 7% reduction in the annual operating subsidy.

The decision to introduce health and fitness options was deferred to enable additional financial modelling to be completed.

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## 15.1 Introduction of Health & Fitness Programs at Launceston Aquatic...(Cont'd)

### Current usage

SGL have recently reviewed usage of Launceston Aquatic and found:

- The annual Launceston Aquatic visitations exceeded the aquatic entry visits forecasted in the 2006 SGL LCC Windmill Hill Business Plan (attachment 2).
- The health and fitness visits modelled in the 2006 SGL LCC Windmill Hill Business Plan (attachment 2) have not been achieved as dry land Health and Fitness programs have not been fully introduced.
- Without health and fitness facilities and programs, an additional **274,000 aquatic visits** would be needed to reach break-even point.
- During peak times, the centre is operating at capacity. Unless more water space is made available during peak times, attendance numbers are unlikely to increase

### Future business strategies.

To assist with the decision making process on additional ways to reduce the operational subsidy, SGL have identified 4 future business options and modelled the likely impact over a seven year period. The results of the modelling can be seen in the following table:

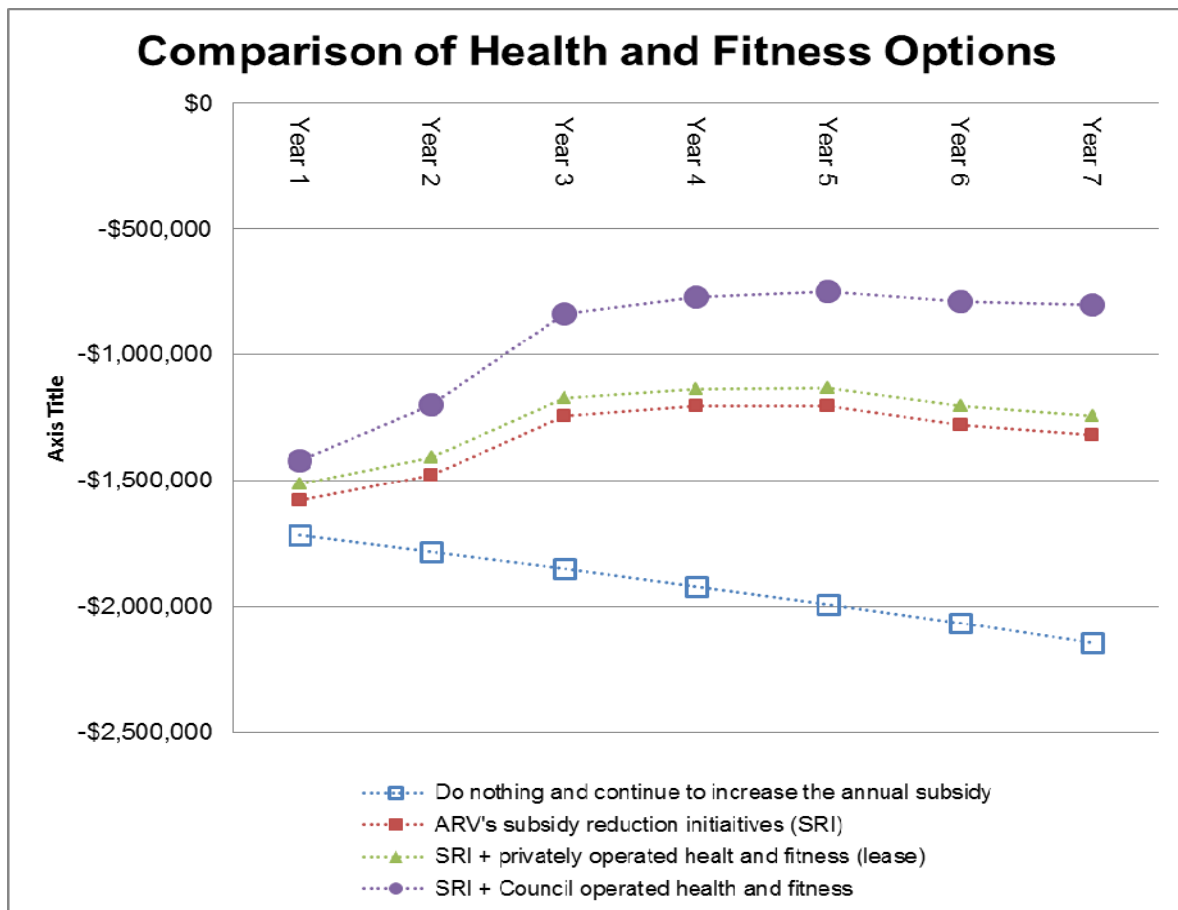
| Future business strategy options   | Combined 7 year operating subsidy | Savings over the 'Do Nothing' strategy |
|--|-----------------------------------|--|
| 1. Do nothing and continue to fund increasing subsidy  | <b>\$13.466M</b>                  | <b>NA</b>                              |
| 2. Subsidy reduction initiatives (SRI)*:   | <b>\$9.297M</b>                   | <b>\$4.169M</b>                        |
| 3. SRI + privately operated health and fitness facilities  | <b>\$8.806M</b>                   | <b>\$4.659M</b>                        |
| 4. SRI + Council operated health and fitness facilities  | <b>\$6.559M</b>                   | <b>\$6.907M</b>                        |
| *Subsidy reduction initiatives include expansion of the learn-to-swim program and installation of cogeneration |                                   |  |

In the 'future business and operational strategy' report, SGL has concluded that a council owned and managed health and fitness program will result in the best financial outcome for Launceston City Council.

15.1 Introduction of Health & Fitness Programs at Launceston Aquatic...(Cont'd)

Compared to the 'do nothing' strategy - the introduction of a Council owned and operated facility, combined with the ARV SRI recommendations, will result in an estimated saving in the operating subsidy of **\$6.907 million** after 7 years.

This is further highlighted in the year by year analysis of the different options as shown in the following graph.



**Aquatic centres and health and fitness industry research**

The pattern that has emerged since the 1990's is that health and fitness programs have been a key component of major aquatic leisure centres. The inclusion of health and fitness programs in aquatic centres has been proven to help reduce the high operating costs of swimming pools.

**15.1 Introduction of Health & Fitness Programs at Launceston Aquatic...(Cont'd)**

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In the 25 years that SGL has been operating, they have been involved in the planning and development of more than 100 aquatic centres. Launceston Aquatic is the only major aquatic centres that SGL has been involved with, that did not develop health and fitness facilities. The latest Tasmanian aquatic centre development, in Devonport, will include health and fitness facilities with floor space approximately equivalent to what is proposed at Launceston Aquatic.

As part of the 'future business and operational strategy', SGL has conducted a review of the existing market research. The key findings from the review include:

- Up to 30% of a community are likely to be interested in gym or health and fitness use and memberships. This equates to approximately 23,000 residents in the greater Launceston area.
- 15% - 17% of people surveyed in Launceston were members of a gym or regular users of a health and fitness facility (attachment 2 and 3). SGL estimate that there is a gap in the market of between 10 to 13%. This equates to between **2,300 to 3,000 additional people in the Launceston area who would be interested in health and fitness**
- 25% of participants in the community telephone / online survey indicated they would be very likely to use health and fitness facilities at Launceston Aquatic (attachment 2 and 3).
- 86% of existing Launceston Aquatic users, who participated in a survey, indicated they would be interested in participating in health and fitness programs (attachment 5).

SGL have also stated, in their experience, where Councils have invested in health and fitness facilities, it has stimulated the industry and has seen more commercial operators open up in these areas.

