



**LAUNCESTON CITY COUNCIL**

# **COUNCIL AGENDA**

**COUNCIL MEETING  
MONDAY 25 NOVEMBER 2013**

# LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

Monday 25 November 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 November 2013

Time: 1.00 pm

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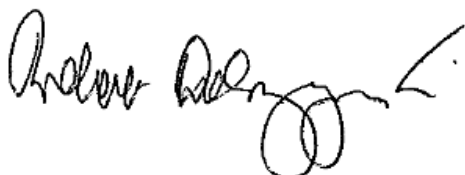
## Section 65 Certificate of Qualified Advice

### 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

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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 11 November 2013 be confirmed as a true and correct record.
2. That the Minutes of the meeting of the Launceston City Council held on 11 November 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**

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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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**Monday 11 November**

Officiated at private Citizenship Ceremony

Officiated at Remembrance Day Ceremony

Attended Theatre North's production of "Bubblewrap & Boxes"

**Tuesday 12 November**

Officiated at Official Opening of the Honorary Consulate of Belgium in Launceston by his Excellency Jean-Luc Bodson, Ambassador of Belgium

Attended official dinner function for the Ambassador of Belgium

**Wednesday 13 November**

Attended Ambulance Tasmania - Regional Awards & Recognition Ceremony

**Thursday 14 November**

Launched 2013 Santa Run

**Friday 15 November**

Attended UTAS Memorandum of Understanding between UTAS and TasTAFE

Officiated at Cityprom Christmas Tree Lighting Ceremony

**Saturday 16 November**

Attended Simon's Prostate Cancer Ball

**Monday 18 November**

Officiated at Special Olympic Tas Event presentation of uniforms to Asia Pacific Games representatives

**Tuesday 19 November**

Officiated at Employee Recognition Event - Town Hall

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

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### **Wednesday 20 November**

Attended Quadrant Forum "Navigating through the noise ... it's not all about income"  
Officiated at Launceston Historical Society Certificate presentation

### **Thursday 21 November**

Attended HCC/LCC MoU Joint Working Party meeting in Hobart  
Attended Official launch of Tasmania-Indonesia Business Council at Parliament House  
Attended launch of the Big Picture, a major Tasmanian industry campaign by Bell Bay Aluminium, Grange Resources, Nystar and Norkse Skog  
Attended Fresh New Look at 2014 Subscription Season for Theatre North

### **Friday 22 November**

Attended LC Esk Band Extravaganza Concert

### **Saturday 23 November**

Attended Salvation Army 130<sup>th</sup> Anniversary Concert

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8 ALDERMEN'S/DELEGATES' REPORTS

9 QUESTIONS BY ALDERMEN

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**10 COMMITTEE REPORTS**

**10.1 Tender Review Committee Meeting - 5 November 2013**

**FILE NO:** SF0100

**AUTHOR:** Raj Pakiarajah (Manager Projects)

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

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**DECISION STATEMENT:**

To receive and consider a report from the Tender Review Committee (a delegated authority committee).

**RECOMMENDATION:**

That the report from the Tender Review Committee meeting held on 5 November 2013 be received.

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**REPORT:**

1. Launceston Aquatic Dry Programs Construction Works - CD.032/2013

The Tender Review Committee accepted the tender submitted by Tas City Building Pty Ltd for Launceston Aquatic Dry Programs, Level 01 Building Works at a cost of \$129,140.00 (excl. GST).

**ECONOMIC IMPACT:**

The economic impact has been considered in the development of this project.

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## 10.1 Tender Review Committee Meeting - 5 November 2013...(Cont'd)

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### **ENVIRONMENTAL IMPACT:**

The environmental impact has been considered in the development of this project.

### **SOCIAL IMPACT:**

The social impact is considered in the development of this project.

### **STRATEGIC DOCUMENT REFERENCE:**

Launceston City Council Budget 2013/2014.

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

The project is funded in accordance with the approved 2013/2014 Budget as follows:

1. Launceston Aquatic Dry Programs Construction Works - CD.032/2013 - \$460,000.00

### **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**

**10.2 Sister Cities Committee Meeting - 11 November 2013****FILE NO:** SF0175**AUTHOR:** Elizabeth Clark (Civic Affairs Coordinator)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To receive and consider a report from the Sister Cities Committee.

**RECOMMENDATION:**

1. That the report from the Sister Cities committee meeting held on 11 November 2013 be received.
2. That the following recommendation/s from the meeting of the Sister Cities Committee held on 11 November 2013 be adopted by Council -

***That the Mayor and Alderman Peck, together with other Aldermen to be selected by Council, lead a delegation on an official visit to Launceston's Sister City Napa from 25 July 2014 for six nights.***

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**REPORT:**

The Sister Cities Committee held its meeting on 11 November to discuss an invitation from the Mayor of Napa City, Jill Techel and Napa's Sister City Coordinator Suzanne Shiff for the Mayor and Aldermen of Launceston City Council to visit Napa City in July 2014. The visit will occur from 25 July 2014 for a six night stay in Napa.

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**10.2 Sister Cities Committee Meeting - 11 November 2013...(Cont'd)**

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During a recent private visit to Napa, Alderman Tony Peck investigated partnerships for the Josef Chromy Wine Scholarship and also met with Napa Council's elected members to discuss projects from which Launceston may benefit. These included Napa's Sustainability Program (LED street light conversion), ArtWalk project and state-of-the-art camera surveillance in the City. Alderman Peck also attended a Council meeting where the City's one-way street conversion was discussed. Alderman Peck identified that there is scope for further dialogue with the City Manager and Officers in the areas of Napa Flood Project, Parks & Recreation Management, Food & Wine trails, Video Tour Book Project, Historic Neighbourhoods, Code Enforcement, Quality of Life, local business economy and retail precincts. A visit to the Napa Airport Precinct and surrounding commercial precinct is highly recommended. Although Napa Airport is small, its main facility is the training school for Japan Airlines.

An example of one of the projects explored was Napa's LED street light conversion project. It was completed in June 2011 and, following receipt of a Federal grant of \$700,000.00, 279 street lights were converted to LED fittings. The city is expected to save over \$22K per annum in energy costs. A similar project was rolled out through ten city facilities and they expect to save almost \$50K per year.

Napa City Council will organise the itinerary and coordinate the various meetings.

To promote the visit in the Launceston community the following avenues will be used:

- People who have had past associations with Launceston's Sister City will receive a flier concerning the visit;
- Organisations including Launceston Chamber of Commerce, Cityprom, UTAS, Examiner Newspaper, Tasmanian Polytechnic, Wine Industry and Launceston College will be advised in writing.
- Press advertising and editorials.

While the airfare costs for the Mayor (or his representative) are met by Council, Council's policy also provides for any Alderman attending to have 100% of the economy airfare paid by Council. Current estimates for airfares are approximately \$1760 return (November 2013). Expressions of interest to join the delegation will also be sought from business and community members and will be self-funded.

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**10.2 Sister Cities Committee Meeting - 11 November 2013...(Cont'd)**

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During past visits to Napa, members of the Launceston delegation have been home-hosted and the Napa Sister City committee has sponsored the itinerary. Launceston City Council provides the same hospitality when Napa delegations visit Launceston.

The previous visit to Napa by a Launceston delegation was in 2008.

**ECONOMIC IMPACT:**

There is no immediate economic impact however, economic development opportunities will be investigated during the visit.

**ENVIRONMENTAL IMPACT:**

Not applicable to this report.

**SOCIAL IMPACT:**

A broad audience of the community benefits from the various cultural and educational programs that have occurred Launceston and its Sister Cities and further benefits will be provided to the community through the strengthening of the Napa/Launceston relationship.

**STRATEGIC DOCUMENT REFERENCE:****Community Plan - PF2.12 STRATEGY TWELVE:**

Raise awareness and understanding of diversity. Expand community education to increase awareness and an understanding of the contribution that diversity makes to the richness of our community.

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**10.2 Sister Cities Committee Meeting - 11 November 2013...(Cont'd)**

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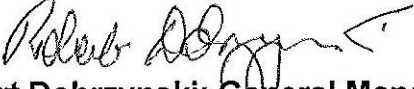
**BUDGET & FINANCIAL ASPECTS:**

Airfares and gifts to be funded from the Civic Affairs Sister Cities budget.

**DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

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

  
**Robert Dobrzynski: General Manager**



**11 PETITIONS****11.1 Petition - Dog Tap Lawrence Vale Road Dog Park****FILE NO:** SF0097 / SF0041

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Petition received from residents / electors of the Launceston Municipal Area requesting the installation of a dog tap in the Lawrence Vale Road off Leash Dog Park.

There are 151 signatories to the petition.

**RECOMMENDATION:**

1. That the petition be received and forwarded to officers for report.
  2. That the Petitioner be advised Council staff will investigate the most cost effective way of providing a dog tap in the Park.
-

## COUNCIL AGENDA

Monday 25 November 2013

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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 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning

**FILE NO:** DA0361/2013

**AUTHOR:** Stalley Briton (Urban Designer)

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

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#### **DECISION STATEMENT:**

To consider a proposal for building fascia signs, painting of corporate colour, wall signs, window signs and construction of a retractable awning.

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

Applicant:	Administration and Marketing Solutions Pty Ltd
Property:	1-3 Innes Street, Launceston
Site area:	741 m <sup>2</sup>
Zone:	Local Business
Existing use:	General Retail and Hire (Chemist)
Classification:	Signage
Date received:	19 September 2013
Application validity date:	23 October 2013
Further information request:	No
Deemed approval:	3 December 2013
Representations:	Nil

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

Item 12.2 Council meeting 11 February 2013 - Approved DA0538/2012 for a change of use from bulky goods to general retail and hire at 1-3 Innes Street, Launceston. (NOTE: Development Application did not include additional signage).

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**12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)**

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**RECOMMENDATION:**

That the Council refuse the application DA0361/2013 for building fascia signs, painting of corporate colour, wall signs, window signs, and construction of a retractable awning because it is contrary to the following provision of the Interim Launceston Planning Scheme 2012:

- a) *20.1.3 Local Business Zone Purpose* - The proposed signage scheme does not improve the appearance of the surrounding area and is neither sympathetic to the setting nor compatible with the character of the area.
  - b) *20.4.2 (P2) Active Ground Floors* - The proposal to blank out most of the windows on both elevations with signage and vinyl wrap will minimise the level of interaction between the street and the inside of the building.
  - c) *E18.5.2 Design and Siting of Signage (P1 b, c, d, e and f)* - The proposed signs are not sympathetic to the architectural detailing of the building, are of inappropriate dimensions, are inharmonious in terms of colour scheme, are repetitive in their message and are considered to be cluttered.
  - d) *E18.5.2 Design and Siting of Signage (P3 a and b)* - The signage proposal significantly increases the amount of signage in the street.
- 

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

Retrospective approval is sought for ten building fascia signs, two wall signs, eleven window signs and a retractable awning for Chemist Warehouse at 1-3 Innes Street, Launceston. The signage scheme, which is considered excessive and out of character with the surrounding area, has been installed on the building without Council approval. Council officers have met with the applicant to discuss compliance issues but an agreement was not reached. The applicant has submitted the following proposal:

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## **12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)**

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### Building fascia signs

Ten individual signs are proposed for the fascia band that wraps around the Innes Street and Racecourse Crescent elevations. The corporate logo which consists of the words *CHEMIST WAREHOUSE* in the centre of a red warehouse motif is repeated six times. This logo extends above the line of the fascia board. The logos are interspersed with other signs stating *IS THIS AUSTRALIAS CHEAPEST CHEMIST? DISCOUNT CHEMIST* (repeated four times), *70% OFF PRESCRIPTIONS* and *OPEN 7 DAYS!*

### Building (painted or clad in a corporate colour)

The entire wall area of the building's exterior (visible from the street) has been painted yellow apart from the area below floor level which has been painted navy blue. The shade of yellow chosen is Chemist Warehouse 'corporate colour' and as such is considered part of the signage scheme.

### Wall signs

Two wall signs are proposed for the Racecourse Crescent elevation. These display the words *REAL BRANDS REAL SAVINGS!!* and *OPEN 7 DAYS!* and measure 1.6m<sup>2</sup> and 1.8m<sup>2</sup> respectively.

### Window signs

Eleven window signs are proposed, and will cover all the windows except for a small section on the Innes Street elevation which will be used for the display of perfumes. The window signs consist of the following:

- Four 'lifestyle' images, depicting scenes from the inside of the store measuring 5.2m wide, 5.1m wide, 4.8m wide, and 3.5m wide, all 1.8m high;
- Four poster style signs with the words *85% OFF BIG BRANDS, WE BEAT EVERYONE'S PRICES* and *TRADING HOURS* (x2) each measuring 1.2m wide x 1.5m high; and
- Three smaller signs on the smaller top windows with the text *SCINCARE, FRAGRANCES* and *COSMETICS* each measuring 1m wide x 0.5m high.

### Retractable Awning

The retractable awning (sunblind) will be positioned above the perfume display window to protect the products from sun damage. The awning will not display any advertising material.

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**12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)**

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**

The triangular shape of the site is formed by the junction of Innes Street and Racecourse Crescent. The two entrances to the building are from each of the two sides facing Racecourse Crescent and Innes Street through glass doors. Both elevations are almost entirely clad with windows. The rear of the building faces to the south and is constructed of brick. Garden beds surround the building on the north and western sides.

The site known as 1-3 Innes Street is part of the proposed Cimitiere Street Heritage Precinct as shown in *Attachment 5 - Cimitiere Street Heritage Precinct*. The Precinct comprises a residential area around a triangular park to the eastern end of Cimitiere Street. Around two-thirds of the properties contained within the Precinct are entered on the Tasmanian Heritage Register.

Development to the west includes Becks Trade and Hardware while development to the east includes the NTCA Sportsground and Kmart complex.

**3. PLANNING SCHEME REQUIREMENTS**

**3.1 Zone Purpose  
Local Business Zone**

20.1.1	<i>To provide for business, professional and retail services which meet the convenience needs of a local area.</i>
	<b>Consistent.</b> The retrospective application is for signage associated with the existing use of the site as a chemist (General Retail and Hire). The use meets the convenience needs of the local area by providing an additional chemist for people to purchase medications and other products.
20.1.2	<i>To limit use and development that would have the effect of elevating a centre to a higher level in the retail and business hierarchy. Limits are imposed on the sizes of premises to ensure that the established hierarchy is not distorted.</i>
	<b>Consistent.</b> The retrospective application is for signage associated with the existing use of the site as a chemist (General Retail and Hire). The chemist is housed in a 380m <sup>2</sup> building and does not distort the retail hierarchy of the Local Business zone to that of a more intense business zone.

**12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)**

20.1.3	<p><i>To maintain or improve the function, character, appearance and distinctive qualities of each of the identified local business centres and to ensure that the design of development is sympathetic to the setting and compatible with the character of each of the local business centres in terms of building scale, height and density.</i></p> <p><b>Inconsistent.</b> The proposed signage scheme does not improve the character and appearance of the surrounding area. The excessive amount of brightly coloured signage covering the building and the bold yellow colour applied to the exterior walls and windows is not sympathetic to or consistent with the visual qualities of the area. It appears that the proposal has been designed to intentionally conflict and create a new and distinctive character.</p>
20.1.4	<p><i>To minimise conflict between adjoining commercial and residential activities.</i></p> <p><b>Consistent.</b> The retrospective application is for signage associated with an existing commercial use that operates in accordance with the deemed-to-comply solutions of the Local Business zone.</p>
20.1.5	<p><i>To ensure that vehicular access and parking is designed so that the environmental quality of the local area is protected and enhanced.</i></p> <p><b>Consistent.</b> The retrospective application is for signage associated with an existing commercial use of the site. Vehicular access and parking was addressed in the previous application for change of use (DA0538/2012).</p>
20.1.6	<p><i>To provide for community interaction by encouraging developments such as cafes, restaurants, parks and community meeting places.</i></p> <p>N/A. The retrospective application is for signage associated with an existing use as chemist (General Retail and Hire).</p>
20.1.7	<p><i>Local Area Objectives</i></p> <p>There are no local area objectives</p>
20.1.8	<p><i>Desired Future Character Statements</i></p> <p>There are no desired future character statements</p>

**3.2 Use**

**3.21 Use Table**

The proposal is associated with a General Retail and Hire class which has a discretionary status if for a single tenancy with a gross floor area between 3500m<sup>2</sup> and 8500m<sup>2</sup>.

**12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)**

**3.2.2 Use Standards  
Local Business Zone**

23.3.1	<p><i>AMENITY</i> To ensure that the use of land is not detrimental to the amenity of the surrounding area in terms of noise, emissions, operating hours or transport.</p>
A1	<p>Commercial vehicles (except for visitor accommodation and recreation) must</p> <ul style="list-style-type: none"> <li>a) only operate between 6.00am and 10.00pm Monday to Friday and 7.00am to 5pm Saturday and Sunday; and</li> <li>b) operating hours for retail, business and entertainment uses must be between 6.00am to 10.00pm; and</li> <li>c) signage is not illuminated or floodlit outside the hours of 6.00am to 10.00pm.</li> </ul> <p><b>Complies.</b> Commercial vehicle use will continue to operate as per the previous permit conditions (DA0538/2012).</p>
A2.1	<p>Noise levels at the boundary of the site with any adjoining land must not exceed:</p> <ul style="list-style-type: none"> <li>a) 50dB(A) day time; and</li> <li>b) 40dB(A) night time; and</li> </ul>
A2.2	<p>Noise levels in habitable rooms of nearby sensitive uses must not exceed 5dB(A) above background.</p> <p><b>Complies.</b> The use does not generate noise impacts above the deemed-to-comply solutions of A2.1 and A2.2.</p>
20.3.2	<p><i>RETAIL IMPACT - FOR DISCRETIONARY BULKY GOODS SALES AND GENERAL RETAIL AND HIRE USES</i> To ensure that the economic, social and environmental impact of significant new retail use and development is appropriate</p>
A1	<p>No acceptable solution Assessment against the Performance Criteria is required.</p>

12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)

P1	<p><i>Discretionary general retail and hire sales uses must:</i></p> <ul style="list-style-type: none"> <li>a) <i>Improve and broaden commercial or retail choice or broaden the range of activities present within the area; and</i></li> <li>b) <i>Improve the urban design outcome for a retail centre including attractiveness, amenity and environment for pedestrians; and</i></li> <li>c) <i>Contribute to street based activity or externally focussed pedestrian environments; and</i></li> <li>d) <i>Have acceptable impacts on the economic viability of activity centres or Councils retail hierarchy; and</i></li> <li>e) <i>Not contribute to loss of investment, blight or disinvestment for a particular centre; and</i></li> <li>f) <i>Encapsulate environmentally sustainable design principles including the extent to which the development is accessible by public transport.</i></li> </ul>
a)	<p><b>Complies.</b> The chemist broadens the choice for medicines and other chemist products for customers in the area.</p>
b)	<p><b>Does not comply.</b> The signage proposal degrades the urban design outcome for the retail centre by diminishing its attractiveness with tasteless and badly designed signage.</p>
c)	<p><b>Does not comply.</b> The windows along the Racecourse crescent elevation have been entirely covered over with signage at street level, thereby reducing the interactivity between the pedestrian environment and the inside of the store.</p>
d)	<p><b>Complies.</b> The existing use of the site (General Retail and Hire) does not disrupt the economic viability or retail hierarchy of the activity centre.</p>
e)	<p><b>Complies.</b> The existing use of the site (General Retail and Hire) does not <i>contribute</i> to loss of investment for the retail centre.</p>
f)	<p><b>Complies.</b> The existing use of the site (General Retail and Hire) is accessible to public transport.</p>
<p>The proposal does not fulfil the requirements of the above Performance Criteria and therefore must be refused.</p>	



**12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)**

**3.2.2 Development Standards**

21.4.1	<i>SITING, DESIGN AND BUILT FORM</i> <i>To ensure that buildings are visually compatible with surrounding area.</i>
A1	<i>The entrance of a building must:</i> a) <i>Be clearly visible from the road or publically accessible areas on the site; and</i> b) <i>Provide a safe access for pedestrians; and</i> c) <i>All buildings are to be orientated to face a road, mall, laneway or arcade, except where the development is not visible from these locations.</i>
	a) The building already exists. The entrances are clearly visible from Innes Street and Racecourse Crescent. b) The building and pedestrian access already exists and are currently assessed as being safe. c) The building already exists and faces the street.
A2	<i>Building height must not exceed:</i> a) <i>7.0m; or</i> b) <i>1m greater than the average of the building heights on immediately adjoining lots.</i>
	N/A. The building already exists. No alteration to the height is proposed.
A3	<i>Buildings must be</i> a) <i>Built to the front, rear and side boundaries of the lot; or</i> b) <i>The same as or less than the setback of an immediately adjoining building.</i>
	N/A. The building already exists. No alteration to the setback is proposed.
A4	<i>Car parking must be located:</i> a) <i>Within the building structure or located behind the building line; and</i> b) <i>So that ground level car parking is not visible to a road, laneway, mall or arcade.</i>
	N/A. The building already exists. No new car parking is proposed. The existing car parking arrangements have been previously approved.
20.4.2	<i>ACTIVE GROUND FLOORS</i> <i>To ensure that building facades promote and maintain high levels of pedestrian interaction and amenity</i>

**12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)**

<p>A1</p>	<p><i>New buildings with non residential uses on ground floors must:</i></p> <ul style="list-style-type: none"> <li>a) <i>Have clear glazing, display windows or glass doorways for a minimum of 80% of all ground floor facades to, malls, laneways or arcades; and</i></li> <li>b) <i>Not have security grills or screens that obscure the ground floor facades to frontages `malls, laneways or arcades; and</i></li> <li>c) <i>Not have mechanical plant or equipments such as air conditioning units or heat pumps visible from ground level public viewpoints; and</i></li> <li>d) <i>Not have blank walls, signage panels or blocked out windows on the ground floor facades to frontages, malls, laneways or arcades that are wider than 2.0m.</i></li> </ul>
	<p>N/A. The building already exists. No new buildings are proposed.</p>
<p>A2</p>	<p><i>Alterations to ground level facades of non residential buildings must not:</i></p> <ul style="list-style-type: none"> <li>a) <i>Reduce the level of glazing on a façade to a frontage, mall, laneway or arcade that is present prior to alterations; and</i></li> <li>b) <i>Have security grills or screens that obscure the ground floor façade; and</i></li> <li>c) <i>Introduce new or additional mechanical plant or equipments such as air conditioning units or heat pumps visible from ground level public viewpoints; and</i></li> <li>d) <i>Contain blank walls or signage that is wider than 2.0m on a façade to a frontage, mall, laneway or arcade.</i></li> </ul> <ul style="list-style-type: none"> <li>a) <b>Does not comply.</b> The proposal involves blanking out most of the windows on both elevations with signage or yellow film, thereby reducing the level of glazing that was present prior to the alterations.</li> <li>b) <b>Complies.</b> No security grilles or screens are proposed.</li> <li>c) <b>Complies.</b> No new or additional mechanical plant equipment is proposed.</li> <li>d) <b>Does not comply.</b> The 'lifestyle' images applied to the windows are 5.2m wide, 4.7m wide, 5.2m wide and 3m wide. All exceed the maximum width of 2m. The Chemist Warehouse logos applied to the building fascia six times are each 2m wide.</li> </ul> <p><b>Does not comply.</b> Additional assessment against the Performance Criteria is required.</p>

**12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)**

<p>P2</p>	<p><i>Alterations to ground level facades of non-residential buildings must be designed to maximise interaction between the use of the building and pedestrians and other users of the road, buildings should be designed to:</i></p> <ul style="list-style-type: none"> <li>a) <i>Maximise the level of glazing, openness and transparency on all ground floor facades to frontages, malls, laneways or arcades; and</i></li> <li>b) <i>Minimise the potential for intrusive security devices to reduce the amenity of the building or reduce levels of interaction with the public; and</i></li> <li>c) <i>Screen, obscure all mechanical plant or equipment such as air conditioning units or heat pumps so as they are not recognisable or visible from ground level public view points; and</i></li> <li>d) <i>Minimise all blank walls and signage on a facade to a frontage, mall, laneway or arcade.</i></li> </ul> <p>a) <b>Does not comply.</b> The level of clear glazing has been reduced significantly on the elevations facing Innes Street and Racecourse Crescent as shown in <i>Attachment 3 - Elevations</i> and <i>Attachment 4 - Site Photo</i>.</p> <p>b) <b>Complies.</b> No security grilles or screens are proposed.</p> <p>c) <b>Complies.</b> No additional mechanical or plant equipment is proposed.</p> <p>d) <b>Does not comply.</b> The signage proposal is far from minimal and is considered excessive. A substantial reduction in the amount of signage is required in order to meet this requirement.</p> <p>The proposal does not fulfil the requirements of the Performance Criteria above and therefore is recommended for refusal.</p>
<p>20.4.3</p>	<p><i>Additional standards for Residential Development and Residential components of Mixed Use Development</i></p> <p>These standards have been omitted as they are not applicable.</p>

**3.4 Overlays and Codes**

**3.4.1 Car parking and Sustainable Transport Code**

N/A

**12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)**

**3.4.2 E18.0 Signs Code**

E18.1.1	<p><b>PURPOSE</b>  <i>To provide opportunities for appropriate business advertising and information essential to support and encourage business activity;</i></p> <p>a) <i>Promote the use of well-designed signs that complement and enhance the streetscape and the City and do not contribute to visual clutter and detract from the visual amenity of the locality;</i></p> <p>b) <i>Ensure signs on places of cultural significance are responsive to the cultural heritage values and the significance of the building or place, both in terms of impact and by means of attachment, by protecting and enhancing those values; and</i></p> <p>c) <i>Ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.</i></p> <hr/> <p>a) <b>Inconsistent.</b> The signs are not well-designed and have no regard for the existing streetscape character. The repeated messages on the signs and their bold design and bright colours detract from the visual amenity of the area.</p> <p>b) <b>Consistent.</b> It should be noted however that while the building itself is not heritage listed, the site forms part of the Cimitiere Street Heritage Precinct. The proposed signage scheme would have a detrimental effect on the heritage significance and aesthetic value of the proposed Precinct. <i>See Attachment 5 - Cimitiere Street Heritage Precinct.</i></p> <p>c) <b>Consistent.</b> The proposed signs are located flat on the building and will not disrupt pedestrian or vehicular movement.</p>
E18.5	<b>DEVELOPMENT STANDARDS</b>
E18.5.1	<p><b>INNAPPROPRIATE SIGNAGE</b>  <i>To prevent inappropriate signage</i></p>
A1	<p><i>Must not be a:</i></p> <p>a) <i>Third Party Sign</i></p> <p>b) <i>Roof Sign</i></p> <p>c) <i>Sky Sign</i></p> <p>d) <i>Bunting (Flag and Decorative Elements)</i></p> <p>e) <i>Flashing Lights</i></p> <hr/> <p><b>Complies.</b> Building fascia signs, corporate colours, wall signs, window signs, and sunblinds are not listed above.</p>

**12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)**

E18.5.2	<p><i>DESIGN AND SITING OF SIGNAGE</i>  <i>To ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.</i></p>
A1	<p>A sign must:</p> <ul style="list-style-type: none"> <li>a) <i>Meet the requirements for the relevant sign type set out in E.18.6; and</i></li> <li>b) <i>Be located within the applicable zone set out in E18.6</i></li> </ul> <p>1) <i>Requirements for building fascia signs:</i></p> <ul style="list-style-type: none"> <li>a) <i>Must not project above or below the fascia of the building;</i></li> <li>b) <i>Must not exceed two thirds the depth of the fascia band, and in any case must not exceed 0.95m in height: and</i></li> <li>c) <i>Must not project more than 0.2m from the vertical face of the fascia.</i></li> </ul> <p>Response:</p> <ul style="list-style-type: none"> <li>a) <b>Does not comply.</b> The Chemist Warehouse logo, repeated six times on the fascia band, extends above the height of the fascia by 0.4m.</li> <li>b) <b>Does not comply.</b> The Chemist Warehouse logo, repeated six times on the fascia band exceeds the height requirement by 0.45m.</li> <li>c) <b>Complies.</b> The building fascia signs are flat on the fascia.</li> </ul> <p>2) <i>Requirements for corporate colours:</i></p> <p><i>Corporate colours must be applied to no more than 40% of the building.</i></p>

12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)

	<p>Response:</p> <p><b>Does not comply.</b> All external brickwork that is visible from the street has been painted corporate yellow apart from a small section below floor level. This exceeds the 40% limit.</p> <p>3) <i>Requirements for wall signs:</i></p> <p>a) <i>Maximum area of 4.5m<sup>2</sup>;</i>  b) <i>Must not extend laterally beyond the wall or above the top of the wall to which it is attached; and</i>  c) <i>Must not occupy more than 25% of the wall area.</i></p> <p>Response:</p> <p>a) <b>Complies.</b> Two wall signs are proposed measuring 1.6m<sup>2</sup> and 1.8m<sup>2</sup> respectively. The total area of the wall signs is 3.4m<sup>2</sup>.  b) <b>Complies.</b> The wall signs do not extend laterally beyond the wall or above the top of the wall to which they are attached.  c) <b>Complies.</b> The wall signs occupy less than 25% of the wall area.</p> <p>4) <i>Requirements for window signs:</i></p> <p><i>Must not occupy more than 50% of the window area</i></p> <p>Response:</p> <p>a) <b>Does not comply.</b> The window area is approximately 82m<sup>2</sup>. The area of window covered by vinyl wrap and signage is 62.7m<sup>2</sup>. This equates to 76% of the window area.  b) Building fascia signs, corporate colours, wall signs, window signs, and sunblinds are located within the Local Business Zone as set out in E18.6.</p> <p>The proposal does not meet the Acceptable Solutions above. Further assessment against the Performance Criteria is required.</p>
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12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)

P1	<p><i>A sign must</i></p> <ul style="list-style-type: none"> <li>a) <i>Be within an applicable zone for the sign type as set out in table E18.6;</i></li> <li>b) <i>Be sympathetic to the architectural character and detailing of the building;</i></li> <li>c) <i>Be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;</i></li> <li>d) <i>Not result in loss of amenity to neighbouring properties;</i></li> <li>e) <i>Not involve the repetition of messages or information on the same frontage;</i></li> <li>f) <i>Not contribute to or exacerbate visual clutter; and</i></li> <li>g) <i>Not cause a safety hazard or obstruct movement of pedestrians on a footpath.</i></li> </ul> <ul style="list-style-type: none"> <li>a) <b>Complies.</b> Building fascia signs, building signs, wall signs, window signs, and sunblinds are located within the Local Business Zone as set out in E18.6.</li> <li>b) <b>Does not comply.</b> The signage has no regard for the architectural detailing of the building. The building fascia signs jut out above the height of the fascia. Furthermore, the window signs and yellow film applied to the windows obscures views to the inside of the store.</li> <li>c) <b>Does not comply.</b> The largest sign on the building is 5.4m wide. There are three other of a similar size. The size of these signs is considered excessive.</li> <li>d) <b>Does not comply.</b> The visual amenity of the neighbouring properties will be compromised by the garish colours and the repetitive nature of the proposed signs. See <i>Attachment 4 - Site Photo</i>.</li> <li>e) <b>Does not comply.</b> On the Innes Street elevation the message <i>CHEMIST WAREHOUSE</i> is repeated twice. On the Racecourse Crescent elevation, the message <i>CHEMIST WAREHOUSE</i> is repeated three times. See <i>Attachment 3 - Elevations</i>.</li> <li>f) <b>Does not comply.</b> This signage proposal is considered to be cluttered, and the multiple elements unnecessary to understand the function of the building.</li> <li>g) <b>Complies.</b> The signage will not obstruct the movement of pedestrians on a footpath.</li> </ul> <p>The proposal does not fulfil the requirements of the Performance Criteria above and therefore is recommended for refusal.</p>
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**12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)**

A2	<p><i>A sign must be a minimum distance of 2m from the boundary of any lot in the Residential Zone.</i></p> <p><b>Complies.</b> The proposed sign is more than 2m from the boundary of any lot in the Residential Zone.</p>
A3	<p><i>A maximum of one of each sign type per building or tenancy unless otherwise stated in E18.6</i></p> <p><b>Does not comply.</b> Ten building fascia signs, two wall signs and eleven window signs are proposed.</p> <p>Further assessment against the Performance Criteria is required.</p>
P3	<p><i>A sign must:</i></p> <p>a) <i>Where possible, reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;</i></p> <p>b) <i>Not engage in the repetition of messages or information on the same frontage.</i></p> <p>a) <b>Does not comply.</b> The signage proposal increases the amount of signage in the streetscape. The previous tenant (Leisure Living) had substantially less signage, with no signage at all on the windows.</p> <p>b) <b>Does not comply.</b> On the Innes Street elevation the message <i>CHEMIST WAREHOUSE</i> is repeated twice. On the Racecourse Crescent elevation, the message <i>CHEMIST WAREHOUSE</i> is repeated three times.</p> <p>The proposed signage scheme does not fulfil the requirements of the Performance Criteria above and is therefore prohibited.</p>
A4	<p><i>A sign must not be illuminated or contain; flashing lights, animation, moving parts and moving or changing messages or graphics.</i></p> <p><b>Complies.</b> The proposed signs will not be illuminated.</p>

**4.0 REFERRALS**

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

**Infrastructure Assets**

No objection to the proposal on the basis of one conditions relating to damage to Council infrastructure.



**12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)**

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**Environmental Services**

No comment.

**5.0 REPRESENTATIONS**

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 30 October 2013 to 13 November 2013.

No representations were received.

**6.0 CONCLUSION**

It is considered that the proposal **Does not comply** with the provisions of the Launceston Interim Planning Scheme 2012. The application is recommended for refusal.

**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.

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**12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)**

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**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:**

1. Locality Map

The following documents have been circulated separately:-

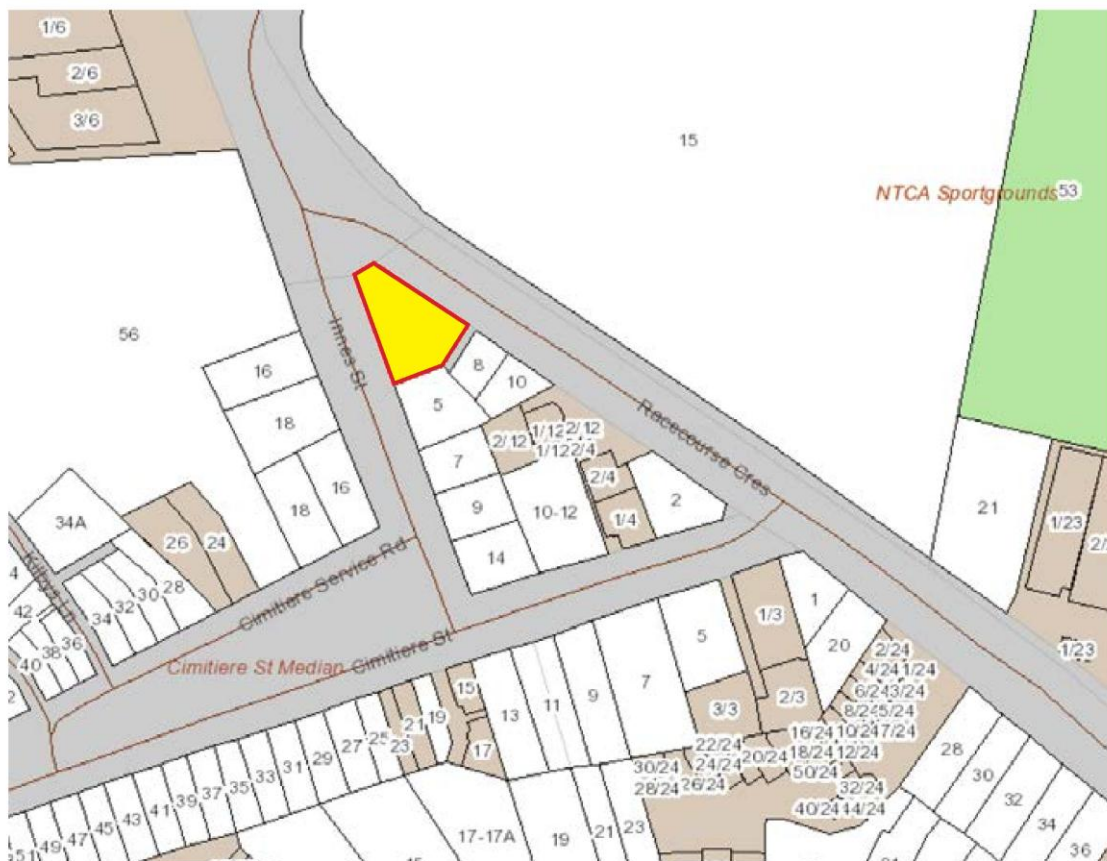
2. Site Plan - circulated separately
  3. Elevations - circulated separately
  4. Site Photo - circulated separately
  5. Cimitiere Street Heritage Precinct - circulated separately
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**LOCALITY MAP - DA0361/2013**  
**1-3 INNES STREET, LAUNCESTON**



**Locality Map**

Scale: This Map Is Not to Scale

Attachment 1. Locality Map

**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)**

**FILE NO:** SF5990

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

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

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**DECISION STATEMENT:**

To consider the merits of representations received during the public consultation period for dispensation application (LAU D2/2013) and to determine whether the proposed dispensation requires modification in light of the representations received.

**PLANNING APPLICATION INFORMATION:**

Applicant:	GHD Pty Ltd
Property:	Volume 75633 Folio 1
Land Area:	3.8ha
Zone:	Low Density Residential
Public Exhibition:	7/9/2013 - 5/10/2013
Representations:	Nine
TPC Deadline:	9/11/2013

**PREVIOUS COUNCIL CONSIDERATION:**

Item 4.4 SPPC - Monday 18 November 2013

Item 12.1 Council Monday 11 November 2013 - Item deferred

Item 12.2 Council Monday, 28 October 2013 - Item deferred.

Item 12.1 Council Monday, 26 August 2013 - Council resolved to support the proposal subject to retaining the Scenic Management area overlay.

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**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

**RECOMMENDATION:**

That the Council:

- 1) pursuant to *Section 30Q* of the *Land Use Planning and Approvals Act 1993*, the Council has considered the representations received in respect to the application for dispensation from a Local Provisions of the Launceston Interim Planning Scheme (LAU D2/2013) at 123 Westbury Road, South Launceston and provide the following statement to the Tasmanian Planning Commission as to the merit of each representation and any recommended modifications; and
- 2) notes that the application only relates to a dispensation from a local provision of the Launceston Interim Planning Scheme 2012 and does not include any future development application which may be lodged with Council for the site. Pending the outcome of this application for dispensation, a future development application for the site would be considered by the Council on its own merits against the provisions of the Launceston Interim Planning Scheme 2012, as modified by the dispensation. It is the Council's opinion that the site has a number of constraints that would need to be carefully addressed in a future development application including its high scenic amenity, access and traffic difficulties requiring new infrastructure and biodiversity value.