**Capital works required**

Capital works would be required to accommodate health and fitness programs at Launceston Aquatic. Details of the proposed works can be found in the SLG 'future business and operational strategy' report

Health and fitness works

The level 1 floor space was designed with the view that it would ultimately be used for Health and Fitness Programs. Some improvements will need to be made to increase floor space for group exercise and office accommodation for Health and Fitness employees (section 2 in attachment 1).

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## **15.1 Introduction of Health & Fitness Programs at Launceston Aquatic...(Cont'd)**

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### Reception area improvements

The introduction of Health and fitness programs is expected to add between an extra 120,000 and 150,000 visits per year. The addition of access control systems (such as barcode controlled turnstiles) and a members' self-serve kiosk will mean 50% of the entries to the Centre will not need to be checked in at the reception counter. The inclusion of more efficient entry access will eliminate the need to increase customer service staffing to cater for the additional customer visits.

### Management team relocation

Some members of the Launceston Aquatic management team are located in temporary office areas on level one. To maximise the floor space available for health and fitness programs and return on investment, these officers will be moved to the vacant appropriate space on the ground floor. This area will need redevelopment to ensure it meets the acceptable standard for office space. Details of the redevelopment can be found in the SGL 'future business and operational strategy' report (section 3 in attachment 1).

### **ECONOMIC IMPACT:**

Ultimately Launceston Aquatic will never reach full economic potential or substantially reduce the operating deficit without a Council owned and operated health and fitness facility in the dry areas. If the opportunity to implement health and fitness facilities is forgone the dry areas will remain underutilised and Launceston Aquatic will not realise full return on investment, instead remaining a significant and increasing recurrent cost to the Council and ratepayers.

### **ENVIRONMENTAL IMPACT:**

The installation of cogeneration will reduce the Centre's energy consumption and reduce the carbon footprint created by the operation of the Centre.

### **SOCIAL IMPACT:**

A Council run health and fitness facility can play a significant role in improving the health, wellbeing and quality of life of the community.

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**15.1 Introduction of Health & Fitness Programs at Launceston Aquatic...(Cont'd)**

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**STRATEGIC DOCUMENT REFERENCE:**

*Launceston City Council Strategic Plan:*

Priority Area 3: Social and Economic Environment

3.5 Effectively operate Launceston Aquatic to encourage healthy and active lifestyles.

**BUDGET & FINANCIAL ASPECTS:**

It is estimated that there will be a reduction in the operating subsidy of \$6.907M over 7 years if the recommendation is adopted.

**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. |
|---|

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| <br><b>Rod Sweetnam: Director Facility Management &amp; Governance Services</b> |
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**ATTACHMENTS:**

The following are distributed separately:

1. SGL Launceston Aquatic Future Business and Operational Strategy
  2. SGL LCC Windmill Hill Business Plan (2006)
  3. EMRS Telephone survey
  4. EMRS Online Survey
  5. Launceston Aquatic User Survey
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**15.2 Review of Emergency Management Act 2006****FILE NO:** SF3177 / SF0031 / SF2653**AUTHOR:** Bev Allen (Emergency Management Officer)**DIRECTOR:** Rod Sweetnam (Director Facility Management & Governance Services)

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**DECISION STATEMENT:**

To resolve recommendations so as to provide feedback on a review of the Emergency Management Act 2006

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

That in response to a request for recommendations to a review of the Emergency Management Act 2006, Council provide the following responses to the State Government and the Local Government Association of Tasmania.

1. The Emergency Management Act should include provisions for the Municipal Emergency Management Committees (MEMC)s to establish subcommittees. The majority of MEMCs already have subcommittees for example Recovery subcommittees. These committees should have the same cover/protection for decision making as MEMCs
  2. If the Act is to include provisions for the Premier to declare a 'Natural Disaster Area' the definition must be clear so as not to be confused with a declaration of a 'State of Emergency'. The provision should only be included if it doesn't limit access to relief funding and does not disadvantage individuals/councils or the State.
  3. Responsibility and liability provisions for Nearby Safer Places (NSP) and Community Fire Refuges (CFR) should be included in Tasmanian legislation. The most appropriate legislation is the Fire Services Act as these locations will only be used for bushfire. The Act should specify who is responsible for identifying reviewing and maintaining NSPs and CFRs, and liability for death and injury at these locations. This must be legislated to ensure that there is no ambiguity regarding responsibility. As with the NSW Rural Fires Amendment Act 2010 the CROWN should be liable and responsible for NSPs and CFRs in Tasmania.
  4. Currently Councils have responsibility for identifying and approving locations for Evacuation and Recovery Centres and this responsibility should remain as is.
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**15.2 Review of Emergency Management Act 2006...(Cont'd)**

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5. Councils should not have to directly bear the cost and responsibility for the establishment and maintenance of municipal volunteer SES units. The SES should be centrally funded and controlled by the State. Funding for SES services could be through an increase in the fire levy to be broaden so as to include the SES
- 

**REPORT:**

The State Emergency Management Committee (SEMC) has identified a review of the Emergency Management Act 2006 as an emergency management priority. The Minister has endorsed the review and provided a draft discussion paper to key stakeholders for comment (Attachment I). The purpose of the discussion paper is to highlight the main issues with the operation of the Act and identify future operational improvements.

The Chair of the review, Andrew Lea, requested LGAT to coordinate consultation with Local Government to provide a consolidated response.

On 14 February 2013 Council's Emergency Management Officer, Municipal Coordinator and Recovery Coordinator attended a regional workshop together with other regional Council representatives and a LGAT representative to provide feedback on the review. It is appropriate Launceston City Council should provide a response in its own right.

The extensive issues and suggestions are included in Attachment II (LGAT Comments - Northern Municipal Emergency Management Workshop).

The key recommendations pertinent to local government are as follows:

1. The Emergency Management Act should include provisions for the Municipal Emergency Management Committees (MEMC)s to establish subcommittees. The majority of MEMCs already have subcommittees for example Recovery subcommittees. These committees should have the same cover/protection for decision making as MEMCs.

Currently the Act provides for the State Emergency Management Committee to establish sub-committees, however does not provide the same power to Regional or Municipal Emergency Management Committees.

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**15.2 Review of Emergency Management Act 2006...(Cont'd)**

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2. If the Act is to include provisions for the Premier to declare a 'Natural Disaster Area' the definition must be clear so as not to be confused with a declaration of a 'State of Emergency'. The provision should only be included if it doesn't limit access to relief funding and does not disadvantage individuals/councils or the State.

Tasmanian Relief and Recovery (TRRA) arrangements have been developed in alignment with the Commonwealth's Natural Disaster Relief and Recovery Arrangements to provide a community recovery fund to support recovery grants and other associated grants to charitable/not-for-profit sector, small business and primary producers who have been significantly impacted by natural disaster events. TRRA also provides State Government funding support to affected individuals and to local government following significant natural disasters.

A key factor in determining eligibility, particularly for support to local government, is for the Premier to be satisfied that an area has been significantly impacted by a natural disaster event, i.e. that there has been a serious disruption to a community and that the affected Councils need additional support to recover. Operators of TRRA have at times questioned whether the policy could be strengthened with more formal declarations of affected areas deemed by the Premier to be eligible for relief/recovery funding under TRRA.

3. Responsibility and liability provisions for Nearby Safer Places (NSP) and Community Fire Refuges (CFR) should be included in Tasmanian legislation. The most appropriate legislation is the Fire Services Act as these locations will only be used for bushfire. The Act should specify who is responsible for identifying reviewing and maintaining NSPs and CFRs, and liability for death and injury at these locations. This must be legislated to ensure that there is no ambiguity regarding responsibility. As with the NSW Rural Fires Amendment Act 2010 the CROWN should be liable and responsible for NSPs and CFRs in Tasmania.