<b>Representation</b>	<b>Issues Raised</b>
Bill Campbell-Smith	<ol style="list-style-type: none"> <li>1. Overlays should remain because property is an iconic backdrop to city.</li> <li>2. Property was gifted to Council but then sold with restrictions. Restrictions should remain.</li> <li>3. Low density zone should remain because better fits with overlay requirements, and traffic and access issues.</li> </ol>
	<b>Discussion of Merit</b>
	<ol style="list-style-type: none"> <li>1. Partially agree. See comments in part 3 of the report.</li> <li>2. Council was presented with the offer to be gifted the land as a public park in 2004 however Council declined to accept the offer. Council has not applied any special restrictions.</li> <li>3. Disagree. See comments in part 3 of the report.</li> </ol>
	<b>Recommended Alterations</b>
	<ol style="list-style-type: none"> <li>1. No change. Retain Scenic Management overlay.</li> <li>2. No change.</li> <li>3. No change.</li> </ol>

**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

Representation	Issues Raised
Nigel and Linda Donachie	<ol style="list-style-type: none"> <li>1. Need for dispensation.</li> <li>2. Issues with information in Traffic Report. Why leave Traffic Flow analysis until subdivision stage?</li> <li>3. How will current users be affected by and who will pay for infrastructure upgrades, especially to the traffic network?</li> <li>4. How will heavy vehicles be managed especially during construction and how will additional traffic arising from development of the land be managed?</li> <li>5. How will safety of pedestrians and cyclists past the 'grand entrance' be accommodated, particularly during construction?</li> <li>6. This site has historically been zoned Low Density Residential with Scenic Protection provisions applying. What has significantly changed?</li> <li>7. If the Scenic Management and Biodiversity overlays are removed from the property, will they also be removed from adjacent properties that have similar attributes thereby giving those owners the same flexibility?</li> <li>8. Concerns with the Landscape and Visual Assessment report including its downplaying of the visual impact of future subdivision, and the visual impact of clear felling of the site.</li> <li>9. Concerns with the report supporting removal of Priority Habitat given there was a limited site assessment, uncertainty whether nocturnal site assessment was conducted to view presence of fauna, that site assessments were done outside of known flowering times for some threatened flora preventing identification or whether those species are present or not, errors in information records presented in report, and that raptor nests were not recorded in report when raptors do nest onsite. The Arborists Report does not include assessment of trees from protected section.</li> <li>10. Incompatibility of the lot density under the General Residential zone with Scenic Management objectives.</li> <li>11. Traffic Study - peak hour snapshots do not truly represent the concentrated traffic along Westbury and Normanstone Roads. Concerns that solution don't adequately deal with traffic banking up on Normanstone Road. The study doesn't consider the traffic issues around the Wellington Street and Westbury Road intersection.</li> </ol>

**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

	<p>12. How will traffic be managed during the construction phase?</p> <p>13. Concerns with Council giving an opinion on the proposal prior to public consultation.</p>
	<p><b>Discussion of Merit</b></p> <p>1. The ability to apply for a dispensation is available under the Land Use Planning Approvals Act and is available to anyone whilst the scheme is an interim planning scheme.</p> <p>2. The development stage is when the full specific details of what's proposed and the extent of the proposal's implications will be considered. At this stage, it's sufficient to know that there are appropriate traffic engineering solution/s available to enable a development to proceed at a density that the zone allows for.</p> <p>3. Typically infrastructure upgrades and works required to service a new development are required to be paid for by the developer. This will be a matter for a future development application on the site.</p> <p>4. Full analysis of this issue is appropriate for consideration at the subdivision stage. A construction traffic management plan will be required then.</p> <p>5. See above comment.</p> <p>6. The site was zoned Low Density Residential with a Scenic Protection overlay under the Launceston Planning Scheme 1996. This has been translated into the current interim planning scheme. The applicant has analysed the site and believes there is sufficient evidence to support changing the provisions that apply to the land.</p> <p>7. Ideally this should be the case if the attributes are the same however, insufficient evidence has been submitted for adjacent properties and adjacent properties have not been included in this application.</p> <p>8. It is recommended that the Scenic Management overlay be retained on the subject land to enable consideration of the design in the context of its visual impact as well as during subdivision and construction and to also to have future development blend in appropriately with surrounding existing development.</p>

**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

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	<p>9. There is sufficient evidence submitted to indicate the nature values are sufficiently poor that the Biodiversity Code need not apply. This doesn't affect the requirements of other legislation such the provisions of the Nature Conservation Act and the Threatened Species Protection Act where a permit is usually required to remove priority habitat.</p> <p>10. The minimum lot size provided in the zone indicates the density appropriate to the zone in an ideal scenario. Where there are constraints, such as scenic values, lot sizes may have to be increased to address those issues. Also in terms of scenic considerations, lot size is only one aspect to consider, the shape, road location, development pattern and so on all affect the scenic outcome of the development. Where the General Residential zone applies, it becomes more important that where there are special values that require consideration that those relevant overlays do apply to ensure their consideration since the zone objectives and zone development standards do not provide scope to consider them.</p> <p>11. Based on traffic surveys over a longer period the figures quoted do represent peak traffic flow, although there are similarly high flows at other times during the day. The figures are appropriate for this submission but a fuller count will be required at subdivision stage. The traffic signals will help to improve traffic flow in Normanstone Road and balance this with Westbury Road.</p> <p>12. Full analysis of this issue is appropriate for consideration at subdivision stage. A construction traffic management plan will be required then.</p> <p>13. This is the statutory process as outlined in Section 30P of the Land Use Planning and Approvals Act.</p>
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**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

	<b>Recommended Alterations</b>
	<ol style="list-style-type: none"> <li>1. No change.</li> <li>2. No change.</li> <li>3. No change.</li> <li>4. No change.</li> <li>5. No change.</li> <li>6. No change.</li> <li>7. No change.</li> <li>8. No change. Retain scenic management overlay.</li> <li>9. No change.</li> <li>10. No change.</li> <li>11. No change.</li> <li>12. No change.</li> <li>13. No change.</li> </ol>
<b>Representation</b>	<b>Issues Raised</b>
Tanya Geddes	<ol style="list-style-type: none"> <li>1. Affected residents should have had access to these plans prior to the 9 September 2013 since the process appears to have commenced in December 2012.</li> <li>2. Prior to purchase of home in February 2012, I was advised there would be no change to land at the rear of my property, yet we have this application.</li> <li>3. Impact on the resale value of my property.</li> <li>4. My property has covenant about a fence that was removed and would be replaced. That fence has not been replaced.</li> <li>5. How the removal of the right hand turn into Normanstone Road affect road users and congestion.</li> <li>6. Degradation of amenity from increased traffic, stormwater and noise from the increase in residential density proposed.</li> <li>7. Concerned about snakes coming into my property with the loss of habitat.</li> <li>8. Concerns about the process of assessment, why is the public only being notified now?</li> </ol>

**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

	<p><b>Discussion of Merit</b></p> <ol style="list-style-type: none"> <li>1. Council has followed the statutory process as outlined in Section 30P of the Land Use Planning and Approvals Act 1993.</li> <li>2. That advice was correct at the time. The current application seeks to vary the land use which may or may not be successful.</li> <li>3. Not a planning matter.</li> <li>4. Not a matter for this application. Fencing covenants are a civil matter.</li> <li>5. There appears to be a misunderstanding, the proposal is to remove the right turn out of Normanstone Road, not in. As the representation is from Caroline Street this restriction will have no impact.</li> <li>6. Full analysis of this issue is appropriate for consideration at the subdivision stage. There is no evidence that, if correctly managed, any changes to the current stormwater situation will result in any loss of amenity to the neighbouring residents. A stormwater detention structure will be required as a result of the increase in impervious surfaces arising from a subsequent development however the capacity will be a function of the increase in impervious area and is not known at this time as there is no application for subdivision (although several potential layouts have been mooted).</li> <li>7. This is not a planning issue.</li> <li>8. This is the statutory process as outlined in Section 30P of the Land Use Planning and Approvals Act.</li> </ol> <p><b>Recommended Alterations</b></p> <ol style="list-style-type: none"> <li>1. No change.</li> <li>2. No change.</li> <li>3. No change.</li> <li>4. No change.</li> <li>5. No change.</li> <li>6. No change.</li> <li>7. No change.</li> <li>8. No change.</li> </ol>
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**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

Representation	Issues Raised
GHD	<ol style="list-style-type: none"> <li>1. Scenic Management Code - requires a discretionary application for the removal of all vegetation irrespective of the species or condition. The site contains mostly exotic vegetation in poor condition.</li> <li>2. Scenic Management Code - All development and subdivision is discretionary unless in accordance with the Western Hillside Precinct Provisions. Those provisions have no specific assessment criteria leading to uncertainty for applicants.</li> <li>3. Scenic Management Code - report submitted does assess the site within the areas context and concludes that the landscape sensitivity is medium to negligible. Vegetation is characterised by urban landscaping and street planting, which can occur over time by itself and does not need the overlay to achieve that.</li> </ol>
<b>Discussion of Merit</b>	
<ol style="list-style-type: none"> <li>1. Agreed, the Scenic Management Code in its current incarnation is too broad scale with its application. An amended Scenic Management Code to refine its application is being prepared and will be considered as part of the Launceston Interim Scheme hearing process. This issue will be dealt with over time and in itself is not a sufficient argument to warrant its removal from the site.</li> <li>2. Agreed, that the Scenic Management Code requires specific assessment criteria for each precinct. This issue is being considered and an amended code is prepared and will be considered as part of the Launceston Interim Scheme hearing process. This issue will be dealt with over time and in itself is not a sufficient argument to warrant its removal from the site.</li> <li>4. The report does not adequately consider alternative planning solutions or the implications for removal of the scenic management area. See further comments in this report in part 3.</li> </ol>	
<b>Recommended Alterations</b>	
<ol style="list-style-type: none"> <li>5. No change. This issue is being considered as part of the Interim Planning Scheme hearing process.</li> <li>6. No change. This issue is being considered as part of the Interim Planning Scheme hearing process.</li> <li>7. No change. Retain Scenic Management Code.</li> </ol>	

**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

<b>Representation</b>	<b>Issues Raised</b>
BD & LB Harper	<ol style="list-style-type: none"> <li>1. Ongoing loss of trees in the area</li> <li>2. Stormwater issues existing in the area will be exacerbated by further development.</li> <li>3. Traffic generation from denser development will exacerbate congestion around Eureka Street and traffic reporting has not adequately considered the stagnation of traffic in Normanstone Road.</li> </ol>
	<b>Discussion of Merit</b>
	<ol style="list-style-type: none"> <li>1. Acknowledge tree decline is a problem in this area as well as other areas in Launceston. Retention of Scenic Management overlay and better enforcement would help address this issue.</li> <li>2. Eureka Street is located at the top of the catchment and following the recent flooding while there were several reports of damage in this area they were categorised as overland flow. From the representation it appears that the complaint is actually referring to a problem with the neighbour and not a network failure. This should be referred to the Plumbing Department for review and action if warranted.</li> <li>3. The density of development is not known at this point and the traffic management solution will be determined once this is established (through a future development application for subdivision). The proposed traffic signals will help to improve traffic flow in Normanstone Road and balance this with Westbury Road.</li> </ol>
	<b>Recommended Alterations</b>
	<ol style="list-style-type: none"> <li>1. No change.</li> <li>2. No change.</li> <li>3. No change.</li> </ol>

**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

Representation	Issues Raised
Pitt & Sherry	<ol style="list-style-type: none"> <li>1. There is inadequate justification for the removal of the Priority Habitat overlay since threatened communities do exist.</li> <li>2. The Low Density Residential zone is a better fit for the site since there are existing infrastructure and environmental constraints.</li> <li>3. The Scenic Management Code is not prohibitive towards development instead it guides development to be appropriate for its context. Its removal would set a dangerous precedent for other hillside residential areas.</li> <li>4. Concerned about the traffic impacts from increased density. Concerned about the disruptive impact on residents being denied the ability to turn right from Normanstone Road onto Westbury Road.</li> <li>5. The proposal doesn't adequately address the Northern Regional Strategy Strategic Direction 6 &amp; 8 which identifies that planning should be resilient to planning pressures of population growth and that the retention of threatened vegetation communities and high scenic values be protected.</li> <li>6. Points a) and c) of Section 3.9 of the Objectives of the Launceston Interim Scheme concerning biodiversity and scenic values are not adequately addressed by the proposal.</li> </ol>
	<p><b>Discussion of Merit</b></p> <ol style="list-style-type: none"> <li>1. What is left is small, fragmented and would be difficult to maintain into the future. Removal can be covered by the provisions of the Nature Conservation Act and the Threatened Species Protection Act need to be followed by the landowners/developers and a permit is usually required to remove priority habitat.</li> <li>2. Disagree, see part 3 of this report.</li> <li>3. Agree. Retain Scenic Management code.</li> <li>4. The removal of the right turn from Normanstone Road into Westbury Road will inconvenience the residents of 99-105 Normantone Road who are unable to turn right onto Normanstone Road. It may be possible for those properties that have a boundary with the development site to negotiate an alternative access. Otherwise residents will be able to use the new subdivision road to turn.</li> <li>5. See part 3 of the report.</li> <li>6. See part 3 of the report.</li> </ol>

**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

	<b>Recommended Alterations</b>
	<ol style="list-style-type: none"> <li>1. No change.</li> <li>2. No change.</li> <li>3. No change. Retain Scenic Management Code.</li> <li>4. No change.</li> <li>5. No change.</li> <li>6. No change.</li> </ol>
<b>Representation</b>	<b>Issues Raised</b>
PDS	<ol style="list-style-type: none"> <li>1. Traffic concerns - lack of consideration of a range of alternative options including potential for accesses other than Westbury Road. Lack of detail about access and junction design and lot access.</li> <li>2. Traffic Impact - no traffic assessment against E4.0 has been provided.</li> <li>3. Stormwater infrastructure - Eureka Street already experiences stormwater problems particularly during heavy rainfall. Concerned this proposal will exacerbate that issue.</li> <li>4. Priority Habitat - reporting has not adequately surveyed the site to determine extent of presence of threatened flora. Priority habitat should not be removed until the full values of the vegetation and its habitat for fauna are investigated and analysed.</li> <li>5. Scenic Management code - concerned removal will prevent adequate consideration of vegetation removal, earthworks and built form in this hillside location.</li> <li>6. The Low Density Residential zone is a better fit since the site has infrastructure and environmental constraints.</li> </ol>

**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

	<p><b>Discussion of Merit</b></p> <ol style="list-style-type: none"> <li>1. Other options have been considered but have been regarded as impractical. The lot has sole frontage to Westbury Road which limits the ability to provide alternative accesses points.</li> <li>2. The code does not apply as there is no application for subdivision.</li> <li>3. Recent heavy rainfall have resulted in several CRMs being received from Eureka Street and were categorised as overland flow issues rather than system failures.</li> <li>4. Issues noted however what is left is small, fragmented and would be difficult to maintain into the future. Removal of the Priority Habitat overlay does not affect the application of the provisions of the Nature Conservation Act and the Threatened Species Protection Act where a permit is usually required to remove priority habitat.</li> <li>5. Agree. Support retention of Scenic Management Code.</li> <li>6. Consider constraints no sufficient enough to warrant retention of the zone. See part 3 of the report for further details.</li> </ol>
	<p><b>Recommended Alterations</b></p> <ol style="list-style-type: none"> <li>1. No change.</li> <li>2. No change.</li> <li>3. No change.</li> <li>4. No change.</li> <li>5. No change. Retain Scenic Management Code.</li> <li>6. No change.</li> </ol>
<p><b>Representation</b> Michael Watkins</p>	<p><b>Issues Raised</b></p> <ol style="list-style-type: none"> <li>1. Junction changes proposed are not clear as to the impacts of traffic entering/existing Caroline Street.</li> <li>2. Want to be notified of building envelopes on development lots</li> <li>3. What stormwater impact will there be to existing properties in Caroline Street. The documentation talks about Eureka Street properties but not Caroline Street.</li> <li>4. Would like to see 2.1m colourbond fencing on the common boundary.</li> </ol>

**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

	<p><b>Discussion of Merit</b></p> <ol style="list-style-type: none"> <li>1. The proposed access necessitates a right turn lane into the subdivision and the traffic signals at Normanstone Road which will also assist Caroline Street residents.</li> <li>2. This is best considered in an application for subdivision. All subdivisions require a public notification period where adjoining owners are notified by mail.</li> <li>3. Each lot applied for in a subdivision will need to be provided with a stormwater connection to the lowest part of the lot discharging to a suitably sized pipeline which will be taken over as a public asset once completed. The ultimate location of the main will be determined by the layout of the subdivision however it is reasonable to assume that such a pipeline would be located along the rear of the Caroline Street properties and Eureka Street properties.</li> <li>4. Boundary fencing is not a matter for this application.</li> </ol> <p><b>Recommended Alterations</b></p> <ol style="list-style-type: none"> <li>1. No change.</li> <li>2. No change.</li> <li>3. No change.</li> <li>4. No change.</li> </ol>
<b>Representation</b>	<b>Issues Raised</b>
Don Wing	<ol style="list-style-type: none"> <li>1. Minimum lot size would be better to be 800 or 900m2 for this area.</li> <li>2. Traffic and safety concerns regarding the junction to Westbury Road. Concerned about the effects of traffic lights, and narrowing west bound lane on traffic congestion. Suggest an access via Caroline Street should be considered.</li> </ol> <p><b>Discussion of Merit</b></p> <ol style="list-style-type: none"> <li>1. The zone sets the minimum lot size, anything above that is permissible in the zone. 800-900m2 is possible within the General Residential zone without a discretion being invoked. This lot range is more consistent with some adjacent existing residential areas bordering the site.</li> <li>2. Other options have been considered but have been regarded as impractical. 1. The lot has sole frontage to Westbury Road which limits the ability to provide alternative access points.</li> </ol> <p><b>Recommended Alterations</b></p> <ol style="list-style-type: none"> <li>1. No change.</li> <li>2. No change.</li> </ol>



## **12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

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### **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 123 Westbury Road, South Launceston.

The proposal seeks to:

1. Set aside the whole provisions of the Low Density Residential zone as they relate to 123 Westbury Road, certificate of title volume 75633 folio 1, and apply the provisions of the General Residential zone; and
2. Set aside the whole of the provisions of the Scenic Management Area as they relate to 123 Westbury Road, certificate of title volume 75633 folio 1 by the removal of the scenic management area from the overlays map; and
3. Remove the priority habitat area from the overlays map as they relate to 123 Westbury Road, certificate of title volume 75633 folio 1.

The Council determined to support element 1 and 3 of the proposal and not support element 2 of the proposal at the Council meeting on 26 August 2013. The application was then advertised in accordance with the Act's requirement and 9 representations were received.

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.

It should be noted that the Council's determination of this application for dispensation does not imply support or otherwise for the future proposed development on the site. A future development application must be considered by the Council on its own merits against the provisions of the Launceston Interim Planning Scheme 2012.

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## **12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

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### **2 Representations**

The dispensation application was advertised from 7 September to 5 October 2013. Nine (9) representations were received. The issues raised are summarised in the report's recommendation. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the entire representation attached to this report.

The applicant has submitted further information in response to the issues raised in the representations. This is also attached to the report.

### **3 Issues**

This dispensation application concerns what provisions in the interim scheme should apply to the subject land. In particular, if the General Residential zone provisions are suitable and whether the Scenic Management and Priority Habitat overlays should no longer apply. The issue is whether the values present are sufficient to warrant retention of the overlays and if the land is capable of developing at more of a General Residential density and whether this is appropriate for the context and values that apply to the land.

The details of how traffic and underground infrastructure issues will be dealt with are not necessary at this stage other than to demonstrate development capacity. Details of how these issues will be resolved are necessary at the development stage. This will be the subject of a separate planning application and public consultation process.

Many of the issues raised in the representations, particularly in relation to traffic are matters of detail that are best considered within the scope of a future subdivision application rather than within this application.

The key issues concerning the appropriateness of the zone change are:

- Capability of the site to be developed at a General Residential density given traffic and other constraints;
- Suitability of the zone in that skyline location.

A key purpose of the Low Density Residential zone is:

*12.1.1 To provide for residential use or development on larger lots in residential areas where there are infrastructure and environmental constraints that limit development.*

And

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## **12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

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*12.1.3 To ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development from public views.*

Council must determine whether the constraints and values of the site necessitates the use of the Low Density zone. There are no significant infrastructure or traffic issues that would impede a denser residential development from occurring on the land. Scenic and natural values are not considered to be significant development constraints but instead are capable of being managed by the application of relevant interim scheme codes.

The site falls within the third tier of the hierarchy for residential land in the *Launceston Residential Strategy 2009 - 2029*. This tier identifies vacant land in urban infill locations including undeveloped portions of existing residential areas and vacant land currently within a residential zone. To fulfil the relevant strategy objectives, the highest density suitable should be applied to the land. Factors in favour of the General Residential zone include the absence of natural hazards, the serviceability of the site, the character of existing adjacent development is General Residential, proximity to district shopping facilities, and proximity to public transport.

It's considered that the General Residential zone provides greater scope to realise Council's planning objectives for density, housing choice, infill development, utilisation of infrastructure and increasing population density close to public transport and district shopping facilities.

The relevant considerations when considering the proposal to remove Scenic Management Code are:

- The scenic values of the site and at what level should an overlay be removed;
- The appropriateness of the submitted recommendations and whether there are alternative options that would be more appropriate.
- Whether in terms of procedure fairness, the applicability of the Scenic Management overlay needs to be considered on adjacent lots within the same precinct.
- Whether development can occur without having a detrimental impact on the hillside without the Scenic Management Code in place.

In the Scenic Management code, the subject land is located within the Western Hillside precinct. The relevant management objectives of the precinct are:

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## **12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

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*a) Maintain and improve vegetation, particularly trees within the skyline area of the precinct. Species selected must be consistent with the dominant character of the immediate setting. Where the area is located within or near a reserve, local native species should be used.*

*b) Development within the precinct must minimise its visual intrusion on the hillside by its location, form, scale, exterior materials, colours and landscaping particularly when seen from major public vantage points. Visually dominating or obtrusive development, particularly along the skyline must not be approved.*

*c) Subdivisions are to address bushfire safety and vegetation management requirements to achieve a visually unobtrusive development with sufficient vegetation coverage to retain the precincts character.*

The management objectives provide guidance on what is appropriate development on that hillside. In this area, the focus is about having development blend in and retaining or reinstating, as the case may be, trees and vegetation that give the 'green treed' appearance to the urban environment.

Launceston is experiencing a decline in canopy trees throughout the city, and this decline is most notable in the hillside areas, due to their visibility. The treed character of Launceston is valued by its community.

New residential development is trending towards larger houses with less open area and notably less trees within their gardens. The visual outcome of this development tends to make the buildings more dominant or dominating in the landscape as there is less separation between buildings and less screening and softening of their appearance by vegetation.

The retention of the Scenic Management Overlay will serve to encourage and promote appropriate vegetation and development to facilitate the sites integration into the urban skyline landscape. It also provides the best mechanism to implement the submitted Landscape and Visual Amenity Report's recommendations and for the applicable strategies from the Regional Land Use Strategy concerning scenic landscape values to be met.

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## **12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

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Removal of the Scenic Management overlay would remove the opportunity to consider scenic and landscape impacts for development and also the ability to implement the Landscape Visual Amenity Report's recommendations.

Without the overlay in place, there is little scope to moderate inappropriate development. In this scenario, there would be negligible scope to influence the design and the extent of clearance for subsequent development that would result from the subdivision itself. For subsequent housing development there would be no opportunity since where all the applicable acceptable solutions are met, no planning permit would be required.

The Scenic Management Code is improved from its earlier version under the Launceston Planning Scheme 1996. It is recognised however that its current form is too broad in its application and further refinement to provide better clarity during assessment would be beneficial. Revision of the code to improve functionality and incorporate assessment provisions for the precincts is being prepared as part of the interim scheme hearing process.