In response to the Victorian Bushfire Royal Commission and the position on '*Bushfires and Community Recovery*', the Tasmania Fire Service has identified and assessed places in Tasmania that are suitable for Community Bushfire Refuges and Nearby Safer Places. These places are now identified in local Tasmanian bushfire protection plans. As State agencies are the Response Management Authorities for emergencies in Tasmania it is appropriate that any responsibility attributed to Nearby Safer Places rest with the Crown. Council does not have the expertise to make assessments of these locations.

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**15.2 Review of Emergency Management Act 2006...(Cont'd)**

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4. Currently Councils have responsibility for identifying and approving locations for Evacuation and Recovery Centres and this responsibility should remain as is.

Council currently identifies, audits and lists its possible Evacuation and Recovery Centres in the Municipal Recovery Plan.

5. Councils should not have to bear the cost and responsibility for the establishment and maintenance of municipal volunteer SES units. The SES should be centrally funded and controlled by the State. Funding for SES services could be through increasing and broaden the fire levy to include the SES.

The level of support provided to SES by councils varies across the State, however the State-wide annual average in monetary terms is \$16,000 per council. As stated in the Review of the Emergency Management Act 2006. Discussion Paper For the 2012/13 financial year Launceston City Council's level of support is \$42,500.

A model of funding provided centrally by the State will ensure a consistent standard of service provided across the State as currently applies to Police, Fire and Ambulance services. It would appear to be an historic anomaly that local government is required to fund directly part of Tasmania Police's emergency response capability. Launceston City Council does not own and operate a volunteer unit, rather an agreed Memorandum of Understanding is in place with the Northern Regional SES for the provision of emergency response services to the Launceston Municipality.

**ECONOMIC IMPACT:**

Not relevant.

**ENVIRONMENTAL IMPACT:**

Not relevant.

**SOCIAL IMPACT:**

Consideration contained in report.

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**15.2 Review of Emergency Management Act 2006...(Cont'd)**

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**STRATEGIC DOCUMENT REFERENCE:**

Priority Area 5: Governance Services

5.3 Ensure effective communication with State and Australian Governments on matters of importance to the Launceston Community.

**BUDGET & FINANCIAL ASPECTS:**

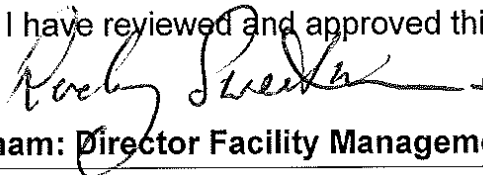
For the 2012 / 2013 financial year Council paid to State Emergency Services a fee of \$42,500 for the provision of emergency response services within the Launceston municipality.

Should the recommended changes be adopted by the State, Council would see a reduced funding cost.

**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.



**Rod Sweetnam: Director Facility Management and Governance Services**

**ATTACHMENTS:**

1. Review of the Emergency Management Act 2006, Discussion Paper, Version 1.1, 6 December 2012 (distributed separately)
  2. LGAT Comments - Northern Municipal Emergency Management Workshop
  3. Emergency Management Act 2006 (distributed separately)
-

Attachment 2 - LGAT Comments - Northern Municipal Emergency Management Workshop

| Reference                        | Comment/Issue  | Suggestion   |
|----------------------------------|--|--|
| Question 1 Discussion Paper (DP) | Should the Act make provision for SEMAG  | The inclusion of SEMAG within the Act would make no material difference to the operation of the group and therefore is seen as unnecessary.  |
| Question 2 DP                    | Should the definition of Emergency and Emergency Management be broadened to include security events and measures?  | The Emergency Management Act should remain focused on natural disasters. As the Act deals with volunteers it should not deal with security issues. Security issues should be dealt with under the Police Act.  |
| Question 3 DP                    | Should the Act include powers for REMCs and MEMCs to establish sub-committees for the purpose of assisting them in the performance and exercise of their functions and powers. | Yes the act should include provisions for the MEMCs to establish subcommittees. The majority of MEMCs already have subcommittees for example Recovery Subcommittees. These committees should have the same cover/protection for decision making as MEMCs.  |
| Question 4 DP                    | Should the Act specify any functions and powers for Executive Officers.  | The Act currently defines an Executive Officer and under section 21 (5) of the Act the Executive Officer of the MEMC is defined as the Municipal Co-ordinator. The Act then goes onto specify the functions and powers of the Municipal Coordinator. No further detail is required.  |
| Question 5 DP                    | Should the Act make provisions for a declaration of a 'Natural Disaster Area'  | If the Act is to include provisions for the Premier to declare a 'Natural Disaster Area' the definition must be clear so as not to be confused with a declaration of a State of Emergency. If the provision is to be included it should only be included if it doesn't limit access to relief funding and therefore does not disadvantage individuals/councils or the State. |

|                |  |   |
|----------------|--|---|
| Question 6 DP  | Should the Act allow for flexibility in the regularity of EM and Special EM plan reviews.              | The present arrangement is adequate and ensures that plans are current. However, the 2 year life of the plan should begin at the time of final sign off of the plan.  |
| Question 7 DP  | Community Refuges and Nearby Safer Places  | Responsibility and liability provisions for nearby safer places and refuges should be included in Tasmanian legislation. The most appropriate legislation is the Fire Services Act as these locations will only be used for bushfire. The Act should specify who is responsible for identifying nearby safer places and refuges, reviewing NSPs, maintaining NSPs, and liability for death and injury at NSP. This must be legislated to ensure that there is no ambiguity regarding responsibility. As with the NSW Rural Fires Amendment Act 2010 the <b>CROWN</b> must be liable and responsible for NSPs in Tasmania. |
| Question 8 DP  | Should similar provisions be included in the Act for evacuation and recovery centres?                  | Currently Councils have responsibility for identifying and approving locations for Evacuation and Recovery Centres and this responsibility should remain as is  |
| Question 10 DP | Are there recommendations arising from interstate inquiries that could lead to improvements in the Act | Caution should be placed on transposing recommendations from interstate inquiries into Tasmanian legislation and policy without thorough consultation and consideration of the consequences. The structures and governance of emergency response is often different from state to state and organisations capability and capacity to respond must be thoroughly understood.   |
| Question 11 DP | Should the Premier be given added discretion to  | The current scope of emergency powers is broad  |

|                |   |  |
|----------------|---|--|
|                | declare a state of emergency  | and does not seem to restrict the ability of the Premier in declaring a state of emergency. Therefore the current provisions seem adequate.  |
| Question 13 DP | Should the emergency power provisions be improved?  | The emergency powers seem to be adequate, however there may be instances where the state has been hesitant to use them.  |
| Question 14 DP | Should the emergency powers apply to Tasmanian property owners/operations who live interstate or overseas.  | Yes. Legal advice needs to be sought as to whether these powers can now be used on interstate and overseas people and if not how the legislation can be changed to enable this.      |
| Question 15 DP | Should the risk management powers apply to any person or organisations whether they cooperate or not.   | Why would the powers need to be used if the person is cooperating?   |
| Question 16 DP | Should the risk management powers apply to property owners or operators that live outside of Tasmania.  | Yes  |
| Question 17 DP | Should the Act provide workers compensation and other related provisions for emergency management workers from outside Tasmania who are assisting an authority's officer in Tasmania. Or should this rest with the supplying state. | This responsibility should rest with the supplying state. Any interstate or overseas travel associated with your work should be covered by your employer and home state legislation. |
| Question 18 DP | Should the Act clarify whether Tasmanian Emergency management workers performing their authorised emergency management work outside Tasmania are covered under the Tasmanian Workers Rehabilitation and Compensation Act.           | The Act doesn't need to be so prescriptive. All employees should be covered for work outside the state no matter what type of work they undertake.                                   |
| Question 19 DP | Should the act clarify  | Legal advice should be   |