Relevant considerations when considering the proposal to remove the Biodiversity code are:

- Whether the submitted documentation is sufficiently thorough and detailed to assess the quality of the threatened flora and fauna onsite;
- The value of the priority habitat and whether protection is necessary under the interim planning scheme.

The submitted documentation provides sufficient evidence to indicate that the priority habitat that exists is small, fragmented and of poor quality. The benefits of retaining the priority habitat overlay are minimal and would impose an additional regulatory hurdle for applicants for habitat that will be difficult to manage sustainably long term. It's considered that the application of other legislation such as the *Nature Conservation Act* and *Threatened Species Protection Act* are sufficient to deal with this issue without the need to have the interim scheme do so in this circumstance as well.

#### **4 Conclusion**

The dispensation application for 123 Westbury Road has been advertised and representations were received. This report has considered the issues and merits raised by the representations received and concludes that the opinion Council adopted on the 26 August 2013 for this proposal should remain unchanged.

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**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)**

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**ECONOMIC IMPACT:**

The economic impact has been considered through assessing what the maximum potential of land could be that would provide the best utilisation of existing services and infrastructure.

**ENVIRONMENTAL IMPACT:**

The environmental impact has been considered through identification of what environmental values apply to the proposal and what planning instruments should apply to manage those values.

**SOCIAL IMPACT:**

The social impact of the proposal has been considered by understanding the projected housing and services needs of the community and what zone would be most appropriate to achieving those needs.

**STRATEGIC DOCUMENT REFERENCE:**

Land Use Planning and Approvals Act 1993  
Regional Land Use Strategy for Northern Tasmania  
Launceston Residential Strategy 2009 - 2029  
Launceston Interim Planning Scheme 2012  
State Policy on the Protection of Agricultural Land 2009  
State Policy on Water Quality Management 1997  
State Coastal Policy 1996  
National Environmental Protection (Used Packaging Materials) Measure  
National Environmental Protection (Ambient Air Quality) Measure  
National Environmental Protection (Movement of Controlled Waste Between States and Territories) Measure  
National Environmental Protection (National Pollutant Inventory) Measure  
National Environmental Protection (Assessment of Site Contamination) Measure  
National Environmental Protection (Diesel Vehicle Emissions) Measure  
National Environmental Protection (Air Toxics) Measure

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**12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(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.

  
**Michael Stretton: Director Development Services**

**ATTACHMENTS:**

1. Copy of representations - circulated separately
  2. Applicant's submission in response to representations
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14 October 2013

Julia Allen  
Launceston City Council  
DX 70127  
LAUNCESTON TAS 7250

Our ref: 32/16904  
60284  
Your ref:

Dear Julia,

**Application SF 5990 - 123 Westbury Road  
Response to Representations**

In relation to the above application at 123 Westbury Road, and the matters raised by representors during the recent public notification period, I would like to clarify some of the following points.

**1 Dispensation process**

It was inferred in some of the representations that the application was not appropriate for consideration under the dispensation process, nor did Council call for public input via the notification period in a timely manner. I wish to point out that the process for this dispensation application has been undertaken entirely in accordance with Sections 30P and 30Q of the Land Use Planning and Approvals Act (1993) (LUPAA), thereby ensuring that the process does not prejudice either the applicant or the wider public. The dispensation process itself is the proper statutory process for dealing with live rezonings under the planning scheme legislative framework.

**2 Biodiversity Code and natural values**

With respect to the Priority Vegetation Overlay that currently applies to the site, early discussions with Council confirmed that the application on the site was based on 'regional mapping', and that its accuracy couldn't be guaranteed. In response GHD undertook a detailed Flora and Fauna assessment, which demonstrated that only small pockets of native vegetation existed and it did not warrant the significantly larger area shown in the overlay being retained.

However, as outlined in the recommendations within the Flora and Fauna Assessment, further surveys will be undertaken in spring of this year in order to confirm the presence of any further threatened flora. It is noted that the integrity of the Flora and Fauna Assessment and its conclusions and recommendations were independently verified by a site survey undertaken ecosystem services consultants North Barker on 12 December 2012, with North and Barker's accompanying report supportive of GHD's findings.

Clause E8.2.1 states:

*This code applies to use or development of land:*

- a) within the area identified as priority habitat on the planning scheme maps; or*
- i) for the removal of native vegetation.*



The code at Clause E.8.4.1 then goes on to state:

*The following use or development is exempt from this code:*

*a) Native vegetation removal in the general residential zone and inner residential zone for remnant vegetation associated with the residential use or development of land (but not for subdivision or where subject to an agreement under Section 71 of the Act relating to vegetation management).*

The DAZ community assessed as being of low to moderate quality, with North Barker stating that the long term viability of the remnants were low.

Notwithstanding, given that the vegetation is considered native remnant vegetation, its removal is required to be considered under the Biodiversity Code at the subdivision stage in accordance with the above Clauses. This will allow for subdivision design to take into account the site's remnant vegetation.

### **3 Scenic Management Code**

The Visual Impact Assessment supporting the application for dispensation was undertaken by suitably qualified professionals with extensive experience in undertaking landscape and visual impact assessments. GHD are satisfied with the documentation submitted with the application.

### **4 Traffic**

A full traffic impact assessment will be required at the development application stage, or when the subdivision is applied for. This is a common approach in rezoning applications that are to subsequently followed by a development application, given that the exact number of lots and lay out of lots are not known at this stage.

Notwithstanding it was recognised by GHD and Council that the key issue to be addressed in the first instance was the ability to construct an appropriate access irrespective of whether the current Low Density Residential zoning was retained, or indeed a change of zoning to General Residential was approved. On this basis GHD worked with Council and the Department of Infrastructure Energy and Resources (DIER) to identify and test options. An approach was agreed, and the final solution is now the subject of a 'black spot funding' application by Council.

#### **4.1 Peak Traffic Volumes**

One of the issues raised through the representations was the adequacy of the peak traffic periods that were selected for use in the traffic modelling. GHD undertook traffic surveys at the intersection of Normanstone Road and Westbury Road between 8:00 am and 9:30 am, and between 4:00 pm and 5:30 pm. From this, the most intense morning and evening peak hour of traffic was extracted and used in the modelling.

While traffic volumes on Westbury Road are consistently high for a significant portion of the day, recent data obtained from Launceston City Council (Westbury Road near Rose Lane, March 2012) confirms that the evening peak hour from 4:00 pm to 5:00 pm is the highest traffic volume period on Westbury Road.

It is anticipated that the development would include a subdivision with around 54 lots. Based on the RTA Guide to Traffic Generating Developments, 2002, which provides commonly used guidelines for the estimation of traffic generation rates, the 54 lots would generate approximately 46 vehicle movements per hour (two-way) during peak periods.

The traffic modelling for future traffic conditions was undertaken using a 1.0% p.a. traffic growth rate across the network over 10 years (10% total). It is considered that the anticipated traffic generation of the subdivision (46 vehicle movements per hour) is sufficiently taken into account in the future modelling for the purposes of the preliminary assessment.

A more detailed assessment of the traffic generation of the development, as well as the specific impacts on this junction and other roads, would be required as part of a full Traffic Impact Assessment undertaken at the development application stage of the project.

#### **4.2 Other Concerns**

Several additional issues were raised in the representations which are summarised as follows:

- The impacts of the additional traffic generated by further development on the operation of Westbury Road and other nearby roads. In particular, the following locations were mentioned:
  - Wellington Street/Westbury Road intersection
  - Westbury Road/Normanstone Road intersection
  - Eureka Street and
  - Caroline Street.
- Movement of trucks into and out of the development during the construction period and their impacts on the operation of Westbury Road.
- Pedestrian and cyclist treatments at the site access. It was suggested that surveys of existing pedestrian and cyclist activity be undertaken and provision of a signalised crossing on Westbury Road be investigated.
- Redirection of traffic due to the banning of right turns from Normanstone Road onto Westbury Road and the loss of amenity that may arise.

The issues outlined above would be investigated as part of a full Traffic Impact Assessment, undertaken in accordance with DIER and Council requirements, which would be required at the development application stage of the project.

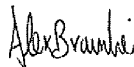
#### **5 Infrastructure**

An infrastructure assessment report was prepared by suitably qualified engineers. The report assesses the capacity of the proposal to be adequately serviced. The report makes a number of recommendations and concludes that the site is capable of being adequately serviced, including stormwater requirements. The detailed design for such infrastructure and services cannot be determined until the detailed design phase of the project.

## 6 Strategic Justification

On the whole the site is generally more suited to residential development at higher levels. All strategic documentation including the Regional Land Use Strategy, the Launceston Residential Strategy and the Launceston Interim Planning Scheme support infill urban development rather than the creation of new greenfield sites. The site is strategically located in proximity to the CBD and all other services to support this type of development. There are extensive areas across the Launceston municipality that provide for the preservation of significant natural and scenic values, involving appropriate species and communities of adequate quality. Such areas are provided for through formal parks and reserves. The subject land however is under private tenure, and does not comprise significant natural or scenic values. Balanced against the strategic arguments for infill vs urban sprawl, and the environmental benefit associated with infill development, the proposal is clearly supportive of all relevant planning policy and legislation.

Sincerely  
GHD Pty Ltd



**Alex Brownlie**  
Principle Planner  
03 6210 0701

**12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road**

**FILE NO:** SF6001

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

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

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**DECISION STATEMENT:**

To consider, and provide a statement to the Tasmanian Planning Commission on an application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 under Section 30P of the *Land Use Planning and Approvals Act 1993* (the Act).

**PLANNING APPLICATION INFORMATION:**

Applicant: Planning Development Services obo Old Launceston Seaport  
Property: 87-89 Lindsay Street (CT220442/1, CT114352/1, CT239540/1, CT50795/2 and a portion of un-granted Crown land)  
Land Area: 6936m<sup>2</sup>  
Zone: Open Space  
Received: Amended application lodged 1 November 2013  
TPC Deadline: 29 November 2013

**PREVIOUS COUNCIL CONSIDERATION:**

N/A.

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## **12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

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### **RECOMMENDATION:**

That the Council pursuant to Section 30P of the *Land Use Planning and Approvals Act 1993*:

1. Support the application to set aside the provisions of the Open Space zone for the subject site, and apply the provisions of Clause 34 Particular Purpose Zone - Seaport (as amended) to allow:
  - a. New Local Area Objectives and Desired Future Character Statements within the zone to refer to the subject site to be known as the Silos Precinct;
  - b. Hotel Industry in the Use Table as a discretionary use;
  - c. Amended Development Standards in Clause 34 to allow a future development application to be lodged for adaptive re-use of the disused silos.
2. Pursuant to s30P(5) of the *Land Use Planning and Approvals Act 1993*, provide the following statement in respect of the application to the Tasmanian Planning Commission:

*"It is the opinion of the Planning Authority that the application for dispensation (LAU D6/2013) to set aside the Open Space zoning for the land subject to the dispensation and to apply modified Local Area Objectives, Desired Future Character Statements, Use Table and Development Standards for the Particular Purpose Zone 3 - Seaport should be supported by the Tasmanian Planning Commission (subject to amendments) as it is consistent with the Northern Regional Land Use Strategy, Draft North Bank Master Plan, Draft North Bank Land Use Study, Launceston Interim Planning Scheme 2012 and the purpose of the Interim Scheme's Particular Purpose Zone 3 - Seaport."*

The recommended amendment is:

- Altering the wording of proposed A1.1 to read:

A1.1 Building height (including new freestanding buildings or new buildings attached to the silos by external walkways, hallways and the like) must not exceed:

- a) 10m; or
  - b) the average of the building heights on immediately adjoining titles.
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## **12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

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### **REPORT:**

#### **1 The Proposal**

The Council has received notification from the Tasmanian Planning Commission (TPC) of an application for dispensation.

The application seeks relief from the Launceston Interim Planning Scheme 2012 (the Scheme) by:

1. Setting aside the provisions of the Open Space zone applying to the subject land;
2. Applying a modified Particular Purpose Zone 3 - Seaport, allowing modifications to:
  - a. The Zone Purpose by referring to the proposed Silos development in the Local Area Objectives and Desired Future Character Statement;
  - b. The Use Table to allow Hotel Industry as a discretionary use; and
  - c. The Development Standards of Clause 34 to refer to the 'Silos Precinct'.

This dispensation would not formally amend the Scheme, but it would provide relief from provisions of the Scheme that would otherwise make a use or development prohibited. The dispensation would allow the applicant to lodge a future development application (before the Scheme is endorsed in its final iteration) for visitor accommodation, community meeting and entertainment, hotel industry and food services and associated works. This application would be subject to assessment against the modified provisions and other relevant Codes in the Scheme. It should be noted that if the dispensation is successful the Council would seek to amend the Scheme to reflect the modified provisions of the Interim Scheme. It is considered likely that the Tasmania Planning Commission (TPC) Assessment Panel would be amenable to such an amendment.

#### **2 Dispensation Process**

Sections 30P, 30Q and 30R of the Act set out the process and requirements for applying for a dispensation. Once the Tasmanian Planning Commission (TPC) receives an application, it must, within 14 days, notify the Planning Authority. The Planning Authority, may within 28 days, notify the TPC of its opinion on the application. If the Planning Authority's opinion is to reject the application, then the TPC must also reject the application. Where the Planning Authority is either silent, or supports the application, the TPC must decide whether to reject or exhibit the application. Where the application is exhibited, the TPC requests the Planning Authority to exhibit the application for up to 2 months.

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## **12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

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Following the exhibition period, the Planning Authority must, within 35 days, report to the TPC any representations received as well as a statement of the Planning Authority's opinion on those representations.

If no representations are received, the Planning Authority must notify the TPC within that timeframe to that effect.

The TPC may hold a hearing, where representations have been received. Following that, the TPC will decide whether to grant or refuse the dispensation. Where the dispensation is granted, the planning authority must consider applications against the dispensation to the extent that the dispensation applies.

### **3 Site Analysis**

#### **3.1 Site Context**

The subject site has an area of approximately 6,936 and includes a number of property titles located along Lindsay Street, Invermay (CT 202442/1, 114352/1, CT 239450/1, CT 50795/2 and un-granted Reserved Road). The site is located on the western extent of Lindsay Street that is part of the North Bank Master Plan. The site comprises the disused silos and the constructed flood levee on the northern part of the site.

In the wider context, the area subject to the North Bank Master Plan contains disused buildings, the Boathouse and rowing club, former wool stores the Boral concrete batching plant. On the other side of Lindsay Street lies the former Gunns Sawmill site. The majority of the buildings have been demolished on the former Sawmill site.

#### **3.2 Hazards and Special Values**

##### **3.2.1 Heritage**

The subject site is not heritage listed either locally or at a State level.

##### **3.2.2 Flooding**

The site is potentially subject to flood inundation. The flood levee has already been constructed along the front of the subject site. The Launceston Flood Authority (LFA) has provided a letter accompanying the dispensation application stating there are no objections to the application being lodged and that the flood levee would be re-constructed. It should be noted that funds have been made available from the State Government for the levee's re-construction.

##### **3.2.3 Bushfire**

The subject site is not located within or near bushfire prone land.

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**12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

**3.2.4 Landslip**

The subject site is not located in an area of doubtful land stability.

**3.2.5 Natural values**

The subject site is urban land which presents no issues in respect to natural values.

**3.2.6 Landscape and Scenic values**

The site is not located in an area of identified landscape or scenic values.

**3.3 Infrastructure Capacity (including stormwater, water, sewerage, electricity, telecommunications, road and traffic)**

These matters are not relevant for the consideration of the application for dispensation. However, these matters would be key considerations in any resultant development application for visitor accommodation, food services and hotel industry on the subject site. Council's Director Infrastructure Services has provided comment stating there are no in-principle objections to the dispensation application.

**4. Strategic Analysis**

**4.1 Open Space zone vs Particular Purpose Zone 3 - Seaport**

<b>Open Space Zone</b>	<b>Particular Purpose Zone - Seaport</b>
19.1.1 To provide for open space purposes including for passive recreation and natural or landscape amenity	34.1.1 To provide for the sustainable re-development of the North Esk River edge and adjacent land whilst encouraging greater public access and use of the North Esk and Tamar River frontages.
	34.1.2 To provide for a range of tourist, recreational and residential uses and associated developments.
	34.1.3 To provide for a range of commercial and retail uses in support of the tourism, recreational and residential uses.
	34.1.4 To ensure that the off-site amenity and environmental impacts of development area avoided, reduced or mitigated to acceptable levels.



## **12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

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The Open Space Zone is intended to cater for a relatively narrow range of uses that concentrate around passive recreation, community meeting and entertainment, tourist operations and the like. In contrast, Particular Purpose Zone 3 is intended to provide for a relatively wide range of uses, with an emphasis on increasing public access and use of the North Esk River and Tamar River frontages. It is also intended that tourist, recreational and residential uses, with commercial and retail uses support the primary uses in the zone. This zone more accurately reflects Council's strategic land use planning and open space objectives for the North Bank Precinct.

### **5 Proposed Amendments in Dispensation**

#### **5.1 Amendments to Local Area Objectives**

There are currently no Local Area Objectives. However, it is proposed to amend Clause 34.1.5 to include the following:

##### **34.1.5 Local Area Objectives**

###### **a) Silos Precinct:**

***To allow for adaptive re-use of the grain silos***

***To ensure development within the Silos Precinct contributes positively to the river edge location and respects the form and scale of the existing structures.***

The amendment to the Local Area Objectives would provide further justification for the proposed hotel industry use as Clause 8.10.2 of the Scheme requires the Planning Authority to have regard to (inter alia) the Purpose of any applicable zone.

#### **5.2 Desired Future Character Statements**

There are currently no Desired Future Character Statements. It is proposed to amend Clause 34.1.6 to include the following:

##### **34.1.6 Desired Future Character Statements**

***The Silos Precinct allows for the development of the 12 storey silos structure to provide visitor accommodation, function rooms and café/restaurant facilities and commercial uses supporting corporate stays, regional sporting and cultural events.***

***The silos development provides an open forecourt that spills out to Lindsay Street and its first floor provides an active edge and refreshment for users of the adjoining public land.***

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- 12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)
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***The existing silos should be retained and building height should be no greater than 12 storeys. Any additions to the silo structure or new buildings should be designed so as to reflect the former industrial and port character of the precinct and adjacent sites.***

The amendment to the Desired Future Character Statement (which would form part of the Zone Purpose) would provide further justification for the proposed hotel industry use as Clause 8.10.2 of the Scheme requires the Planning Authority to have regard to (inter alia) the Purpose of any applicable zone.

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**12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

**5.3 Proposed Use Table**

The only alteration to the proposed Use Table would be to allow Hotel Industry to be classed as a discretionary use.

No Permit Required	
Use Class	Qualification
Natural and cultural values management	
Passive recreation	
Permitted	
Use Class	Qualification
Community meeting and entertainment	
Food services	
Residential	
Sports and recreation	
Tourist operation	
Utilities	If for minor utilities
Visitor accommodation	
Discretionary	
Use Class	Qualification
Business and professional services	
General retail and hire	If less than 250m <sup>2</sup> gross floor area.
<u>Hotel Industry</u>	
Pleasure boat facility	
Utilities	If not for minor utilities
Prohibited	
All other uses	

**12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

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**5.4 Proposed Development Criteria**

The proposed amendments to Clause 34 are appropriate to guide future re-development of the silos. However, it is considered that the proposed amendments may have unintended consequences in terms of the allowable built form. For example, 'extensions to the silo structure' may be loosely interpreted to include buildings attached to the silos structure (by walkways, hallways etc.) that could be constructed on the side or rear boundaries to a height of 42m. Therefore, it is recommended proposed A1.1 is amended as follows:

- A1.1 Building height (including new freestanding buildings or new buildings attached to the silos by external walkways, hallways and the like) must not exceed:
- a) 10m; or
  - b) the average of the building heights on immediately adjoining titles.
-

**12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

The recommended amendments would still allow re-development of the silos for their intended uses whilst ensuring the built form impacts can be managed appropriately.

<p>Objective To ensure that the site and layout, building design and form is visually compatible with surrounding development.</p>	
Acceptable Solutions	Performance Criteria
<p>A1.1 Building height must not exceed: 10m; or the average of the building heights on immediately adjoining titles. <u>A1.2 Extensions to the existing silo structure must not be greater than 42m in height.</u></p>	<p>P1 Building height must: be complementary to the streetscape immediately surrounding the site; and avoid unreasonable levels of shading to the road, public places or adjoining properties.</p>
<p>A2.1 All setbacks must comply with the building envelopes shown on the approved plan of subdivision DA0366/2002. <u>A2.2 In the Silos Precinct buildings may be built to the side and rear boundaries.</u> <u>A2.3 In the Silos Precinct buildings must be setback a minimum distance of 10m from a frontage.</u></p>	<p>P2.1 Buildings must be sited to ensure the efficient use of the site and to maintain the characteristic setbacks within the <u>Seaport</u> precinct; and P2.2 Buildings must be sited to ensure that there is no significant loss of amenity on adjacent sites.</p>
<p>A3 <u>In the Seaport Precinct</u> Site coverage must not exceed the areas shown on the plan of subdivision DA0366/2002.</p>	<p>P3 The proportion of the site covered by buildings must be appropriate to the efficient use of the site, the comfort of residents and the character of the Seaport precinct.</p>

**12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

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**6 Strategic Analysis - Codes**

The Scheme's Codes deal with technical issues that cannot be appropriately managed through zone ordinances. The applicant has provided documentation demonstrating how the Codes relevant to any future development application for the site could be addressed. Council's Director Infrastructure Services has reviewed the dispensation application and accompanying information and advises that the issues associated with the dispensation or a future development application are able to be effectively managed.