|                      |   |   |
|----------------------|---|---|
|                      | whether Tasmanian emergency management workers performing their authorised emergency management work outside Tasmania have the same legal protection    | sought in relation to this.   |
| Question 20 DP       | Are there any other issues in relation to deployments by emergency management workers/volunteers into or out of Tasmania that could inform improvements | The interstate deployment protocols between agencies which have been in operation for a number of years seem to be adequate.  |
| Question 21 DP       | Should the act make provision for cost recovery from people who have negligently caused emergencies   | This seems to be out of context in relation to the intent of the Emergency Management Act which is focused on responding to emergencies. This should be addressed in other Acts as required.  |
| Question 22 DP       | If so should judgements of negligence and costs/damages be determined and by who?   | Court of Law.   |
| Question 23 DP       | Should cost recovery provisions apply to owners /operators of Tasmanian property who live outside Tasmania  | Yes if provisions were to be included in this or other Acts.  |
| Question 24 DP       | Should the Act specify that emergency response is one of the functions of SES   | Difficult to comment without a definition of emergency response.  |
| Question 25 DP       | Should the Director of SES be empowered to de-register SES volunteers   | Yes if the director can register then he/she should be able to de register  |
| Question 26 and 27DP | Should councils continue to be responsible for the establishment and maintenance of municipal volunteer SES units and how should it be funded           | Councils should no longer be responsible for the establishment and maintenance of municipal volunteer SES units. They should be centrally funded and controlled and state funded. Section 48 should be removed from the Act. Funding for SES volunteer should be through lifting the fire and rescue levy not |

|                   |  |  |
|-------------------|--|--|
| Question 28 DP    | Miscellaneous changes                  | <p>through Council budgets.</p> <ul style="list-style-type: none"> <li>a) No issues</li> <li>b) No issue</li> <li>c) Deputy municipal coordinators have no functions or powers therefore can not delegate these.</li> <li>d) No issues</li> </ul>                |
| Additional Issues | Operating between two Acts eg pandemic | <p>There has been some Ambiguity about which Act to operate under when responding to an emergency that are governed by two Acts eg Pandemic response. Which Act over rides the other? Not sure if it is an issue with the legislation or the interpretation.</p> |



## 15.3 Draft Launceston Flood Risk Management Bill

**FILE NO:** SF4668/SF0030

**AUTHOR:** Louise Foster (Manager Corporate Strategy)

**DIRECTOR:** Rod Sweetnam (Director Facility Management and Governance Services)

### DECISION STATEMENT:

To resolve a response to the State regarding the Draft Launceston Flood Risk Management Bill

### PREVIOUS COUNCIL CONSIDERATION:

18 July 2011 - the Strategic Planning and Policy Committee received a presentation from Brooke Craven (Manager - Policy Branch - PPG - Department of Primary Industries, Parks, Water and Environment) regarding the Draft Launceston Flood Management Bill.

### RECOMMENDATION:

That the Council make a submission in regard to the Draft Flood Risk Management Bill 2013 Version 24 in the following terms:

| Section  | Clause Description                          | Comment   |
|----------|---|---|
| Page 5   | Purpose of Bill                             | The purpose of the Bill is not only for the "Invermay area" but also the city side levees.  |
| S5(1)(d) | Powers and Functions of Authority generally | Inconsistent with Deed - Council's role is to coordinate the advice given to its residents/ratepayers.<br>Reword clause to require the Authority to provide information to Council regarding the risk of flooding in the flood prone area.                        |
| S10      | Winding up of Authority                     | An additional subsection is needed to state that should the Authority be wound up then Council assumes the roles and responsibilities as stated in the Act.<br>e.g if the Authority is wound up the rights and liabilities vest in the council which wound it up. |

## 15.3 Draft Launceston Flood Risk Management Bill...(Cont'd)

| Section | Clause Description  | Comment   |
|---------|---|---|
| S10(4)  | Emergency Management Act Minister approval required before winding up Authority | Delete as the Launceston Flood Authority has no emergency response function. This is consistent with the request to amend S5(1)(d).   |
| S20     | Appeals to RMPAT  | Delete s.20(2) as it gives greater benefits to the Launceston Flood Authority than any other entity and it places all discretionary applications in flood prone areas in limbo even though no written representations have been received. |
| S26     | Municipal Committee to consult with Authority                                   | Delete as the Launceston Flood Authority has no emergency response function. This is consistent with the request to amend S5(1)(d).   |
| S27     | Powers of Council in event of flood or imminent flood                           | Amend S27(1) (c), (d) and (f) to include reference to the Water and Sewerage Corporation <i>e.g if the Authority, or the Water and Sewerage Corporation, has ...</i>  |

### REPORT:

The Launceston Flood Risk Management Bill 2013 has been in preparation for some 3 years. Council officers last had the opportunity to comment in relation to the proposed legislation in early June 2012.

The Launceston Flood Authority considered the draft Bill on 26 February 2013.

The draft Bill has been considered by a number of officers, including:

- Rod Sweetnam - Director Facility Management and Governance Services
- Harry Galea - Director Infrastructure Services
- Darryl Wright - Legal Advisor
- Bev Allen - Emergency Management Officer

**15.3 Draft Launceston Flood Risk Management Bill...(Cont'd)**

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The comments of all officers consulted in relation to the draft Bill are contained in the table which forms part of the recommendation.

The Department of Primary, Industry, Water and Environment initially indicated that they would like the Bill to be considered by Council on 12 March 2013. Officers have advised the Department that it is likely that Council will consider the Bill at the Council meeting on 25 March 2013.

**ECONOMIC IMPACT:**

The matter is related to providing flood protection for urban areas of Launceston.

**ENVIRONMENTAL IMPACT:**

The matter is related to providing flood protection for urban areas of Launceston.

**SOCIAL IMPACT:**

The matter is related to providing flood protection for urban areas of Launceston.

**STRATEGIC DOCUMENT REFERENCE:**

Strategic Plan 2008/2013  
Priority Area 2 - Built Environment  
2.2 Facilitate enhance flood protection for the Invermay and Inveresk Precinct.

Launceston Flood Risk Management Deed

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**15.3 Draft Launceston Flood Risk Management Bill...(Cont'd)**

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**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. |  |
|---|--|

|  |  |
|--|--|
| <br><b>Rod Sweetnam: Director Facility Management &amp; Governance Services</b> |  |
|--|--|

**ATTACHMENTS:**

1. Flood Risk Management Bill (distributed electronically)
  2. Letter from DPIWE (distributed electronically)
-

## COUNCIL AGENDA

Monday 25 March 2013

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### 15.4 Junction Arts Festival - Lease of Albert Hall Western Vestibule

**FILE NO:** SF0367, SF0369, SF0200

**AUTHOR:** Matthew Skirving (Manager Architectural Services)

**DIRECTOR:** Rod Sweetnam (Director Facility Management and Governance Services)

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#### **DECISION STATEMENT:**

To consider the transfer and renewal of a Lease Agreement for the Western Vestibule of the Albert Hall.

#### **PREVIOUS COUNCIL CONSIDERATION:**

Item 12.2 - Council Meeting - 14 February 2011  
Notice of Motion: *Junction 2011 Funding & Support*

Item 13.3 - Council Meeting - 11 July 2011  
Report: *Event Sponsorship (Round 1) 2011/12*

Item 14.1 - Council Meeting - 9 July 2012  
Report: *Signature Event Sponsorship*

#### **RECOMMENDATION:**

That Council:

1. Transfer the current Lease agreement for the Western Vestibule at the Albert Hall from Tasmanian Regional Arts, to Junction Arts Festival Inc.
  2. At the conclusion of the current agreement, provide a new Lease to Junction Arts Festival Inc. for a further two year term.
  3. Advise Junction Arts Festival Inc. that future applications for Signature Event Sponsorship are required to include all in-kind funding provided by Council within their grant application Budget.
  4. Increases the grant to Junction Arts Festival Inc. to \$60,000 and charges an annual rental of \$25,000 for the 2 year term of the extended agreement.
- 
-

**15.4 Junction Arts Festival - Lease of Albert Hall Western Vestibule...(Cont'd)**

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**REPORT:**

The Western Vestibule at the Albert Hall is currently leased to Tasmanian Regional Arts (TRA), with the current agreement due to expire on the 31<sup>st</sup> May 2013.

Junction Arts Festival Inc. (JAF) has requested that Council:

1. Transfer the remaining Lease term from Tasmanian Regional Arts, to Junction Arts Festival Inc.
2. Grant an additional Lease term of 2 years, on the same terms and conditions as the existing agreement.

Under the terms of the current agreement, Council waived the \$25,000 per annum Lease Fee (based on the Fee received from the previous tenant of this space). In considering the request to continue this subsidy, Council's support of the Junction Arts Festival as a recipient of Signature Event funding is of direct relevance.

As a Signature Event, Council provides \$35,000 per annum for a three year period from 2012-2014 (inclusive). The Manager of Community, Tourism & Events has provided the following summary of relevant matters for Council to consider in relation to the Signature Event funding assessment, and this request for continuation of additional "in-kind" support via the waived Lease Fee:

*Clause 4 of the Signature Event Sponsorship Agreement stipulates that 'No additional funding or assistance (including in-kind assistance) will be provided by Council for the event as sponsored.'*

*Under the Signature Events guidelines, applicants may include Council costs as part of their application budget, however payment of any Council costs associated with the event will be the responsibility of the applicant. All relevant Council services provided under this Policy will be charged at cost.*

*The logic of these provisions of the funding agreement would therefore be that, if the organisation made a case for requiring year-round accommodation in order to organise the event, then the full rental costs would need to be included as a part of their funding application. Junction Arts Festival Inc. did include the accommodation costs in their budget, but it is shown as \$25,000 in-kind contribution from the Council. It should be noted that the assessment panel did draw this fact to the attention of Council when making its recommendation that \$35,000 Signature Events Sponsorship be provided to the Junction Arts Festival each year for a period of three years.*

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**15.4 Junction Arts Festival - Lease of Albert Hall Western Vestibule...(Cont'd)**

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*The difficulty with the accommodation subsidy having been assumed as an ongoing arrangement within the Signature Events application, is that an expectation has been established, albeit inadvertently.*

The original (subsidised) Lease agreement with Tasmanian Regional Arts, was granted subject to a resolution of Council in 2011:

**Item 12.2 - Council Meeting - 14 February 2011**

*Notice of Motion: Junction 2011 Funding & Support*

*That in view of the significant social and economic benefits that will flow from the establishment of a nationally and internationally recognised annual arts festival in Launceston, Council;*

1. allocates \$30 000 from the 2010/11 Budget, in addition to any Events Sponsorship funds, to the Junction 2011 festival and also provides in-kind support to the value of \$50 000;
  2. notes the strong support from the state government for an annual arts festival in Launceston through the allocation of \$200 000 per year for the next three years from Events Tasmania;
  3. notes that within the LCC 2008-13 Strategic Plan; arts and cultural development activities can be found in four out of the five Priority Areas and that Priority Area 4, the 'Cultural Environment' has a specific goal of 'Supporting and developing arts and cultural activities'; whilst in Council's 'Community Plan' the development of arts and cultural events activities is recognized in several priority areas.
-

**15.4 Junction Arts Festival - Lease of Albert Hall Western Vestibule...(Cont'd)**

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**RESOLUTION: (1):**

*Moved Alderman J D Ball, seconded Alderman R J Sands.*

*That in view of the significant social and economic benefits that will flow from the establishment of a nationally and internationally recognised annual arts festival in Launceston, Council;*

1. allocates \$30 000 from the 2011/12 Budget, in addition to any Events Sponsorship funds, to the Junction 2011 festival and also provides in-kind support to the value of \$50 000;
2. notes the strong support from the state government for an annual arts festival in Launceston through the allocation of \$200 000 per year for the next three years from Events Tasmania;
3. notes that within the LCC 2008-13 Strategic Plan; arts and cultural development activities can be found in four out of the five Priority Areas and that Priority Area 4, the 'Cultural Environment' has a specific goal of 'Supporting and developing arts and cultural activities'; whilst in Council's 'Community Plan' the development of arts and cultural events activities is recognized in several priority areas.
4. That the Launceston Travel and Information Centre arrange bookings for the Festival.
5. The mover and seconder agreed to variations of the motion during debate.

The subsidised Lease of the Western Vestibule at Albert Hall for two years represents the in-kind funding included in the Notice of Motion described above.

On the basis of the already established Lease arrangements, and ongoing support provided to the Junction Arts Festival as a recipient of Signature Event funding, it is recommended that Council:

1. Transfer the current Lease agreement for the Western Vestibule at the Albert Hall from Tasmanian Regional Arts, to Junction Arts Festival Inc.
  2. At the conclusion of the current agreement, provide a new Lease to Junction Arts Festival Inc. for a further two year term.
  3. Advise Junction Arts Festival Inc. that future applications for Signature Event Sponsorship are required to include all in-kind funding provided by Council within their grant application Budget.
-



**15.4 Junction Arts Festival - Lease of Albert Hall Western Vestibule...(Cont'd)**

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Should Council wish to continue the accommodation subsidy the combined support for this event/organisation would total \$60,000 per annum. If this is the preferred course of actions, it is recommended that the current grant to Junction Arts Festival Inc. be formally increased to \$60,000, and the annual Lease fee be charged to the tenant

**ECONOMIC IMPACT:**

Major Councils held within the City, have proven to have a positive economic impact.

**ENVIRONMENTAL IMPACT:**

N/A

**SOCIAL IMPACT:**

Major events are part of the social fabric of the City and add to the quality of life within the region.

**STRATEGIC DOCUMENT REFERENCE:**

For Signature Event Funding: *Launceston Community Plan 2010 - Preferred Future Six: A Creative and Learning Community. PF6.1 - Support a series of arts and cultural events*

**BUDGET & FINANCIAL ASPECTS:**

Consideration contained in the Report.

**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.

  
**Rod Sweetnam: Director Facility Management & Governance Services**

**ATTACHMENTS:**

1. Albert Hall Western Vestibule - request by Junction Arts to extend lease
-



17 December 2012

Robert Dobrzynski  
 General Manager  
 Launceston City Council  
 PO Box 396, Launceston TAS 7250  
 robert.dobrzynski@launceston.tas.gov.au

Dear Robert,

Re: *Lease of Western Vestibule – Albert Hall*  
*File No. SF 0200/SF0367/SF0369 DHR*

I would like to request a review of the current Tasmanian Regional Arts/Junction Arts Festival's lease of the Western Vestibule at Albert Hall, and request a renewal for an equal period under the same terms.

Our current 2-year lease agreement with Launceston City Council will expire on 31 May 2013.

As a new Signature Event, I trust that Council will see this as a continuation of its commitment to the support of the local community and the ongoing development of the Festival.

Junction Arts Festival provides free access to the community to over 65 events, as well as significant community engagement for free throughout the year to almost 2,000 community members including those in outlying lower socio-economic suburbs, community groups, school children and at-risk youth. The Festival contributes not only to the liveability of the city and its economic growth, but also to the greater social and community development goals of Launceston City Council.

Albert Hall has been a perfect office space for Junction Arts Festival, accessible for local community groups and artists who we work with to meet here, and as the staff expands and contracts throughout the festival year and in the lead-up to the event it gives us the much-needed working space for our staff and board. We are extremely proud to host Tasmanian, national and international artists visiting us at our Junction HQ in one of Launceston's most beautiful heritage buildings, further promoting the city's rich architectural history.