**7 Strategic Analysis - Council's Strategic Documents**

**7.1 Vision 2020**

Vision 2020 is a strategic document that currently provides a framework for guiding future strategies and decision making for Launceston. The document identifies higher order goals that reflect the aspirations of the community. The natural and built environment and the social and economic life in the City were identified as main issues, with access to (and beautifying) the river and investment in tourism for economic growth outlined as priorities.

The application would provide the opportunity for a development application to be lodged for visitor accommodation that would occupy a niche in the tourism industry in Launceston increase tourist numbers. Moreover, the future development application would dovetail into Council's land use planning goals of integrating a tourist accommodation development into the public open space of the North Bank.

**7.2 Draft Greater Launceston Plan 2013**

It is noted that the Launceston Vision 2020 is intended to be replaced by the Greater Launceston Plan (GLP) in 2014. Consultation with hotel operators as part of the development of the GLP (Launceston Central Area Development Strategy) identified a lack of 5 star accommodation facilities as an issue for Launceston. Boutique establishments (e.g. Henry Jones Art Hotel in Hobart or the Art Series Hotels in Melbourne and Adelaide) were mentioned, particularly utilizing existing heritage buildings. The draft GLP also observes that corporate travellers also generally require a minimum 4.5 star accommodation, who also favour serviced apartments.

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## **12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

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The draft GLP concludes that there is demand for a new 5 star hotel development within the North Bank Study Area overlooking the North Esk and Tamar Rivers across to the Launceston Central Area. Such a facility has some synergies with the North Bank park development as a regional tourist destination. Conversion of the existing silos building for hotel or serviced apartments, with supporting meeting room facilities and cafes/restaurants connected to the new North Bank park and within walking distance of the Central Area supports identified demand for these activities in Launceston.

### **7.3 Launceston Strategic Tourism Plan 2012**

The Launceston Strategic Tourism Plan recognises the importance of tourism to Launceston and the region in general. A lack of boutique five star accommodation options has been identified as a weakness in the Strategy's Strength, Weakness, Opportunity and Threat (SWOT) analysis. Future development of five star accommodations would be consistent with the Strategy.

### **7.4 Regional Land Use Strategy - Northern Tasmania 2011**

The Regional Land Use Strategy for Northern Tasmania (RLUS) provides a broad policy framework to guide land use, development, and infrastructure development for the region.

In relation to tourism-based and recreational development, the objectives of Goal 1 of the RLUS identify how to facilitate economic development. The objectives are:

- To recognise the drivers of tourism including natural values, heritage, food and wine and local character; and
- To provide for the development of tourism products including accommodation to meet the requirements of the industry.

Goal 3 of the RLUS aims to *"Adopt and maximise sustainability measures for new development....."* To achieve this, the Goal's objectives are to:

- Provide strategic support and incentives for the reuse of old buildings and other redevelopment in preference to greenfield development; and
  - Identify known foreseeable impacts of climate change such as sea level rises, flood risk and land stability and adopting a precautionary approach to the location of new development
-

## **12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

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The RLUS also identifies regional planning policies outlining the northern region's competitive edge. It is identified Tasmania attracts some 462 000 visitors per year, or 51% or the total tourists visiting the state and *"Launceston is identified as the visitation hub from which many plan their day trips or stay overnight as part of their circuit..... Growth in the tourism sector will provide a strong and dispersed employment impacts, supporting local settlement. Key District Centres include greater Launceston....."*

The proposed dispensation would provide an opportunity for a development application to be lodged for a visitor accommodation, food services and hotel industry application that could achieve the goals and objectives of the RLUS by providing tourism and employment opportunities in an adaptively re-used building that appropriately manages potential flood issues.

### **7.5 Draft North Bank Master Plan**

On 23 September 2013 the Draft North Bank Master Plan was placed on public exhibition for a six week period. The Draft Plan outlines four redevelopment objectives. Objective 4 is to *"Provide a framework to identify and inform specific opportunities for both public and private sector investment and to maximise the synergies between these development opportunities."* The outcomes of this objective include adaptive re-use of the silos and the establishment of a major new accommodation and tourism development.

The application is consistent with the Draft Master Plan.

### **7.6 Draft North Bank Land Use Study**

The Draft North Bank Land Use Study was received in-principle by Council on 28 October 2013 and will be considered by the Council at its meeting on 8 December 2103. The Draft Study identified several land use strategies for the North Bank area, including:

- Support of development of a tourist/river edge precinct providing opportunity for adaptive re-use of the existing silos for five star accommodation or serviced apartments, functions rooms, hotel industry, café and restaurant together with new tourist accommodation overlooking the Tamar River.

The application is consistent with the Draft Study.

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## **12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

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### **7.7 Launceston Interim Planning Scheme 2012 - Scheme Objectives**

Section 3 of the Launceston Interim Planning Scheme 2012 outlines objectives for the scheme. Those relevant to the proposal are:

Section 3.6.1 outlines the imperative for the North Esk and Tamar Rivers to be better integrated with the city centre. It is stated *"The use of the city centre should be extended and there is a need for more diversity of public spaces, which can offer fine place for many user groups to spend their time. The unique qualities of the city, especially the river front, need to be celebrated."*

Approval of the dispensation would allow a future development application for visitor accommodation, community meeting and entertainment, food services and hotel industry uses. These uses would dovetail into Council's proposed public open space on the North Bank.

## **8 State Legislation**

### **8.1 Land Use Planning and Approvals Act 1993 - Schedule 1 Objectives**

The Resource Management and Planning System of Tasmania as set out in Schedule 1 of the *Land Use Planning and Approvals Act 1993*.

#### *Part 1 Objectives of the Resource Management and Planning System of Tasmania*

- a) *To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;*

There are no identified natural values on the site.

- b) *To provide for the fair, orderly and sustainable use and development of air, land and water;*

The dispensation would provide an opportunity for a future development application to be lodged for the aforementioned uses and development. The applicant has provided sufficient information to demonstrate the fair, orderly and sustainable use of air, land and water would be achieved; particularly in terms of use of land on the dry side of the flood levee and stormwater runoff and pollutants.

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## **12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

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c) *To encourage public involvement in resource management and planning;*

Public consultation will be undertaken as part of the dispensation process in accordance with Section 30H of LUPAA.

d) *To facilitate economic development in accordance with the objectives set out in paragraphs a, b and c;*

Setting aside the Public Open Space zoning and amending the Particular Purpose Zone - Seaport provisions would provide an opportunity for a wider range of uses and development to be undertaken than what is currently allowable. The economic development associated with the future development would not compromise the natural values of the site and would adopt the sustainable use of air, land and water. Any subsequent development application would be discretionary, which would provide the public an opportunity to

e) *To promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

This is facilitated through the dispensation process and application of relevant legislation.

### *Part 2 Objectives of the Planning Process Established by the Act*

a) *To require sound strategic planning and co-ordinated action by State and local government; and*

The proposed dispensation would allow a development application to be lodged for a range of uses that are supported by the aforementioned North Bank Master Plan and North Bank Land Use Strategy. These documents outline Council's strategy to increase the usability of the North Bank and facilitate development that would complement the envisaged public open space uses. The dispensation is supported by State Government strategy on two fronts. First, funds have been provided by the State Government for re-construction of the flood levee. Second, the original deed of agreement for flood levee funds sought to restrict sensitive uses (e.g. residential uses in the Invermay/Inveresk area). Future development for visitor accommodation, food services, hotel industry or community meeting and entertainment are not sensitive uses under the Interim Scheme and would therefore be consistent with the original deed.

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## **12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

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- b) *To establish a system of planning instruments to be the principle way of setting objectives, policies and controls for the use, development and protection of land; and*

Amendments to the Particular Purpose Zone - Seaport is the most appropriate way to support use and development that is consistent with Council's strategic goals. The amendments would provide sufficient flexibility to provide a range of uses and development that achieves the objectives of the LUPA Act.

- c) *To ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;*

This report has outlined how the proposal would facilitate development that would protect the environment and increase choice for tourists and employment opportunities for the residents of northern Tasmania.

- d) *To require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and*

All relevant regional and state policies have been considered for this proposal.

- e) *To provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and*

Not relevant to this proposal.

- f) *To secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and*

- g) *To conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*

- h) *To protect infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*

- i) *To provide a planning framework which fully considers land capability.*

These points have been addressed throughout this report.

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## **12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

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### **9 State Policies**

#### **9.1 Protection of Agricultural Land Policy**

The Tasmanian Land Classification system identifies this site as white land (urban land) and is of no agricultural value.

#### **9.2 State Coastal Policy**

This Policy applies as it is located within 1km of the high-water mark. The overarching principles are:

- Natural and cultural values of the coast shall be protected;
- The coast shall be used and developed in a sustainable manner; and
- Integrated management and protection of the coastal zone is a shared responsibility.

Any future development application for the silos must be assessed against the provisions of the Scheme (e.g. the Coastal Code) which enshrine the Coastal Policy's principles.

#### **9.3 Water Quality Management Policy**

Whilst the application is for the dispensation only, the applicant has provided documentation demonstrating how water quality could be maintained should development occur on-site. Water quality issues would be subject to detailed assessment through any future development application (e.g. against the Scheme's Water Quality Code that enshrines the Policy's principles).

#### **9.4 National Environmental Protection Measures**

National Environmental Protection Measures (NEPMs) are automatically adopted as state policies. They outline common environmental objectives for managing the environment.

Current NEPMs are:

- National Environmental Protection (Used Packaging Materials) Measure
  - National Environmental Protection (Ambient Air Quality) Measure
  - National Environmental Protection (Movement of Controlled Waste Between States and Territories) Measure
  - National Environmental Protection (National Pollutant Inventory) Measure
  - National Environmental Protection (Assessment of Site Contamination) Measure
  - National Environmental Protection (Diesel Vehicle Emissions) Measure
  - National Environmental Protection (Air Toxics) Measure
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**12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

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These are not applicable and the application would not impinge on the objectives of the NEPMs.

**ECONOMIC IMPACT:**

If approved, the dispensation would allow the applicant to lodge a development application for re-development of the silos for visitor accommodation, community meeting and entertainment, café, restaurant and hotel industry uses. Any future development on the site would provide employment opportunities in the construction phase as well as on-going long term employment in a niche market.

**ENVIRONMENTAL IMPACT:**

The applicant has provided sufficient information to demonstrate that there are no in-principle issues with the potential silos re-development. Environmental impacts would be assessed in detail as part of any future development application.

**SOCIAL IMPACT:**

As with the economic impact, the dispensation would facilitate the ability for a substantial development application to be lodged. The social impacts would include employment associated with the construction and ongoing use of the development as well as providing a complementary use to the public open space use of the North Bank.

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**12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)**

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**STRATEGIC DOCUMENT REFERENCE:**

- *Land Use and Planning Approvals Act 1993;*
- Protection of Agricultural Land Policy;
- State Coastal Policy;
- Water Quality Management Policy;
- National Environmental Protection Measures (NEPMs);
- Launceston Interim Planning Scheme 2012;
- Regional Land Use Strategy - Northern Tasmania 2011;
- North Bank Draft Master Plan;
- North Bank Draft Land Use Study;
- Launceston Strategic Tourism Plan; and
- Vision 2020.

**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:**

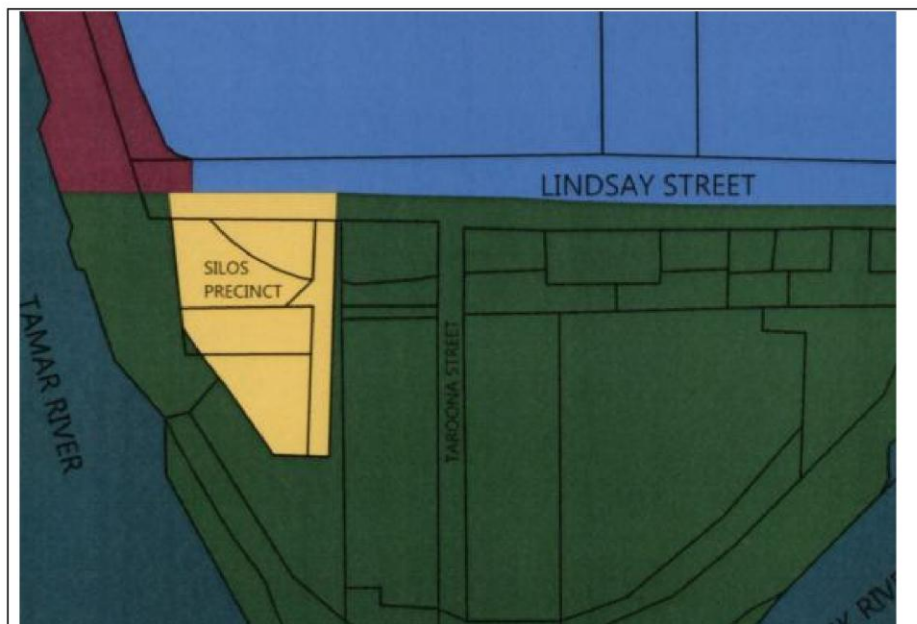
1. Locality Map
  2. Email from the Tasmanian Planning Commission
  3. Dispensation application
-



Launceston City Council  
*A Leader in Community & Government*



Locality Map - 87-89 Lindsay Street, Invermay



**Scale:** This Map Is Not to Scale

Subject site indicatively marked in yellow

**Lyn Norris**

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**From:** Michael Stretton  
**Sent:** Friday, 1 November 2013 1:46 PM  
**To:** Leon Murray  
**Cc:** Richard Jamieson  
**Subject:** FW: AMENDED APPLICATION FORM AND REPORT FOR DISPENSATION LAU D6-2013 (SILOS)  
**Attachments:** S 30P Amendment Report Rev 1.pdf; Completed Application Form Rev 1.pdf

For your attention.

**Michael Stretton** | Director Development Services | Launceston City Council  
M 0419 185 125 | P 03 6323 3218 | F 03 6323 3001 | [www.launceston.tas.gov.au](http://www.launceston.tas.gov.au)

**From:** Clark, Mitchell '  
**Sent:** Friday, 1 November 2013 1:41 PM  
**To:** Michael Stretton  
**Subject:** AMENDED APPLICATION FORM AND REPORT FOR DISPENSATION LAU D6-2013 (SILOS)

Dear Michael

We have received an modified application form and supporting report reflecting the proposed modification for the above dispensation request. It is proposed to modify 34.2 Use Table to include Hotel Industry as a discretionary use. A copy of these documents are attached.

We understand that Leon is assessing the matter and it is scheduled to go to Council on 25 November.

We would be pleased if you would arrange to update your records and alter the report on the application as necessary to include this modification.

Sincerely

Mitchell Clark  
**Planning Adviser**  
**TASMANIAN PLANNING COMMISSION**

P Please consider the environment before printing this email

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**13 NOTICES OF MOTION - FOR CONSIDERATION****13.1 Notice of Motion - Alderman Soward - Public Liability****FILE NO:** SF5547**AUTHOR:** Alderman Soward**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To consider a Notice of Motion from Alderman Soward in regards to Public liability

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**NOTICE OF MOTION:**

1. The Launceston City Council seeks current legal advice on parameters that apply to public liability as affects the council with particular reference to members of the public accessing council owned or operated spaces. This advice should ascertain whether members of the public can access council owned or operated spaces at their own risk without ramification for council.
  2. The Launceston City council writes to LGAT asking them to actively lobby all spheres of government to ensure that public liability legislative reform remains a priority to ensure a fair and equitable balance between the protection of the community and the effective prohibition of activities or excessive risk management of council owned and operated facilities. The onus for the reform should be on the balance between protection of the community and personal responsibility of the individual.
  3. The Launceston City council writes to ALGA asking them to actively lobby all spheres of government to ensure that public liability legislative reform remains a priority to ensure a fair and equitable balance between the protection of the community and the effective prohibition of activities or excessive risk management of council owned and operated facilities. The onus for the reform should be on the balance between protection of the community and personal responsibility of the individual.
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**13.1 Notice of Motion - Alderman Soward - Public Liability...(Cont'd)**

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4. The Launceston City council writes to the State Government immediately after the 2014 election asking them to actively ensure that public liability legislative reform remains a priority to ensure a fair and equitable balance between the protection of the community and the effective prohibition of activities or excessive risk management of council owned and operated facilities. The onus for the reform should be on the balance between protection of the community and personal responsibility of the individual.

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**REPORT:**

Alderman Soward will speak to this item.

Background information provided by Alderman Soward:

As we know we live in a litigious society. We know from many events in our municipality that many groups find many things about them prohibitive.

Worse still is the seeming shift away from individual responsibility for actions to an idea that it is someone else's responsibility to assume ownership of individual actions. The idea of doing activities at one's own risk seems to be a thing of the past. The idea of taking care by one's own actions seems to be a distant memory for those who make rules and regulations.

This NoM calls for two distinct things- firstly an up to date, factually accurate assessment of the parameters that apply to public liability as affects the council with particular reference to members of the public accessing council owned or operated spaces. This is important because many have different views about what is indeed applicable in the cases of public liability

Secondly the NoM calls for this council to write to two key groups- LGAT and ALGA to actively lobby all spheres of government to ensure that public liability legislative reform remains a priority to ensure a fair and equitable balance between the protection of the community and the effective prohibition of activities or excessive risk management of council owned and operated facilities. The onus for the reform should be on the balance between protection of the community and personal responsibility of the individual.

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**13.1 Notice of Motion - Alderman Soward - Public Liability...(Cont'd)**

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Further to this is a call from this council to write to the new state government as at March 2014 to actively ensure that public liability legislative reform remains a priority to ensure a fair and equitable balance between the protection of the community and the effective prohibition of activities or excessive risk management of council owned and operated facilities. The onus for the reform should be on the balance between protection of the community and personal responsibility of the individual.

Many in our community share my concern that the balance towards public liability has shifted away from being fairly balanced to almost creating a “ nanny” state where everything is heavily regulated and every single possible occurrence, even if created by human stupidity or carelessness has to be managed by councils across the land and responsibility taken for it. The idea of doing things at one’s own risk seems to be sadly a thing of the past meaning greater costs for ratepayers, greater costs for business operators and the like.

I have reproduced a relevant article below for your perusal.

Public liability still an issue for local government by Greg Hallam.

The Local Government Association of Queensland’s Annual Conference held in September 2004 called for continued action to discourage speculative public liability claims against councils. Resolutions dealing with various issues relating to public liability claims have also been passed at each of the Association’s conferences in recent years. These resolutions are the result of local government having been thrust into the very centre of Australia’s public liability insurance crisis.

Councils are directly involved in many aspects of people’s daily activities. This involvement flows from provision of essential infrastructure such as roads, footpaths, malls, parks, airports, and recreational facilities. Councils also provide an enormous range of services such as refuse collection, local planning control, sewerage, water supply, health care and the list goes on.

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**13.1 Notice of Motion - Alderman Soward - Public Liability...(Cont'd)**

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Because of the enormous scope of its role, local government has a potential public liability exposure every day to virtually every mover the last 30 years, courts have progressively moved the common law duty of care to the point where the duty of care owed by Councils in relation to their control of roads, footpaths and vast areas of public land was considered to be the same as that owed by a shop owner towards persons entering their premises. It is relevant to note that by doing this the courts very creatively found ways around some well-established principles that mitigated development of unrealistic common law duties. While lawyers have expertly and some would say, ruthlessly exploited the common law system, it was the system itself that brought local government's public liability exposure to crisis point.

It is of course physically and economically impossible for a council to "occupy" and control the areas it has responsibility for in the same way that is possible with private premises such as a shop. The extent of public access rights to infrastructure and facilities, and competing demands on limited council funds could never allow levels of expenditure capable of satisfying the required duty of care in all instances (an issue subsequently addressed in the Ipp review of the laws of negligence ). The floodgates had been opened and local government became a primary target of liability litigation. In 1992 the best available actuarial estimate of the annual cost to insurers of liability claims against Queensland councils was approximately \$3 million. By the height of the public liability crisis in 2002 that figure had increased by more than 450 per cent to approximately \$17 million.

By that time local government had taken steps to address the explosion in costs. The reluctance of insurers to cover ever-expanding local government risk exposures led to development of self-insurance arrangements and State Governments were requested to establish realistic liability boundaries. But there is no doubt that many involved in the legal system did not see a problem because public liability insurance (supplemented in the case of local governments by public funds) was considered to be a bottomless pit that would deal with the cost outcomes of common law litigation.

That view was shattered when insurers of not-for-profit groups either withdrew from the market or increased premiums to levels that were unaffordable or at least posed a serious threat to financial viability. The insurers had come to the view that many groups were facing the same unmanageable common law duties as councils. Newspaper front pages reported cancellation of ANZAC Day marches and many other events that had become part of the fabric of local communities.

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**13.1 Notice of Motion - Alderman Soward - Public Liability...(Cont'd)**

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Governments were forced to act and a process of legislative reform designed to rein in some of the excesses of the common law system commenced. Around that time it was also noticeable that a number of court decisions placed greater emphasis on the responsibility of claimants for their own safety. Councils won cases that would have been seen as having poor prospects for success only a year or so earlier.

The fact that some of the decisions pre-dated legislative reforms is interesting and very relevant to the earlier observation concerning courts working their way around well-established principles. At the risk of stating the obvious, courts have considerable capacity to adjust the course of the law of negligence despite what may be considered at any particular point as the established direction. Legislative reforms have provided councils with new avenues for defending themselves against liability claims but there is no paranoia involved in stating that lawyers will be methodically probing the legislative reforms for weaknesses. They have too much at stake not to. As the focus on the public liability crisis begins to fade the response of courts to such pressure must be closely monitored. It is essential that State Governments, in particular, demonstrate a commitment to preserving the integrity of recent legislative reforms.

Local government does not seek to deny the rights of injured parties to seek reasonable compensation where a council is genuinely at fault. However, it will continue to strongly oppose a fault-based common law compensation system, which relies on unrealistic concepts of negligence, to effectively assume what are social policy roles relating to financial support of injured parties and allocation of public funds. These are issues for elected governments. Where inadequacies in social policy outcome are identified, governments - not the courts - should address them.

*Officer Comments - Darryl Wright (Senior Legal Advisor)*

*The motion deals with the prospective civil liability of Councils in Tasmania for unintentional injuries sustained by members of the public.*

*These matters are for the most part governed by the tort of negligence.*

*In the introduction to the section dealing with Negligence in Flemings "The Law of Tort", the author states that Negligence is not a state of mind, but conduct that falls below the standard demanded for the protection of others against unreasonable risk of harm. This standard of conduct is ordinarily measured by what the reasonable person of ordinary prudence would do in the circumstances.*

*A good summary of the duty of local authorities in this area is set out in the decision of the High Court of Australia in Brodie v Singleton Shire Council.*

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**13.1 Notice of Motion - Alderman Soward - Public Liability...(Cont'd)**

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*In that case Kirby J. said this: "I take it, without citing cases, that it is now thoroughly well established that no action will lie for doing that which the legislature has authorized, if it be done without negligence, although it does occasion damage to anyone; but an action does lie for doing that which the legislature has authorized, if it be done negligently. Thus, it is not disputed that a highway authority owes a duty of care in the actual exercise of its powers. In that respect a highway authority does not stand apart from any other repository of statutory powers. When statutory powers are conferred they must be exercised with reasonable care, so that if those who exercise them could by reasonable precaution have prevented an injury which had been occasioned, and was likely to be occasioned, by their exercise, damages for negligence may be recovered."*

*In the same case, Gaudron, McHugh and Gummow JJ in a joint decision said that the proper response of the statutory authority called for a consideration of various matters, and in particular "the magnitude of the risk and the degree of probability that it will occur, the expense, difficulty and inconvenience to the authority in taking the steps described above to alleviate the danger, and any other competing or conflicting responsibility or commitments of the authority. The duty does not extend to ensuring the safety of road users in all circumstances. In the application of principle, much thus will turn upon the facts and circumstances disclosed by the evidence in each particular case."*

*The law relating to negligence is part of our common law and is constantly evolving. Legislative provisions make inroads into the law. In Tasmania Part 9 of the Civil Liability Act 2002 deals with liability of public and other Authorities, and provides certain protection to Tasmanian local authorities. In addition Section 21(4) of the Local Government (Highways) Act 1982 gives certain protection to Councils in relation to incidents occurring on local highways.*

*Further amendment to the law in this area will either come from the evolving common law or from further legislative amendments by the State Government.*

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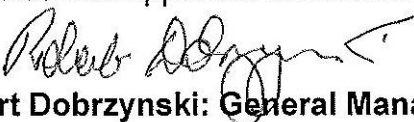
**13.1 Notice of Motion - Alderman Soward - Public Liability...(Cont'd)**

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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.



**Robert Dobrzynski: General Manager**

**ATTACHMENTS:**

1. Notice of Motion - Alderman Soward
-

## LAUNCESTON CITY COUNCIL

### MEMORANDUM

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FILE NO: SF5547 / SF3554  
RS  
DATE: 14 November 2013

TO: Robert Dobrzynski                      General Manager  
Cc        Committee Clerks

FROM: Rob Soward                              Alderman

**SUBJECT: Notice of Motion - Public Liability**

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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 25 November 2013.

#### Motion

- a) The Launceston City Council seeks current legal advice on parameters that apply to public liability as affects the council with particular reference to members of the public accessing council owned or operated spaces. This advice should ascertain whether members of the public can access council owned or operated spaces at their own risk without ramification for council.
- b) The Launceston City council writes to LGAT asking them to actively lobby all spheres of government to ensure that public liability legislative reform remains a priority to ensure a fair and equitable balance between the protection of the community and the effective prohibition of activities or excessive risk management of council owned and operated facilities. The onus for the reform should be on the balance between protection of the community and personal responsibility of the individual.
- c) The Launceston City Council writes to ALGA asking them to actively lobby all spheres of government to ensure that public liability legislative reform remains a priority to ensure a fair and equitable balance between the protection of the community and the effective prohibition of activities or excessive risk management of council owned and operated facilities. The onus for the reform should be on the balance between protection of the community and personal responsibility of the individual.
- d) The Launceston City Council writes to the State Government immediately after the 2014 election asking them to actively ensure that public liability legislative reform remains a priority to ensure a fair and equitable balance between the protection of the community and the effective prohibition of activities or excessive risk management of council owned and operated facilities. The onus for the reform should be on the balance between protection of the community and personal responsibility of the individual.



## LAUNCESTON CITY COUNCIL

### MEMORANDUM

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#### Background

Alderman Soward will provide some background to this.

As we know we live in a litigious society. We know from many events in our municipality that many groups find many things about them prohibitive.

Worse still is the seeming shift away from individual responsibility for actions to an idea that it is someone else's responsibility to assume ownership of individual actions. The idea of doing activities at one's own risk seems to be a thing of the past. The idea of taking care by one's own actions seems to be a distant memory for those who make rules and regulations.

This NoM calls for two distinct things - firstly an up to date, factually accurate assessment of the parameters that apply to public liability as affects the Council with particular reference to members of the public accessing council owned or operated spaces. This is important because many have different views about what is indeed applicable in the cases of public liability.

Secondly the NoM calls for this Council to write to two key groups - LGAT and ALGA to actively lobby all spheres of government to ensure that public liability legislative reform remains a priority to ensure a fair and equitable balance between the protection of the community and the effective prohibition of activities or excessive risk management of Council owned and operated facilities. The onus for the reform should be on the balance between protection of the community and personal responsibility of the individual.

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#### Public liability still an issue for local government by Greg Hallam.

*The Local Government Association of Queensland's Annual Conference held in September 2004 called for continued action to discourage speculative public liability claims against councils. Resolutions dealing with various issues relating to public liability claims have also been passed at each of the Association's conferences in recent years. These resolutions are*

## LAUNCESTON CITY COUNCIL

### MEMORANDUM

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*the result of local government having been thrust into the very centre of Australia's public liability insurance crisis.*

*Councils are directly involved in many aspects of people's daily activities. This involvement flows from provision of essential infrastructure such as roads, footpaths, malls, parks, airports, and recreational facilities. Councils also provide an enormous range of services such as refuse collection, local planning control, sewerage, water supply, health care and the list goes on.*

*Because of the enormous scope of its role, local government has a potential public liability exposure every day to virtually every mover the last 30 years, courts have progressively moved the common law duty of care to the point where the duty of care owed by Councils in relation to their control of roads, footpaths and vast areas of public land was considered to be the same as that owed by a shop owner towards persons entering their premises. It is relevant to note that by doing this the courts very creatively found ways around some well established principles that mitigated development of unrealistic common law duties. While lawyers have expertly and some would say, ruthlessly exploited the common law system, it was the system itself that brought local government's public liability exposure to crisis point.*

*It is of course physically and economically impossible for a council to "occupy" and control the areas it has responsibility for in the same way that is possible with private premises such as a shop. The extent of public access rights to infrastructure and facilities, and competing demands on limited council funds could never allow levels of expenditure capable of satisfying the required duty of care in all instances (an issue subsequently addressed in the lpp review of the laws of negligence). The floodgates had been opened and local government became a primary target of liability litigation. In 1992 the best available actuarial estimate of the annual cost to insurers of liability claims against Queensland councils was approximately \$3 million. By the height of the public liability crisis in 2002 that figure had increased by more than 450 per cent to approximately \$17 million.*

*By that time local government had taken steps to address the explosion in costs. The reluctance of insurers to cover ever-expanding local government risk exposures led to development of self-insurance arrangements and State Governments were requested to establish realistic liability boundaries. But there is no doubt that many involved in the legal system did not see a problem because public liability insurance (supplemented in the case of local governments by public funds) was considered to be a bottomless pit that would deal with the cost outcomes of common law litigation.*

*That view was shattered when insurers of not-for-profit groups either withdrew from the market or increased premiums to levels that were unaffordable or at least posed a serious threat to financial viability. The insurers had come to the view that many groups were facing the same unmanageable common law duties as councils. Newspaper front pages reported cancellation of ANZAC Day marches and many other events that had become part of the fabric of local communities.*

*Governments were forced to act and a process of legislative reform designed to rein in some of the excesses of the common law system commenced. Around that time it was also noticeable that a number of court decisions placed greater emphasis on the responsibility of claimants for their own safety. Councils won cases that would have been seen as having poor prospects for success only a year or so earlier.*

*The fact that some of the decisions pre-dated legislative reforms is interesting and very relevant to the earlier observation concerning courts working their way around well*

## LAUNCESTON CITY COUNCIL

### MEMORANDUM

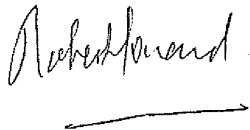
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*established principles. At the risk of stating the obvious, courts have considerable capacity to adjust the course of the law of negligence despite what may be considered at any particular point as the established direction. Legislative reforms have provided councils with new avenues for defending themselves against liability claims but there is no paranoia involved in stating that lawyers will be methodically probing the legislative reforms for weaknesses. They have too much at stake not to. As the focus on the public liability crisis begins to fade the response of courts to such pressure must be closely monitored. It is essential that State Governments, in particular, demonstrate a commitment to preserving the integrity of recent legislative reforms.*

*Local government does not seek to deny the rights of injured parties to seek reasonable compensation where a council is genuinely at fault. However, it will continue to strongly oppose a fault-based common law compensation system, which relies on unrealistic concepts of negligence, to effectively assume what are social policy roles relating to financial support of injured parties and allocation of public funds. These are issues for elected governments. Where inadequacies in social policy outcome are identified, governments - not the courts - should address them.*

#### Attachments

Nil



A handwritten signature in cursive script, appearing to read 'Rob Soward', with a horizontal line underneath it.

**Alderman Rob Soward**

**DIRECTORATE AGENDA ITEMS****16 QUEEN VICTORIA MUSEUM AND ART GALLERY****16.1 Launceston Mechanic's Institute and Meston Library Collections****FILE NO:** SF0283**AUTHOR:** Andrew Parsons (Library Coordinator Queen Victoria Museum and Art Gallery)**DIRECTOR:** Richard Mulvaney (Director Queen Victoria Museum and Art Gallery)

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**DECISION STATEMENT:**

To consider a report regarding the future placement of the former Launceston Mechanics Institute Library.

**PREVIOUS COUNCIL CONSIDERATION:**

Strategic Policy and Planning Committee meeting 18 November 2013.

**RECOMMENDATION(S):**

That the following recommendations be adopted by Council;

1. The majority of the collection of the Launceston Mechanics' Institute will be returned to the Council by LINC Tasmania, with ownership transferred by the Council to the Friends of the Launceston Mechanics' Institute.

Ownership of a much small number of historically and culturally important items will be transferred by the Council to LINC Tasmania.

Custody of the archival records of the Launceston Mechanics' Institute will be granted to QVMAG by LINC Tasmania. The Museum will also receive an assortment of objects, as well as a selection of books that once were part of the Evandale Subscription Library (est. 1847).

2. Ownership of the Meston Collection will be transferred by the Council to LINC Tasmania.
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**16.1 Launceston Mechanic's Institute and Meston Library Collections...(Cont'd)**

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**REPORT:**

Since 1971, and by an agreement dated 19 March 1971 between the Mayor, Aldermen and Citizens of the City of Launceston and the Tasmanian Library Advisory Board, two library collections owned by the Council, the Launceston Mechanics' Institute and Meston collections, have been managed by LINC Tasmania and housed at the Launceston Library. The majority of the Launceston Mechanics' Institute Collection has, for the duration of the agreement, been held in storage at the Library building in Civic Square.

In the interests of redeveloping the Launceston Library building for the benefit of the citizens of Launceston, LINC Tasmania has notified the Council of its need to remove a very large portion of the Launceston Mechanics' Institute Collection held in storage. Furthermore, it has sought advice as to The Council's preference in regard to future management of the collections.

The preferred option is that LINC Tasmania retain and take ownership of all of the Launceston Mechanics' Institute and Meston collections.

However, and with Government-approved refurbishment of the Launceston Library in mind, the Council appreciates LINC Tasmania's need to remove a large portion of the Launceston Mechanics' Institute collection from the building on Civic Square.

From the perspective of core business strategy and storage capacity, neither the Council nor LINC Tasmania is in a position to retain and manage the sizeable Launceston Mechanics' Institute Collection.

The Council, represented by its General Manager and the QVMAG Director and the Library Coordinator of the QVMAG, has, since early 2013, been in talks with LINC Tasmania regarding the ownership and future management of the Launceston Mechanics' Institute and Meston collections.

Despite an inability to retain the entirety of the Launceston Mechanics' Institute collection, both parties have been wholly conscious throughout discussions of their duty of care toward the collection, as well as the need to reach an agreement that is in the best interests of the local community.

The Council was approached mid-year by the recently-incorporated community group, the Friends of the Launceston Mechanics Institute, with an offer to assist with solutions for the future of the Launceston Mechanics' Institute Collection. Both the Council and LINC Tasmania invited the Friends group to join their ongoing discussions.

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**16.1 Launceston Mechanic's Institute and Meston Library Collections...(Cont'd)**

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**1. The Launceston Mechanics' Institute Collection****1.1 Adult non-fiction lending collection**

Size: est. 17,000 volumes.

Status: Uncatalogued and held in storage at the Launceston Library.

The largest component of the Launceston Mechanics' Institute Collection, the adult non-fiction lending collection is a closed collection that has been in storage for many decades. Although it lacks individual items of great worth, the collection taken whole is representative of Launceston's heritage.

The size of the collection is a hindrance to its retention by both the Council and LINC Tasmania. It is recommended that LINC Tasmania will return the collection to the Council, which is satisfied to transfer ownership of it to the Friends of the Launceston Mechanics' Institute.

The Friends of the Launceston Mechanics' Institute has undertaken to care for the adult non-fiction lending collection and to make items from it available to LINC Tasmania and QVMAG for exhibitions and programs.

**1.2 Victorian & Edwardian adult popular fiction and literature and children's literature**

Size: est. 10,000 volumes combined.

Status: Catalogued and uncatalogued and held in storage at the Launceston Library.

The fiction and literature collections of the Launceston Mechanics' Institute Collection have been in storage for many decades; the collections are closed and represent the reading tastes of the citizenry of Launceston from 1842 to 1929.

The size of the collections is a hindrance to their retention by the Council, which is satisfied to transfer their ownership to either LINC Tasmania or the Friends of the Launceston Mechanics' Institute.

The Friends of the Launceston Mechanics' Institute has undertaken to care for the adult and children's fiction and literature items it receives and to make these items available to LINC Tasmania and QVMAG for exhibitions and programs.

**1.3 Nineteenth and early Twentieth Century periodicals collection**

Size: 221 titles, 43 shelves of volumes.

Status: Uncatalogued and shelved in the Phil Leonard Room, Launceston Library.

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**16.1 Launceston Mechanic's Institute and Meston Library Collections...(Cont'd)**

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The periodicals collection has been held in the Phil Leonard Room for many decades, and consists of overseas publications of varying numbers of volumes.

It is recommended that LINC Tasmania will return the collection to the Council, which is satisfied to transfer ownership of it to the Friends of the Launceston Mechanics' Institute.

The Friends of the Launceston Mechanics' Institute has undertaken to care for the periodicals collection and to make items from it available to LINC Tasmania and QVMAG for exhibitions and programs.

**1.4 Foundation items held in the Association Collection**

Size: Exact number not known.

Status: Catalogued and interfiled into the Association Collection, Launceston Library.

The Association Collection consists of some 200 volumes, of which some volumes were original donations to the Launceston Mechanics' Institute and have significance for the history and cultural development of Launceston.

It is recommended that all such foundation collection items of the Launceston Mechanics Institute that are now part of the Association Collection held by LINC Tasmania and are of significant cultural value should therefore be retained by a public institution.

It is recommended that transfer ownership of Launceston Mechanics' Institute foundation collection items within the Association Collection to LINC Tasmania on condition they are retained in Launceston. LINC Tasmania has agreed to accept these items and the conditions of their ownership.

**1.5 Items that are part of Launceston Library working Reference and Local Studies collections**

Size: Many hundreds of volumes.

Status: Catalogued and interfiled into working collections, Launceston Library.

Hundreds of volumes of the Launceston Mechanics' Institute Collection now form part of the working Reference and Local Studies collections of the Launceston Library.

It is recommended that all items of the Launceston Mechanics Institute that are now part of LINC Tasmania's working collections, specifically the Launceston reference and local studies collections, should be retained by LINC Tasmania.

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**16.1 Launceston Mechanic's Institute and Meston Library Collections...(Cont'd)**

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Items included under the agreement include: books, newspapers (predominantly Tasmanian and Australian newspapers from the 19<sup>th</sup> & 20<sup>th</sup> centuries), Australian and Tasmanian government publications, directories and almanacs, and photographs.

It is recommended that the transfer ownership of all items within the aforementioned working collections to LINC Tasmania on condition they are retained in Launceston. LINC has agreed to accept these items and the conditions of their ownership.

**1.6 Victorian & Edwardian encyclopaedias**

Size: About 25 shelves of volumes.

Status: Uncatalogued and held in storage at the Launceston Library (shelf row 21).

The encyclopaedias collection is a small closed collection that has been in storage for many decades. It predominantly consists of 19<sup>th</sup> Century encyclopaedias, dictionaries and some theological works. It is recommended that LINC Tasmania will return the collection to the Council, which is satisfied to transfer ownership of it to the Friends of the Launceston Mechanics' Institute, with the exception of the pre-1800 publications which will be the subject of future assessment and discussion by the Council, LINC Tasmania and QVMAG Library.

As with all other non-fiction items from the Launceston Mechanics' Institute Collection, the Friends of the Launceston Mechanics' Institute has undertaken to care for the items it receives and to make them available to LINC Tasmania and QVMAG for exhibitions and programs.

**1.7 Launceston Mechanics' Institute archives**

Size: Occupies 6.7m linear metres of shelving.

Status: Described and held in storage at the Launceston Library.

The collection is part of the State Archive and consists of correspondence files, minutes of meetings, financial records, lecture notes and acquisitions information.

The State Archivist has recently designated QVMAG as an approved place of deposit for State Archives and authorised for QVMAG to take custody of the Launceston Mechanics' Institute archives on the Council's behalf.

The collection will be housed at the Museum's Inveresk site with access to be provided via the Community History Room.

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**16.1 Launceston Mechanic's Institute and Meston Library Collections...(Cont'd)**

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**1.8 Objects**

Size: An assortment of miscellaneous objects.

Status: Held at the Launceston Library.

Objects that belonged to the Launceston Mechanics' Institute and that are currently held at the Launceston Library include portraits, framed photographs and drawings, tables, chairs, tin trunks, desk furniture, a book press and a boot scraper.

It is recommended that LINC Tasmania is to return to the Council whatsoever objects it has no need of with any such items to go into the collections of the QVMAG.

**1.9 Items from the Evandale Subscription Library**

Size: Unknown.

Status: Catalogued and uncatalogued and held in storage at the Launceston Library and State Library, Murray Street, Hobart.

The QVMAG Library holds 615 volumes that were part of the Evandale Subscription Library (est. 1847) in its earliest decades. The Library holds an additional 46 Evandale volumes that once belonged to the colonial landscape artist, John Glover.