As I'm certain that Dennis Robson and his team can attest, we have been excellent tenants of the space. We have ensured that it remains clean, in working order (including monitoring and saving frozen pipes) and have provided added security and overnight protection for the building annex that would otherwise remain empty and vulnerable. We contribute financially to the weekly cleaning; security surveillance and utility costs upwards of \$8,000 annually.



We have over the past 18 months worked with Hotel Grand Chancellor to ensure clear communication of all Albert Hall events, and also recently initiated discussions with Council staff to support efficiencies and energy saving measures to better support Council's efforts to manage Council-owned properties. We also regularly and unofficially act as tourist guides to the many visitors to Albert Hall and our office entrance.

As the current lease end date falls at a heavy pre-Festival time, I request that at the very least should Council be unable to renew the lease as requested for another full 2-year term, that you consider allowing us to remain in the building through to post-Festival, as the disruption of moving at that time would have detrimental impact on the event.

As you may also be aware, this past January 2012, Tasmanian Regional Arts successfully incorporated Junction Arts Festival as an independent not-for-profit organisation. The Festival remains linked to TRA through the secondment of myself, Natalie De Vito as Festival Director, and a Board Member position held by TRA's Executive Director Paul Jenkins.

Should you be able to extend our lease, we also request the transfer of the existing Lease of Space in the Western Vestibule – Albert Hall, as well as its associated access security cards, keys and the two bay parking permits located at Albert Hall, from Tasmanian Regional Arts (ABN 34 018 079 587) to the new organisation, known as Junction Arts Festival Inc. (ABN 36 414 918 339). As such, I would be the new primary contact and liaison on the contract once it is taken over by Junction Arts Festival Inc. at:

Natalie De Vito, Festival Director  
Junction Arts Festival  
PO Box 898  
Launceston TAS 7250

Thank you for all of the support that you have given to both TRA and Junction Arts Festival over the past several years, and we look forward to a prosperous and long-term partnership.

Should you have any questions, or wish to clarify next steps with this request, I can be reached at 0415 196 230 or [Natalie@junctionartsfestival.com.au](mailto:Natalie@junctionartsfestival.com.au).

With kind regards,

A handwritten signature in black ink, appearing to read 'Natalie De Vito'.

Natalie De Vito  
Festival Director

**19 GENERAL MANAGER****19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]****FILE NO:** SF2385**AUTHOR:** Bruce Williams, Economic Development Officer**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

Approve and authorise the General Manager to sign the Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council and University of Tasmania

**PREVIOUS COUNCIL CONSIDERATION:**

26.6 - 12 June 2012 Flood Levees at Inveresk (Closed Council Meeting)

089/2008 - MOU between LCC and UTAS (SF 3364)

2012 Draft Inveresk Precinct Plan (scheduled for Council Meeting but withdrawn 26 November 2012)

17 December 2012, Item 5.1

- Council agreed in principle to transfer to UTAS freehold title to four land areas at Inveresk for a nominal consideration.
- Council agreed to enter into a Memorandum of Understanding [MOU] with UTAS
- Council agreed to six conditions relating to the transfer of title and the development of the MOU

**RECOMMENDATION:**

That the Council:-

1. Approve the entering into a Memorandum of Understanding with the University of Tasmania in the terms indicated hereunder
  2. Authorise the execution of the Memorandum of Understanding by the General Manager as follows and as per maps located under ATTACHMENT.
-

- 19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)
- 

# **Memorandum of Understanding**

**for the**

**Development and Enhancement of**

**the Inveresk Precinct**

**between**

**Launceston City Council**

**and**

**University of Tasmania**

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## **19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)**

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### **1. Preamble**

1.1 In 1996, the University of Tasmania (**UTAS**) and the Launceston City Council (**LCC**) entered into an agreement (the **1996 Agreement**) with the State Government (the **State**) further to which the parties would develop parts of the Inveresk Railyard Precinct (the **Inveresk Precinct**). The Inveresk Precinct was at that time owned by the State.

1.2 Further to the 1996 Agreement, UTAS expended approximately \$5 million to redevelop the building known as the Stone Building on the Inveresk Precinct.

1.3 In December 2000, UTAS entered a lease with the Inveresk Railyards Management Authority (a State instrumentality) in respect of the Stone Building for a period of 10 years (the **Stone Building Lease**). The UTAS School of Performing and Visual Arts currently operates out of the Stone Building.

1.4 The Inveresk Precinct was transferred from the State to LCC in 2003. Since taking ownership LCC has made significant investment in the precinct and provided community facilities including Queen Victoria Museum and Art Gallery, Aurora Stadium, boardwalks, and cycle and path ways.

1.5 Launceston City Council's Vision for the York Park and Inveresk Precinct is

- The Inveresk Precinct will be a well planned, vibrant multifunctional centre providing high class sporting, educational (including accommodation), entertainment and cultural facilities that contribute significantly to the City's high quality of life.
  - The Precinct will feature complimentary commercial development that services the needs of visitors and tenants.
  - Integrated planning, a high standard of contemporary urban design and a permeability of the site for pedestrian and bicycle movements are high priorities. The Precinct will establish strong linkages to the Launceston CBD area.
-

## **19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)**

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- The Precinct will engage actively with the Invermay Road frontage and will form an important part of an iconic corridor route of tourist features incorporating Cataract Gorge, Kings Park, Seaport, North Bank and Inveresk.
- Development of the Precinct will place a heavy emphasis on leveraging the advantages gained from integrated planning incorporating the adjacent features of the North Esk River, Willis Street and City Park.

UTAS is supportive of these aims.

1.6 In March 2006, UTAS and LCC entered into a Heads of Agreement (the **2006 HOA**) further to which LCC would lease the Exhibition Building to UTAS at a rent of \$1 for a 49 year term, with a 49 year option (the **Exhibition Building Lease**). In return for this commitment, UTAS expended significant funds to fully redevelop the Exhibition Building. The UTAS School of Architecture now operates out of the Exhibition Building.

1.7 In mid-2007, UTAS and LCC entered into negotiations for UTAS to relocate the Australian School of Fine Furniture to the Inveresk Precinct. To facilitate this, UTAS constructed a new building on an area adjacent to the Exhibition Building (the **Fine Furniture Building**).

1.8 The parties have been engaged in negotiations regarding leases for the Stone Building, Fine Furniture Building and Exhibition Building (referred to collectively hereafter as the **Existing Buildings**) for some time. In addition, UTAS and LCC are currently engaged in discussions relating to the novation of the lease of the Powerhouse Building between LCC and the Tasmanian University Union Inc (**TUU**) to UTAS.

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**19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)**

---

1.9 UTAS and LCC have a joint commitment to achieve the shared vision of "Launceston – City of Learning and innovation, open to the world". This shared vision was articulated in the Memorandum of Understanding entered into by LCC and UTAS on 11 September 2008 (the **2008 MOU**). Its purpose was *"for the development and implementation of collaborative programs, the sharing of expertise, and other activities that enrich the economic and social wellbeing of the Launceston region and the University of Tasmania"*. One of its specific objectives of the 2008 MOU was for UTAS and LCC to build the "City of Learning" profile by *"working together to promote the "liveability" attributes of Launceston to attract more domestic and international students to Launceston"*

1.10 The Inveresk Precinct with its concentration of major facilities already:

- a) operates as a vibrant cultural centre for entertainment, education and recreation for the northern region of Tasmania;
- b) provides a focus for many community activities; and
- c) is of great importance to the vitality of the city of Launceston.