The Council requested that LINC Tasmania consider transferring to the QVMAG Library any volumes found within the Launceston Mechanics' Institute Collection that are ex-Evandale Subscription Library items. LINC Tasmania has offered to do this, and has decided to gift to the QVMAG Library any such items residing at the State Library in Hobart.

**2. The Meston Collection**

Size: 6,000 volumes.

Status: Catalogued and interfiled into the Local Studies Collection of the Launceston Library.

The collection belonged to Archibald Meston and is owned by the Council. The collection is significantly more valuable than the Launceston Mechanics' Institute Collection, and predominantly consists of valuable Tasmanian and Australiana works; many of these are 19<sup>th</sup> Century imprints.

The Meston Collection is an important resource for Tasmanian and local studies in northern Tasmania, and almost all of the collection is interfiled into the Local Studies collection held at the Launceston Library.

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**16.1 Launceston Mechanic's Institute and Meston Library Collections...(Cont'd)**

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It is recommended that ownership of the collection will be transferred to LINC Tasmania, on the condition that the collection is retained in Launceston.

**ECONOMIC IMPACT:**

Consideration contained in Report

**ENVIRONMENTAL IMPACT:**

Consideration contained in Report

**SOCIAL IMPACT:**

The Launceston Mechanics' Institute and Meston collections are important to the cultural and social heritage of Launceston, the latter being of much greater pecuniary worth due to its holdings of valuable Tasmanian and Australian publications.

Much of the collection of the Launceston Mechanics' Institute is of negligible value: taken as a whole, however, the collection is a unique resource and is one of only three major Mechanics' Institute collections still in existence in Australia today.

To not preserve the collections for the future use of the local community and academic researchers would be a great cultural loss to the City of Launceston

**STRATEGIC DOCUMENT REFERENCE:**

Strategic Plan 2008/2013 - Priority Area 5: Governance Services

**BUDGET & FINANCIAL ASPECTS:**

N/A

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**16.1 Launceston Mechanic's Institute and Meston Library Collections...(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.

  
**Richard Mulvaney: Director Queen Victoria Museum & Art Gallery**

**ATTACHMENTS:**

1. Attachment 1(a) - Letter to GM from Jenny Rayner (Director LINC Tasmania) (total pages= 2).
  2. Attachment 1(b) - Review of Launceston Mechanics' Institute Collection (total pages=27) (distributed separately)
  3. Attachment 2 - Letter from Jenny Rayner to Robert Dobrzynski (total pages = 2)
  4. Attachment 3 - Letter to Jenny Rayner from Andrew Parsons (total pages = 2)
  5. Attachment 4 - Friends of the Launceston Mechanics' Institute (FOLMI) (total pages = 5)
-

Attachment 1(a)

**Department of Education  
LINC TASMANIA**

91 Murray Street, Hobart, TAS 7000  
GPO Box 623, Hobart, TAS 7001  
Ph (03) 6233 7469 Fax (03) 6231 0927



10 May 2013

Mr Robert Dobrzynski  
General Manager  
Launceston City Council  
P O Box 396  
Launceston TAS 7250

FILE No.	SF 0283	10877	24837
EO	<input checked="" type="checkbox"/>	OD	Box
RCVD		14 MAY 2013	LCC
Doc No.			
Action Officer	Noted	Replied	
R. Dobrzynski ccpy. R. Mulvaney			

Dear Mr Dobrzynski

Following our meeting on Wednesday 1 May 2013 I am writing, as promised, to confirm the matters we discussed.

**1. Launceston LINC buildings.**

Preparatory work has commenced on planning for the refurbishment of the building at 8 High Street, as announced by the Minister for Education and Skills in February 2013. The Executive of the Launceston School for Seniors has been consulted, and will be involved in the planning processes as these progress.

Once refurbished, High Street will be used for a range of community learning programs and meeting spaces as well as providing for the School for Seniors. The LINC building at 51 York Street will eventually be decommissioned and offered for sale.

The Minister also announced an intention to refurbish and upgrade the building at 1 Civic Square, although there is no time-frame allocated to this project as yet. You mentioned possible synergies with a Council proposal to develop a Master Plan for Civic Square. Garry Conroy-Cooper, Launceston LINC Manager, is the appropriate contact for LINC Tasmania, and we would welcome an opportunity to contribute to this project. He can be contacted on 6336-2743 or [garry.conroy-cooper@education.tas.gov.au](mailto:garry.conroy-cooper@education.tas.gov.au).

## 2. Launceston Mechanics Institute (LMI) Library collection

This collection has been under State Library management since 1971, although is still owned by the City of Launceston under the terms of the original agreement, of which a copy is enclosed (see tabbed reference).

Parts of the LMI collection have been added to the Launceston Library where appropriate and relevant, but many items have been considered low priority for current library use and have remained in storage. With increasing pressure on spaces for community use, and a noticeable decline in client use of non-fiction books for general reference, LINC Tasmania has undertaken a review of these items in storage to develop a strategy for the future. This has included an independent assessment of the collection by a professional librarian with experience in managing heritage collections.

I enclose a briefing paper outlining the issues attaching to this material and some options for consideration. I should draw to the Council's notice the fact that there are sensitivities in some sections of the community surrounding the background to this issue, and would be grateful for advice as to Council's preference in regard to any future actions.

As an aside, the Meston Collection, also referred to in the enclosed agreement, forms the basis of the Launceston Local history collection held in the Civic Square building, and is regularly consulted by clients. It is not included in this review.

I am happy to provide any clarification or further information if this is required.

Yours sincerely



Jenny Rayner  
Director  
LINC Tasmania

### Enclosures

1. The 'Launceston Mechanics Institute Library collection' : a briefing paper
2. Copy of 'An agreement... between the Tasmanian Library Advisory Board...and the Mayor, Aldermen and Citizens of the City of Launceston...' 1971.
3. Review of Launceston Mechanics' Institute collection. Alan Ventress, 18 March 2013.

### ATTACHMENT 2

File No: SF0283  
RD/RM/AP

Your Ref: Launceston Mechanics' Institute

12 August 2013

Ms Jenny Rayner  
Director  
LINC Tasmania  
GPO Box 623  
**HOBART TAS 7001**

Dear Ms Rayner

I am writing with regard to your letter dated 10 May 2013 concerning the Launceston Mechanics' Institute and Meston collections owned by the Launceston City Council and managed by the State Library since 1971.

The Launceston City Council appreciates LINC Tasmania's need to resolve the future management of the collections, and in particular the stored portions of the Launceston Mechanics' Institute Collection, in preparation for the intended upgrade of the Launceston LINC building.

After consideration I wish to advise you that Launceston City Council is not in a position to retain and manage any portion of the Launceston Mechanics' Institute collection on account of a lack of storage space and specialist staff to manage the collection. Like LINC Tasmania, the Council realises that there are sensitivities amongst both the general public and the academic research community to the potential disposal of portions of the Launceston Mechanics' Institute Collection.

Launceston City Council would prefer to see the Launceston Mechanics' Institute Collection retained in Launceston if possible. The Council has been approached by the Friends of the Launceston Mechanics' Institute.

It is the Council's understanding that the Friends group has made initial plans and arrangements for the safekeeping of the collection. We can see a potential role for the Friends of the Launceston Mechanics' Institute in the future management and custodianship of portions of the collection.

With regard to the Meston and Launceston Mechanics' Institute collection, the Council therefore suggests the following arrangements:

**1. The Launceston City Council is prepared to transfer ownership and custodianship of the following elements of the Launceston Mechanics' Institute Collection to the Friends of the Launceston Mechanics' Institute:**

1. The Launceston Mechanics' Institute Adult Non-Fiction collection – namely, that division of the collection known as the Non-Fiction Collection comprising an unknown number of items stored in approximately 620 boxes and on shelves in the Launceston Library stack area, as described in the Ventress Report.
2. The Launceston Mechanics' Institute Adult Fiction collection – namely, that division of the collection described as the Victorian and Edwardian Collection and consisting of 6,347 catalogued volumes of popular fiction, together with an estimated additional 1,500 volumes of uncatalogued fiction titles inter-shelved with the Victorian and Edwardian Collection.
3. The Launceston Mechanics' Institute Periodical collection – namely, that division of the collection known as the Victorian and Edwardian Serials, consisting of approximately 221 periodical titles, in volume runs of varying lengths, currently housed in the Phil Leonard Room at the Launceston Library.

**2. The Launceston City Council wishes to transfer ownership of the Meston Collection to LINC Tasmania:**

4. All of the Meston Collection of Tasmanian and Australian items – namely, some 6,000 items as listed in Schedule 1 of the 1971 agreement and identified by the "Meston Collection" stamp. These items are currently catalogued and interfiled in various parts of the Launceston Library Local Studies Collection. The transfer of ownership of this collection is conditional upon it continuing to be held in Launceston.

**3. The Launceston City Council is interested in accepting the following items:**

5. The records of the Launceston Mechanics' Institute – namely, 6.7 linear metres of boxed files designated as item no. LMSS079 in the Launceston Library Local Studies Manuscript Collection and described as "correspondence files, minutes of meetings, financial records, lecture notes and information about books purchased for the Library." Any such material that might be made available will be transferred by the Launceston City Council to the QVMAG Community History Room.

6. The objects of the Launceston Mechanics' Institute – namely, portraits, photographs, drawings and items of furniture. Any such items that might be made available will be transferred by the Launceston City Council to QVMAG.
7. Items within State Library collections that were once part of the Evandale Subscription Library, and which bear an inscription or stamp indicating such an association. Any such items will be transferred by the Launceston City Council to QVMAG Library to complement its present holding of some 650 ex-Evandale Subscription Library volumes.

I look forward to meeting with you to further discuss and resolve all matters pertaining to the Meston and Launceston Mechanics' Institute collections.

Yours sincerely

**Robert Dobrzynski**  
**GENERAL MANAGER**



ATTACHMENT 3

Department of Education  
LINC TASMANIA

91 Murray Street, Hobart, TAS, 7000  
GPO Box 169, Hobart, TAS 7001 Australia  
Ph (03) 6233 7291 Fax (03) 6231 0927

File: CEN\_41043/1



30 August 2013

Mr Robert Dobrzynski  
General Manager  
Launceston City Council  
PO Box 396  
Launceston TAS 7250

FILE No.	SF283		
EO	<input checked="" type="checkbox"/>	OD	Box <input checked="" type="checkbox"/>
RCV'D -3 SEP 2013		LCC	
Doc No.			
Action Officer	Noted	Replied	
R DOBRZYNSKI			

Dear Mr Dobrzynski,

Thank you for your letter of 12 August 2013 concerning the Launceston Mechanics Institute and Meston library collections.

Ross Latham, Manager Tasmanian Archive and Heritage Office and State Archivist, and I met with Richard Mulvaney and Andrew Parsons of the Queen Victoria Museum and Art Gallery on 21<sup>st</sup> August to discuss the proposals put forward in your letter.

We note that Launceston City Council is not in a position to retain and manage any portion of the LMI collection, and also that Council's preference is for materials to remain in Launceston wherever possible.

This letter confirms the outcome of our discussions. In the order of your proposals :

- 1. Transfer ownership of the LMI uncatalogued adult non-fiction items, the Adult Fiction collection (the 'Victorian and Edwardian' collection), and the LMI periodical collection to the ownership of the Friends of the Launceston Mechanics Institute (FLMI).**

This proposal is acceptable to LINC Tasmania and meets Council's main criteria.

However, it is our professional advice that Council obtain some detailed assurances from the FLMI as to the resources they have available to deal with this large amount of material, and what their long-term goals might be. Storage space is probably the least of the issues that face this group, and they will require some financial support and a good deal of volunteer commitment to manage and maintain a collection of material of this size. Council may wish to ascertain that there is a permanent home planned for the items, and also if any disposals are envisaged and how these might be managed.

Can I also add that since our previous correspondence, LINC Tasmania has received confirmation of funding to progress the refurbishment of the Civic Square building and an architect's briefing is in preparation. It is our intention that the project will include some elements that acknowledge the history and development of Launceston Library, and this could

well include features that display items from the foundation collections. It is our intention to consult with interested parties, such as the FLMI, to determine how this might best be achieved.

## **2. The Meston collection**

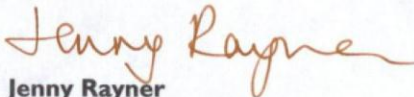
LINC Tasmania would be most pleased to formally accept ownership of this collection and would retain it in its entirety at our Launceston site.

## **3. Records of the LMI, Objects of the LMI, Evandale Subscription Library items**

The State Archivist is willing to delegate custody of collection LMSS079 (Records of the Launceston Mechanic's Institute) to QVMAG in an arrangement whereby the series remains part of the State Archives collection in the custody and care of QVMAG. I confirm also that any items within LINC Tasmania collections that were once part of the Evandale Subscription Library will be gifted to QVMAG along with objects of the Launceston Mechanics Institute.

Thank you for your detailed consideration of the issues surrounding this long-standing matter. Ross and I would be happy to be involved in further discussions should this be required.

Yours Sincerely,



**Jenny Rayner**  
**Director, LINC Tasmania**

cc Mr Richard Mulvaney  
Director, Queen Victoria Museum and Art Gallery

## ATTACHMENT 4

**Friends of the Launceston Mechanics' Institute (FOLMI)****Organisational Status**

FOLMI is a not-for-profit community group which held its inaugural meeting on 18 October 2013 and submitted an application for incorporation under the *Associations Incorporation Act 1964* on 22 October 2013.

**Objects and Purposes**

The aim of the Friends of the Launceston Mechanics' Institute is to establish and maintain a working research Launceston Mechanics' Institute Collection by;

- i) locating, selecting, organising, cataloguing and preserving existing materials once the property of the Launceston Mechanics' Institute between 1842 and 1929;
- ii) liaising with local, state and national government agencies and with relevant interest groups to promote the significance of the LMI Collection;
- iii) establishing a permanent home for the LMI Collection, in particular those parts not integrated with local and state government agencies;
- iv) providing broad public access to the catalogue of the LMI Collection and enabling direct access to researchers needing to use the Collection;

**Membership**

*Office-bearers* President: Peter Richardson

Secretary: Mike McCausland

Treasurer: Richard Pickup

Public Officer: Prue McCausland

*Committee* Peter Richardson, Mike McCausland, Richard Pickup, Prue McCausland, Sue McClarron (Vice-President), John Dent.

*Members* The organisation currently has 34 members.

**Partners**

The activities of FOLMI will be conducted in partnership with:

**University of Tasmania** - initial storage and potential research collaboration.

**LINC Tasmania** - custodianship of parts of the LMI Collection; joint preparation of catalogue.

**Queen Victoria Museum and Art Gallery** - shared interest in professional management of different parts of the LMI Collection.

**Mechanics' Institute of Victoria, Inc.** - mentor and provider of support network; partners in national movement for preservation and promotion of significance of mechanics' institutes.

**The role of FOLMI in preserving the Launceston Mechanics' Institute Collection**

The Friends of the Launceston Mechanics' Institute, has been formed as a response to the threat of dispersal and possible disposal of a major portion of the LMI Collection. Our organisation brings together individuals with the enthusiasm, interest and most importantly the expertise to organise, research and maintain this highly significant collection for the

benefit of the Launceston community, local historians and the wider circle of researchers into Australian cultural history.

The aim of FOLMI is to ensure the LMI continues to be acknowledged as an important cultural institution in the history of Launceston; to preserve what remains of its holdings for their local and national significance; and to facilitate research into the collection in all its aspects.

The proposed transfer of Launceston Mechanics' Institute books to FOLMI involves between 20,000 and 25,000 books and other publications, of which 12,000 are non-fiction, 8,000 are fiction, and the remainder are periodicals.

There are other surviving books in the Collection which are still in use at Launceston LINC. Should any disposals occur in the future LINC Tasmania would offer these to FOLMI in the first instance.

The books and periodicals transferred to FOLMI will initially be held at the Newnham Campus of the University of Tasmania which has made a suitable space available for storage, assessment and evaluation of the collection.

### **Organisational Funding**

As an incorporated body FOLMI is financially independent and self-sustaining. It has no major costs in the initial phase of organising and storing the books, and has a more than adequate pool of volunteers to assist in its activities. The minimal costs involved in setting up the incorporated body have already been covered.

The proposed transfer will not involve Launceston City Council in any expenditure in regard to the operations of FOLMI. There is no expectation that at any future time there will be any request for support funding from Council, and FOLMI would gladly see that specifically stated in Council's resolution concerning the decision on transfer of assets.

FOLMI intends in the long term to establish the Collection as a research base, and for this purpose other sources of funding will eventually be required. It is envisaged that funds will be supplied through private donations, joint ventures with partners, and through cultural sector grants.

### **Website**

Further information about the Launceston Mechanics' Institute and its history, the extent and richness of its collection can be found at:

<http://launcestonmechanicsinstitute.blogspot.com.au>

Peter Richardson and Mike McCausland  
Friends of the Launceston Mechanics' Institute, 28 October 2013

### **The Significance of the Collection**

The Launceston Mechanics' Institute Collection is a most remarkable survival – more substantial than any comparable collection in Australia – and an important testament to the character and foresight of the City and its community.

An assessment of the importance of the LMI collection by Professor Wallace Kirsop

I was first introduced to the LMI collection by Phil Leonard in February 1973. At the time I marvelled at the fiction. I am glad that it has been properly recognized as an indispensable national resource. Since 1973 I have had a good deal to do with mechanics' institute libraries, not least through my role in Mechanics' Institutes of Victoria Inc.

The Launceston Mechanics' Institute collection, despite all its vicissitudes, is clearly the most substantial one to have survived in a regional centre from before 1850. Indeed Adelaide is the only other one of comparable longevity and it is, of course, metropolitan. Ballarat, and to a lesser extent Bendigo, offer collections of impressive scope begun in the second half of the nineteenth century. Consequently Launceston has claims to be unique, and its collection is vital in my view to the heritage of the whole country. After all we have lost the holdings of older institutes in Hobart, Sydney and Melbourne, not to mention Geelong. In short Launceston is a special case of national significance.

Wallace Kirsop: Adjunct Professor in the School of Languages, Cultures and Linguistics, Monash University; Honorary Fellow, Baillieu Library, University of Melbourne; Editor of the Australian Journal of French Studies, 1968-2002; first President of the Bibliographical Society of Australia and New Zealand, 1969-1973; sometime Sandars Reader in Bibliography, University of Cambridge, 1980-1981.

A brief statement concerning the future of the LMI Legacy Collection by Pam Baragwanath

1. In terms of significance of the LMI holdings in comparison with other remaining Mechanics' Institute collections in Australia, it appears that the LMI holdings are one of only two such highly valued large collections, the other being the Adelaide Circulating Library Collection housed in the South Australian State Library. But the largely intact Launceston MI Library Collection is dated from the 1840's when the other significant Mechanics' Institute Library Collections remaining in Australia date, at least from the 1850's. Surely this renders the Launceston Collection as highly significant?

This typical Mechanics' Institute Library Collection is very special indeed in a national context as the earliest entire and complex literary remnant of the influential Mechanics' Institute Libraries Movement, which flourished all over Australia. Collections such as these form the basis upon which our present public library and technical education systems were based and are an essential narrative to the understanding of our cultural, educational, literary and early European settlement in Australia.

2. I feel strongly that parts of this collection not be sold, that the collection be catalogued and assessed and that ultimately the collection be retained in total as a discrete collection. It is of utmost importance that it remains and is cared for as an invaluable unique and important Tasmanian, as well as Australian, cultural heritage.

Pam Baragwanath is the author of *If the Walls Could Speak: A Social History of the Mechanics Institutes' of Victoria* (2000). She is also a founding committee member of the Mechanics' Institutes of Victoria Inc. formed in 1998 as an initiative of Kilmore Mechanics' Institute with the aims of preserving the buildings, collections and histories of past and remaining Mechanics' Institutes in Victoria.

**APPENDIX : The Launceston Mechanics' Institute Collection after its transfer to LCC****Ownership and custodianship**

From a legal perspective, the current ownership of the LMI Collection is set out in the July 1944 agreement between the Launceston Public Library Board and Launceston City Corporation, the present owners (now the Launceston City Council).

Responsibility for *management* of the materials, under the Libraries Bill of 1943, passed to the State Library Board. This state of affairs was affirmed in the 1971 Regional Library Agreement between Launceston City Council and the State Library of Tasmania. In this agreement the Meston Collection and the LMI Collection were excluded from the general transfer of assets from the LCC to the State Library Board that happened at this time. This arrangement was reaffirmed in a working party report under the chairmanship of Sir George Cartland in 1979 and in correspondence between the LCC's Corporate Services Manager and Minister of Education Peter Rae in November 1987.

The custodianship of the collection once held by the Launceston Public Library Board, the body that inherited LMI material, has been with the State Library since 1945. As the body responsible for providing public library services in Launceston it has professionally managed the Meston and LMI Collections within its statewide working collection. This has meant moving items from one part of its collection to another, placing out-of-date items still needing retention in stack, maintaining an up-to-date catalogue for items in use etc. A large number of items once part of the LMI Collection which might otherwise have been discarded as out-of-date were set aside in boxes because they were owned by LCC. They were not catalogued within the State Library catalogue system, TALIS.