1.11 The intention of this memorandum of understanding (**MOU**) is to further the 2008 MOU by developing and enhancing the status of the Inveresk Precinct as a Higher Education Precinct, such development and enhancement to occur consistent with the pursuit of the vision of LCC for the Precinct as set out in Clause 1.5.

1.12 In the short term, UTAS proposes to develop part of the Inveresk Precinct for use as student accommodation to be delivered under the National Rental Affordability Scheme (**NRAS Accommodation**). It is estimated that this development (the **NRAS Development**) will cost UTAS in the vicinity of \$18 million. This will be additional to the \$25 million already expended by UTAS on the redevelopment or construction of the Existing Buildings. LCC is fully supportive of locating the NRAS Accommodation on the Inveresk Precinct.

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**19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)**

---

1.13 The parties agree that the previous financial contributions by UTAS to the Inveresk Precinct combined with a commitment by UTAS to develop the NRAS Accommodation and to contribute \$500,000 to Council towards the construction of a concrete flood protection levee on the site, warrants the transfer of freehold title for peppercorn consideration of the portions of the land on which:

- a) the Existing Buildings are located;
- b) the NRAS Accommodation will be sited.

(together referred to as the **Education Precinct**).

1.14 At its meeting on 17 December, 2012, LCC by decision of its elected representatives sitting as Council, agreed in principle to the transfer for the Education Precinct to UTAS. Minutes of the decision of such Council meeting are now reproduced:

*1. That Council agree in principle to transfer for nominal consideration to the University of Tasmania (UTAS) freehold title to the land areas at Inveresk as indicated below and in Site Map 1 (Attachment 1) and Site Map 2 (Attachment 2), subject to the conditions detailed in 2, below:*

- i. Part of the Stone Building as indicated in the Site Map 1,*
- ii. The Exhibition Building/School of Architecture as indicated in the Site Map 1,*
- iii. Fine Furniture Building as indicated in the Site Map 1,*
- iv. That portion of land for student accommodation as indicated in hatched form in Site Map 2, UTAS Inveresk Residences Site Plan,*

*2. That the Council enter into a Memorandum of Understanding with UTAS which reflects (inter alia) the legal advice obtained from Temple Smith Partners, together with the matters indicated within 1. above and 3. below.*

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**19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)**

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3. *The conditions relating to the agreement in 1 above are:*
  - i. *UTAS shall agree to construct no less than 120 student accommodation units at Inveresk at an agreed location;*
  - ii. *UTAS shall agree that the land transferred from the Launceston City Council shall be used at all times for education purposes;*
  - iii. *UTAS shall agree that if at any time it is intended by UTAS to sell, lease or licence the land transferred from the Launceston City Council or any part of it so that the land or any part of it is not intended to be used at all times for education purposes, then the Launceston City Council shall be entitled to claim from UTAS compensation equivalent to the assessed value of the land by licensed valuation at the time of sale, lease or licence;*
  - iv. *UTAS bear all costs associated with the subdivision and transfer of land within the intent of this resolution, with each party bearing its own legal costs;*
  - v. *UTAS shall agree that it will transfer the land indicated in 1.iv above back to Council if the student accommodation development at the site has not substantially been completed by 30 June 2016;*
  - vi. *UTAS shall make a payment of \$500,000 to Council as a contribution to meeting the additional capital investment of \$1.3 million made by the Council in constructing a concrete flood protection levee on the site which, in part, is proposed for construction of student accommodation.*

1.15 The transfer to UTAS of freehold title in the Education Precinct will:

- a) provide greater certainty for UTAS at the Inveresk Precinct;
  - b) deliver the capacity for UTAS to further develop and invest in the Education Precinct in response to changing educational needs;
-

## **19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)**

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- c) strengthen the ability and flexibility of UTAS in mobilising resources for further strategic investments in the north of Tasmania; and
- d) meet the objectives of clause 1.2 of the 2008 MOU.

## **2. Agreement for transfer of land to UTAS**

2.1 As soon as practicable after the date of this MOU, the parties will negotiate the terms of, and enter into an agreement. The terms of such agreement include:

- A. LCC will cause to be created titles to:
  - a) the land on which the Existing Buildings are located, and being more or less the land shaded on the attached plan; and
  - b) the land on which the NRAS Accommodation will be sited, the position and dimensions of such land not presently ascertainable, but being an area located adjacent to the south of the existing footpath and otherwise more or less as marked on the attached aerial photograph.

Such titles shall be created through subdivision either under the provisions of the Local Government (Building and Miscellaneous Provisions) Act 1993, or the Strata Titles Act 1998.

- B. When created, LCC will transfer to UTAS unencumbered title to each lot (except for any encumbrances now registered on the existing title, and registration of the agreement referred to in paragraph G).
  - C. Provision for continuing access to all such sites across the land of LCC;
  - D. A term or terms to grant to UTAS the right to use land for car parking;
-

**19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)**

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E. There be no monetary consideration for such transfers; provided however that UTAS will pay to LCC the contribution to levy construction costs of \$500,000 referred to in clause 1.13 prior to transfer.

F. UTAS will meet all necessary survey costs, fees and costs of any utility service provider e.g. Ben Lomond Water, the cost of any building work necessary to permit subdivision of the Stone Building, registration fees and stamp duty, it being the intention of the parties that UTAS should meet all costs, except for legal costs, each party bearing their own legal costs;

G. A condition that the use of the existing buildings transferred shall continue to be for educational purposes as defined in clause 3.2, that the land transferred for NRAS accommodation continue to be used for student accommodation, and that such continuing uses be secured by registration on all relevant titles of an agreement under Part 5 of Land Use Planning and Approvals Act 1993 (LUPA), entered into by the parties.

H. If any part of the existing buildings, or any part of the NRAS accommodation shall at any time cease to be used for educational purposes, then UTAS shall, on demand, pay to LCC:

(a) in respect of the existing buildings, the then value of the land comprised in the title or titles of which the building or buildings not used for educational purposes forms part; and

(b) in respect of the NRAS accommodation, the then value of the land transferred by LCC to UTAS.

Such valuation shall be made in respect of the value of the land without including the value of the building or buildings on the land, and shall be determined by a registered valuer appointed for that purpose by LCC.

I. All necessary applications to LCC for planning approvals to give effect to terms of the agreement shall be prepared by and at the expense of UTAS. LCC through its General Manager will as required by Section 52(1B) of LUPA, give written permission to the making of the applications.

UTAS acknowledges that LCC in its capacity as planning authority must determine such applications considering only those matters as prescribed by law, and particularly as prescribed in Division 2 of Part 4 of LUPA.

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## **19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)**

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2.2 Such agreement shall also incorporate any further conditions necessary to give effect to the decision of LCC set out in preamble Clause 1.14.

### **3. Use of Existing Buildings**

3.1 UTAS will be entitled to lease or licence parts of the Existing Buildings to third parties (and the land on which they are located) provided they continue to be used for educational purposes.

3.2 For the purposes of this MOU, "educational purposes" includes the provision of core educational services as well as the provision of services necessary or ancillary to the provision of core educational services, including the provision of accommodation, small scale retail or catering services for students and/or staff.

### **4. NRAS Development**

4.1 UTAS proposes to construct NRAS Accommodation on the Inveresk Precinct:

- a) in the form of 120 student dwellings;
- b) consisting of four floors of apartments above parking with a building footprint of approximately 2,500 sq m and a site area of approximately 3,750 sq m; and
- c) to be located on that land identified as outlined in blue on the attached aerial photograph (the **NRAS Site**).

4.2 UTAS will use its best endeavours to ensure that construction of the NRAS Accommodation will be completed no later than 30 June 2016 to meet the requirements of the NRAS program.

4.3 If the NRAS Development has not substantially been completed by 30 June 2016 then the NRAS Site will be transferred back to LCC for nil consideration.

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**19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)**

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**5. Powerhouse Building**

5.1 UTAS and LCC will finalise the lease arrangements in respect of the Powerhouse Building as soon as practicable after the date of this MOU on the basis that UTAS will continue to enjoy the rights formerly enjoyed by the TUU as tenant of that building (including in relation to the rent concession made available to the TUU).

**6. Further developments on and relating to the Inveresk Precinct**

6.1 LCC recognises UTAS as a foundation occupant at Inveresk, with rights of consultation for any future development of the Inveresk Precinct.

6.2 LCC acknowledges that UTAS requires sufficient space to grow the Education Precinct through future additional developments.

6.3 LCC and UTAS will work cooperatively to further develop sustainable and safe transport links to ensure easy and safe access for students between the Newnham and Inveresk Campuses through a mix of bike or walking tracks or public bus services.

6.4 LCC and UTAS will work towards establishing consultative mechanisms aimed at the strategic development of the Inveresk Precinct and the multiplicity of functions that it delivers to the Launceston community with sufficient resources to effectively support any mechanisms put in place.

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**19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)**

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## **7. Miscellaneous**

7.1 In light of the tight timeframes associated with the NRAS program, LCC agrees to take steps to formalise the arrangements envisaged in this MOU by instructing its solicitors to draft any documents it considers necessary to give it effect without delay.

7.2 LCC agrees that until the arrangements in this MOU are formalised, UTAS will not be disadvantaged in terms of its current occupancy rights on the Inveresk Precinct.

**Dated: 2013**

**Signed**

**General Manager  
Robert Dobrzynski  
Launceston City Council**

**Vice-Chancellor  
Professor Peter Rathjen  
UTAS**

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## **19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)**

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### **REPORT:**

At its meeting on 17 December, 2012, Council made the following decision:

1. That Council agree in principle to transfer for nominal consideration to the University of Tasmania (UTAS) freehold title to the land areas at Inveresk as indicated below and in Site Map 1 (Attachment 1) and Site Map 2 (Attachment 2), subject to the conditions detailed in 3, below:

- i. Part of the Stone Building as indicated in the Site Map 1, ECM Document Number 2831519
- ii. The Exhibition Building/School of Architecture as indicated in the Site Map 1, ECM Document Number 2831519
- iii. Fine Furniture Building as indicated in the Site Map 1, ECM Document Number 2831519
- iv. That portion of land for student accommodation as indicated in hatched form in Site Map 2, UTAS Inveresk Residences Site Plan, ECM Document Number 2832708

2. That the Council enter into a Memorandum of Understanding with UTAS which reflects (inter alia) the legal advice obtained from Temple Smith Partners, together with the matters indicated within 1. above and 3. below.

3. The conditions relating to the agreement in 1 above are:

- i. UTAS shall agree to construct no less than 120 student accommodation units at Inveresk at an agreed location;
  - ii. UTAS shall agree that the land transferred from the Launceston City Council shall be used at all times for education purposes;
  - iii. UTAS shall agree that if at any time it is intended by UTAS to sell, lease or licence the land transferred from the Launceston City Council or any part of it so that the land or any part of it is not intended to be used at all times for education purposes, then the Launceston City Council shall be entitled to claim from UTAS compensation equivalent to the assessed value of the land by licensed valuation at the time of sale, lease or licence;
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**19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)**

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- iv. UTAS bear all costs associated with the subdivision and transfer of land within the intent of this resolution, with each party bearing its own legal costs;
- v. UTAS shall agree that it will transfer the land indicated in 1.iv above back to Council if the student accommodation development at the site has not substantially been completed by 30 June 2016;
- vi. UTAS shall make a payment of \$500,000 to Council as a contribution to meeting the additional capital investment of \$1.3 million made by the Council in constructing a concrete flood protection levee on the site which, in part, is proposed for construction of student accommodation.

The terms of the MOU have been negotiated between UTAS and Council. The draft MOU (attachment) is now put before Council for its approval.

The draft MOU incorporates two maps. One Map is identical with the map before Council at its meeting of 17 December, 2012 and includes two areas of land which house the buildings to be transferred to UTAS.

The MOU incorporates all elements of the Council decision taken at the December 17 Meeting.

**ECONOMIC IMPACT:**

Accommodation construction value is in the order of \$18 million. Students living close to the CBD are likely to provide significant economic returns to the hospitality and retail sectors in the City over time.

**ENVIRONMENTAL IMPACT:**

Nil to report

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## **19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)**

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### **SOCIAL IMPACT:**

Students living at Inveresk and close to the CBD - along with other inner city residents - are likely to provide more people in the city after hours, which research indicates reduces anti-social behaviour and increases the perception of personal safety.

### **STRATEGIC DOCUMENT REFERENCE:**

The following Vision Statement for the York Park and Inveresk Precinct was adopted by Council on the 12 June 2012 Council meeting with the intent that it would serve as the basis upon which the Inveresk Precinct development would be pursued in the future.

#### York Park and Inveresk Vision Statement

- The Inveresk Precinct will be a well planned, vibrant multifunctional centre providing high class sporting, educational, entertainment and cultural facilities that contribute significantly to the City's high quality of life.
- The Precinct will feature complimentary commercial development that services the needs of visitors and tenants.
- Integrated planning, a high standard of contemporary urban design and a permeability of the site for pedestrian and bicycle movements are high priorities. The Precinct will establish strong linkages to the Launceston CBD area.
- The Precinct will engage actively with the Invermay Road frontage and will form an important part of an iconic corridor route of tourist features incorporating Cataract Gorge, Kings Park, Seaport, North Bank and Inveresk.
- Development of the Precinct will place a heavy emphasis on leveraging the advantages gained from integrated planning incorporating the adjacent features of the North Esk River, Willis Street and City Park.

### **LAUNCESTON STRATEGIC PLAN 2008-2013**

3.2 Facilitate effective regional and economic development in Launceston and the Tamar Valley in order to achieve enhanced investment, development, liveability, tourism, employment and competitiveness.

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**19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)**

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**BUDGET & FINANCIAL ASPECTS:**

Potential foregone income of any rateable development resulting from private sector investment on the site.

**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. Maps - Development and Enhancement of the Inveresk Precinct between Launceston City Council and University of Tasmania (distributed separately)
-

**20 URGENT BUSINESS**

Nil

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**21 WORKSHOP REPORT(S)****21.1 Workshop Report****FILE NO:** SF4401**AUTHOR:** Michael Tidey (Director Corporate Services)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**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:

| <b>Date</b>   |                             | <b>Purpose</b>   |
|---------------|-----------------------------|--|
| 18 March 2013 | Strategic Planning & Policy | <ul style="list-style-type: none"><li>• Received Deputation regarding<ul style="list-style-type: none"><li>○ Land in Murphy Street</li><li>○ City of Learning</li></ul></li><li>• Received information on<ul style="list-style-type: none"><li>○ Review of Emergency Management Act 2006</li><li>○ Launceston Flood Risk Management Bill</li></ul></li></ul> |

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**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.

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## 21.1 Workshop Report...(Cont'd)

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### **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*

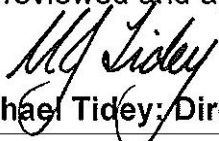
### **BUDGET & FINANCIAL ASPECTS:**

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:** Daniel Gray (Committee Clerk / Administration Officer)

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his 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.

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**ATTACHMENTS:**

1. Information / matters requiring further action - 25 March 2013
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**MATTERS ARISING FROM COUNCIL - REQUIRING FURTHER ACTION - AT 25 MARCH 2013**

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



**MATTERS ARISING FROM COUNCIL - REQUIRING FURTHER ACTION - AT 25 MARCH 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**

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