However a portion of the LMI Collection has been treated as if it were part of the State Library's holdings and over the years the distinction between ownership and custodianship became blurred. This is a problem that now needs to be resolved as part of the issue of who is to own the Meston and LMI Collections and how they are to be managed in the long term.

**The present situation of the collection**

Storage of the large number of books and serials, much of it acquired in the heyday of the Institute in the late-nineteenth and early-twentieth centuries, has been a problem for the State Library, and since the transfer of the nonfiction lending collection back from the Moonah store, for Launceston Library/LINC. Pressure for space in the Launceston LINC building, which is to be renovated, has rendered this problem a pressing one. However it would be most unfortunate if that alone was a driving force in the disposal of items. Their significance to local historians is clear, and their full significance nationally for research purposes will be enhanced and more widely known once they are catalogued and publicised.

Under the present arrangements for the LMI Collection, some parts are accessible, in constant use and are highly valued. These have emerged as important at every stage of the professional operation of the libraries holding them. The parts in stack have been set aside at various stages as not fitting the immediate needs of a working collection. Some of these, mostly popular fiction, have subsequently been catalogued, leading to their being accepted as of national importance. This status has come about largely because other working libraries have disposed of similar items long ago. The other remaining books, mostly

nonfiction, need to be organised and catalogued also. It is the goal of FOLMI to take on this responsibility.

### **The future of the collection**

The key to a locally-sensitive evaluation of the LMI Collection is considering it as a whole. From 1842 the LMI became the main resource for the cultural life of the town as a regional centre and later as an emerging city. The existing LMI records, books and other printed material from that early period through to the 1920s, taken in their entirety, give a detailed picture of a significant period in the city's social and cultural history. Although degraded by use and long-term storage, these books, periodicals, newspapers, atlases, government gazettes etc give insights of a very specific kind into what was available to residents in a specific part of colonial Australia, how they were acquired, how they were received, and how fashions in reading changed. From this perspective, amount of wear, card pockets, date stamps and other associations with their library origins are part of the significance of each item. LINC Tasmania's consultant Alan Ventress has pointed out that "[t]he majority of the collection has no monetary value at all", however the collection as a whole has considerable research value.

In preliminary discussions it has been agreed that there should not be any disposal of items by LINC Tasmania prior to the proposed transfer to FOLMI.

There are several audiences for the information generated by cataloguing the collection and by researchers accessing the books and serials themselves, including Northern Tasmanian local historians and scholars in the fields of the sociology of education, reading and the community and the history of ideas, as well as those specifically researching in the history of mechanics' institutes.

Researchers and other professionals from national, state and local networks acting in partnership can contribute greatly to the recognition of this central aspect of Launceston's cultural heritage. Collaborative support from LINC Tasmania, QVMAG, UTAS and from the Launceston community itself will be vital to fulfilling the potential of this unique collection. To enable this to happen, all of the various remaining parts of the LMI Collection need to be retained in reasonably close physical proximity to each other, and organised in a form that is accessible to researchers. This important collection has been created by the efforts of the Launceston community between 1842 and 1929 and should be retained in Launceston. Friends of the Launceston Mechanics' Institute intends to give this Collection the prominence it deserves.

## COUNCIL AGENDA

Monday 25 November 2013

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### 18 CORPORATE SERVICES

#### 18.1 Asset Management and Financial Management Reforms (Draft Ministerial Orders)

FILE NO: SF0081

DIRECTOR: Michael Tidey (Director Corporate Services)

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#### DECISION STATEMENT:

To consider the Draft Ministerial Orders on Asset Management and Financial Management Reforms and determine any comments.

#### PREVIOUS COUNCIL CONSIDERATION:

Item 18.2 - Council 9 September 2013 - *The Council resolved to make a submission on the wording of the legislation*

Item 13.3 - Audit Committee 14 November 2013 - *The Committee noted that the item will go to the Council for a decision*

#### RECOMMENDATION:

That the Council endorse the following comments on the Draft Ministerial Orders on Asset Management and Financial Management Reforms.

1. Point 1(b) Long-term Financial Management Plan - refers to *"expected revenues and expenses...including asset management requirements"*. It should also refer to capital expenditure (ie not just expenses) related to asset renewal and upgrade.
  2. Point 2(b) - the requirements in regard to a statement of comprehensive income including *"...operating surplus/(deficit), net surplus/(deficit) and comprehensive result"* should be simplified to ensure the information is understandable. The accounting items such as asset revaluation increases or decreases and actuarial gains or losses which are applied to a surplus or deficit to turn it into a comprehensive result are unlikely to be:
    - a) able to be forecast in a meaningful way; or
    - b) readily understood by the majority of users; or
    - c) an element that will be directly influenced by one of the financial strategies.
  3. Point 2(d)(a) Long-term Financial Plan - the wording should say renewal/upgrade as upgrades must relate to an existing asset rather than a new asset.
  4. Point 4 Long-term Strategic Asset Management Plans - should be regularly reviewed and updated however a requirement for an annual update seems a little at odds with a long-term plan.
  5. Point 2(a) Asset Management Strategy - refers to *"an outline of current assets and the services provided by those assets"*. Should refer to existing assets rather than current assets.
-



**18.1 Asset Management and Financial Management Reforms (Draft Ministerial Orders)...(Cont'd)**

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6. Points (1 - 4) Financial Management Indicators - income is described as:
  - a) day-to-day income;
  - b) general and other rate income and operating grants;
  - c) operating income.

The intention should be to refer to the same amount.

7. Point (3) Financial Management Indicator - "*net financial liabilities are defined as the entity owed...*". This needs to be reworded to be clear and understandable.
  8. Point (3) Asset Renewal Funding Ratio - the benefit of using net present value calculations in this ratio should be assessed as it is not widely understood and may be distorted by fluctuations in discount rates.
  9. Point (7) - the Mayor should be able to be a member of the Audit Panel.
- 

**REPORT:**

Most of the recommendations relate to suggested changes to wording to improve the understandability and the consistency of interpretation.

The substantive issues relate to recommendations 2 (comprehensive income) and 9 (audit panel membership). The requirement for the plan to forecast those items that don't form part of the underlying surplus (deficit) is of questionable value.

- a) due to the items being more speculative than a meaningful forecast; and
- b) they aren't items that are readily understood by users of the information.

In regard to audit panel membership the exclusion of the Mayor is unnecessary and contrary to accepted governance practices. The membership by the Mayor should be an option that the Council can determine.

**ECONOMIC IMPACT:**

N/A

**ENVIRONMENTAL IMPACT:**

N/A

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**18.1 Asset Management and Financial Management Reforms (Draft Ministerial Orders)...(Cont'd)**

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**SOCIAL IMPACT:**

N/A

**STRATEGIC DOCUMENT REFERENCE:**

Goal: Engaging our community and delivering responsible management

**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**

**ATTACHMENTS:**

1. Letter from the Director of the Local Government Office
-

## COUNCIL AGENDA

Monday 25 November 2013

### Department of Premier and Cabinet

Executive Building, 15 Murray Street, HOBART TAS 7000 Australia  
GPO Box 123, HOBART TAS 7001 Australia  
Ph: 1300 135 513 Fax: (03) 6233 5685  
Web: [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au)



Mr Allan Garcia  
Chief Executive Officer  
Local Government Association of Tasmania  
GPO Box 1521  
HOBART TAS 7001

Dear Mr Garcia

I am pleased to announce that the Local Government (Miscellaneous Amendments) Bill 2013 (the Bill) was passed without amendment by the Legislative Council on 30 October 2013. You will be aware that the Bill included a power for the Minister to make Ministerial Orders outlining the detail and minimum requirements of the financial and asset management reforms detailed in the amending legislation.

The Ministerial Orders are designed to:

- outline the minimum requirements necessary for an appropriate long-term financial management and strategic asset management plans;
- outline the minimum requirements necessary for an appropriate financial management strategy and asset management strategy;
- outline the minimum requirements necessary for an appropriate asset management policy;
- list the financial and asset management sustainability indicators on which councils must report; and
- provide guidance to councils on the structure, membership and primary functions of audit panels.

You will be aware that the amending legislation provides for the Minister to consult with the local government sector on the Ministerial Orders before he makes them and that the Local Government Division (LGD) has been working with the Local Government Association of Tasmania (LGAT) to develop draft Ministerial Orders for consultation with the local government sector.

I am now inviting LGAT and the local government sector to comment on the Ministerial Orders. The closing date for providing submissions is close of business on **Friday 20 December 2013**. Submissions can be emailed to [lgd@dpac.tas.gov.au](mailto:lgd@dpac.tas.gov.au) or mailed to GPO Box 123, Hobart, TAS 7001. I look forward to receiving comments from LGAT and local government on the draft Ministerial Orders.

Should LGAT have any queries in relation to the Ministerial Orders please contact Mr Greg Brown, Deputy Director, LGD. Mr Brown can be contacted by email at [Greg.brown@dpac.tas.gov.au](mailto:Greg.brown@dpac.tas.gov.au) or by telephone on 6232 7020.

Yours sincerely

A handwritten signature in blue ink, appearing to read "P. Hoysted".

Phillip Hoysted  
Director

5 November 2013  
Attachment

13/75381

**Draft Orders under Section 70F of the *Local Government Act 1993*****Long-term financial management plan**

1. A long-term financial management plan is to:
  - (a) express, in financial terms, the activities the council proposes to undertake over the longer term to achieve its financial management strategies, asset management policies, asset management strategies and the objectives of its strategic and annual plans;
  - (b) specify expected revenues and expenses for each year of the plan including asset management requirements identified in the long-term strategic asset management plan;
  - (c) be integrated with the council's strategic plan, long-term strategic asset management plans, asset management policy, asset management strategy and financial management strategy;
2. A long-term financial plan is to include -
  - (a) a narrative overview of the objectives and intent, including summary level information based on financial statements prepared on an accrual basis;
  - (b) a statement of comprehensive income including estimates for:
    - a. operating revenue;
    - b. operating expenses;
    - c. operating surplus/(deficit);
    - d. net surplus/(deficit); and
    - e. comprehensive result;
  - (c) a balance sheet including estimates for:
    - a. current and non-current assets;
    - b. current and non-current liabilities;
    - c. net assets; and
    - d. equity including reserves;
  - (d) a cash flow statement including estimates of:
    - a. receipts, payments and net cash from operating activities, including separate estimates in respect of renewal and new /upgrade capital expenditure;
    - b. receipts, payments and net cash from investing activities;
    - c. receipts, payments and net cash from financing activities including loan borrowings;
    - d. net increase/(decrease) in cash held;
    - e. cash and cash equivalents at beginning of period; and
    - f. cash and cash equivalents at end of period.
  - (e) a description of the financial management strategies to be adopted by the council, including financial targets and their rationale. The financial management strategies are to include strategies related to revenue, investments, borrowings and capital expenditure and make

specific reference to strategies to achieve an operating surplus position, a funded renewal capital expenditure program and an appropriate cash position;

- (f) a comparison of projected financial performance against appropriately determined targets for financial indicators including those specified in Ministerial Orders under section 84 (2A) for each financial period included in the long-term financial plan;
  - (g) all assumptions used in the development of the estimates; and
  - (h) key sensitivity analyses.
3. A long-term financial management plan is to be updated annually following the adoption of the audited financial statements and the annual budget.

### **Financial management strategy**

- 1. A financial management strategy is to:
  - (a) provide direction and context to the council for decision-making regarding the allocation, management and use of council financial resources;
  - (b) set the parameters within which the council agrees to operate in order to maintain accepted financial outcomes with measurable financial targets;
  - (c) be integrated with the council's strategic plan and asset management strategy and annual budgeting processes; and
  - (d) guide the development of the council's long-term financial management plan.
- 2. A financial management strategy is to include -
  - (a) a narrative overview of purpose and intent;
  - (b) financial principles that guide determination of the financial management strategies;
  - (c) key financial strategies to be employed;
  - (d) financial aims and targets; and
  - (e) financial projections.

### **Long-term strategic asset management plan**

- 1. Long-term strategic asset management plans are to cover the following asset classes:
  - (a) roads, bridges (including culverts) and traffic infrastructure;
  - (b) stormwater;
  - (c) buildings; and
  - (d) any asset class with a total value of 5% of the total asset base of the council.
- 2. A long-term strategic asset management plan is to:
  - (a) provide critical information about assets, including capital expenditure requirements for renewing, upgrading and extending assets over the longer term; and

- (b) be integrated with the council's strategic plan, asset management policy, asset management strategy, long-term financial management plan and financial management strategy.
- 3. A long-term strategic asset management plan is to include -
  - (a) a narrative overview, including the definition of classes and sub-classes covered in the plan and the quantitative data to be presented in respect of the asset classes and sub-classes;
  - (b) the current expected or required service levels for the included assets;
  - (c) the actual service levels being achieved for the assets;
  - (d) future asset requirements associated with strategic or annual plans and capital works programs;
  - (e) known or possible areas for expansion including the asset classes and potential acquisition dates, cost estimates and impact on service levels, asset lifecycle and financial considerations;
  - (f) lifecycle management and financial considerations including:
    - I. useful life;
    - II. valuation of each asset class and sub-class;
    - III. maintenance activities;
    - IV. renewal/replacement plan;
    - V. acquisition;
    - VI. disposal; and
    - VII. risk management.
  - (g) details of the standards and guidelines used to make decisions on asset management; and
  - (h) areas for improvement and monitoring including, identification of any known issues with the quality of the data, forecasts and/or estimates, actions to mitigate the known issues and a commentary on the reliability of the estimates contained within the plan.
- 4. Long-term strategic asset management plans are to be updated annually following the adoption of the audited financial statements and the annual budget.

**Asset management strategy**

- I. An asset management strategy is to:
  - (a) guide the planning, construction, maintenance and operation of the infrastructure essential for the council to provide services to the community in a financially sustainable manner;
  - (b) guide the implementation and documentation of asset management practices, plans, processes & procedures within the council;
  - (c) be linked with the council's asset management policy;
  - (d) be integrated with the council's strategic plan, financial management strategy and annual budgeting processes; and

- (e) guide the development of the council's long-term strategic asset management plans.
- 2. An asset management strategy is to include:
  - (a) an outline of current assets and the services provided by those assets;
  - (b) an outline of management prescriptions applied to all assets;
  - (c) a description of future asset requirements and demands for new or replaced assets;
  - (d) detail on asset management practices employed by the organisation;
  - (e) adopted asset management strategies;
  - (f) an asset management improvement plan detailing a program of tasks to be completed and resources required to achieve minimum 'core' level of asset maturity and competence;
  - (g) an outline of how council assets will meet the service delivery needs of its community into the future; and
  - (h) detail on how the councils asset management policies are to be achieved;

### **Asset management policy**

- 1. An asset management policy is to -
  - (a) define the council's vision and service delivery objectives for asset management;
  - (b) be integrated with the council's strategic plan, asset management strategy, long-term strategic asset management plan, long-term financial management plan and financial management strategy;
  - (c) define asset management roles, responsibilities and reporting framework;
  - (d) identify processes for meeting training needs in financial and asset management practices for councillors and staff.
  - (e) Include the adoption of whole-of-life costing combined with disciplined performance measurement;
  - (f) clearly articulate the principles and financial implications upon which decisions relating to assets and their performance will be based.

## **Draft Orders under Section 84 (2A) of the Local Government Act 1993**

### **Financial management indicators**

The following financial management indicators are to be reported on as part of Council Financial Statements.

#### **1. Operating surplus**

Operating surplus is defined as the difference between day-to-day income and expenses for the period.

Operating surplus to be calculated as operating income (excluding amounts received specifically for new or upgraded assets and physical resources received free of charge) less operating expenses for the reporting period.

#### **2. Operating surplus ratio**

Operating surplus ratio is defined as the percentage by which the major controllable income source plus operating grants varies from day to day expenses.

Operating surplus ratio is calculated as Operating surplus (or deficit) divided by general and other rate income and operating grants.

#### **3. Net financial liabilities**

Net financial liabilities are defined as the entity owed to others less money held.

Net financial liabilities are to be calculated as total liabilities less financial assets (cash and cash equivalents plus trade and other receivables plus other financial assets).

#### **4. Net financial liabilities ratio**

The net financial liabilities ratio is defined as the significance of net amount owed compared with the period's income.

The net financial liabilities ratio is to be calculated as net financial liabilities divided by operating income.

### **Asset management indicators**

The following asset management indicators are to be reported on as part of Council Financial Statements.

#### **1. Asset sustainability ratio**

The asset sustainability ratio is defined as the ratio of asset replacement expenditure relative to depreciation for a period. It measures whether assets are being replaced at the rate they are wearing out.

The asset sustainability ratio is to be calculated as capital expenditure on replacement / renewal of existing plant and equipment and infrastructure assets divided by their annual depreciation expense.



## **2. Asset consumption ratio**

The asset consumption ratio is defined as the average proportion of 'as new' condition left in assets.

The asset consumption ratio is to be calculated as the depreciated replacement cost of plant, equipment and infrastructure assets divided by the current replacement cost of depreciable assets.

## **3. Asset renewal funding ratio**

The asset renewal funding ratio is defined as the ratio of net present value of asset renewal funding accommodated over a ten year period in a long-term financial plan relative to the net present value of the projected capital renewal expenditures identified in an asset management plan for the same period.

The asset renewal funding ratio is to be calculated as the net present value of projected ten-year capital renewal funding outlays in a long-term financial plan divided by the net present value of projected ten-year capital renewal expenditures in an asset management plan in current values.

**Draft Orders under Section 85B of the *Local Government Act 1993*****AUDIT PANELS****Establishment**

1. Audit Panels are to operate under a formal charter including terms of reference. These are to be developed by the council.
2. Independent members of the Audit Panel are entitled to be paid the remuneration and allowances the council determines.
3. As soon as practicable after an Audit Panel has been established, the General Manager is to advise the Director of Local Government.

**Roles and functions**

4. The roles and functions of an Audit Panel may include —
  - (a) reviewing the adequacy, efficiency and effectiveness of controls including accounting, internal control, anti-fraud, anti-corruption and risk management policies, processes and systems;
  - (b) reviewing annual financial statements to ensure they present fairly the state of affairs of the council, are consistent with national accounting standards and were prepared using rigorous and transparent internal systems and processes;
  - (c) reviewing the financial performance of the council including the financial and asset management indicators declared by Order under Section 84(2A) of the *Local Government Act 1993*;
  - (d) evaluating and reporting to the council on compliance with the Local Government Act 1993, integrity and integration of the council's -
    - I. strategic plan;
    - II. rates and charges policy;
    - III. asset management policy;
    - IV. asset management strategy;
    - V. long-term strategic asset management plan(s);
    - VI. financial management strategy;
    - VII. long-term financial management plan; and
    - VIII. annual plan;including the processes by which they were developed. and
  - (e) monitoring action taken on recommendations provided to the council.

**Membership**

5. An Audit Panel is to be a minimum of three and a maximum of five persons comprising up to two councillors or alderman, and up to three independent members. The independent members must form the majority of the panel.
6. An Audit Panel is to be chaired by an independent member of the panel.

7. An Audit Panel is not to include the General Manager or the Mayor of a council as a member.
8. An Audit Panel is not to include an employee of the council as a member.
9. An Audit Panel may include, or be comprised of, members of an Audit Panel for another council.

**Ex-Officio members**

10. The General Manager, or his delegate, and respective Directors/Managers of council's Business Services/Financial/Accounting Branch can be Ex-Officio members of the Audit Panel.

**Qualifications of independent members**

11. The independent members must possess strong business acumen, management and communication skills. Other relevant skills may include –
  - (a) knowledge and/or expertise in areas of audit practices and financial management; and/or
  - (b) relevant industry knowledge and experience; and/or
  - (c) experience with governance processes and risk management.

**Appointment of independent members**

12. Councils are to advertise publicly for independent members of the Audit Panel.
13. The council is to appoint the members of the Audit Panel.
14. Members of the Audit Panel are to be appointed for a minimum period of twelve months and a maximum period of four years. Appointees may be re-appointed to the Audit Panel for one additional term without the requirement for public advertisement.

**Audit Panel meetings**

15. An Audit Panel is to be adequately resourced by the council and provided with secretariat support from the council.
16. An Audit Panel is to meet a minimum of four times per year.
17. A quorum for an Audit Panel meeting will consist of a majority of members.
18. An Audit Panel is to develop an annual work plan, including a schedule of meetings and planned objectives for each meeting.
19. An Audit Panel is to hold meetings in a closed forum.
20. An Audit Panel is to meet formally with the external auditor at least once per year.
21. An Audit Panel meeting is to be attended by the General Manager, or his or her delegate, and the Director/Manager of council's Business Services/Financial/Accounting Branch, except where the Audit Panel chooses to meet in camera.
22. Only members of the Audit Panel are entitled to vote at meetings. Ex-Officio members are not entitled to vote at meetings.
23. The Audit Panel may invite councillors/alderman or council staff to its meetings.
24. After each meeting, the Audit Panel is to provide the minutes of its meetings to the Council for its consideration.

## COUNCIL AGENDA

Monday 25 November 2013

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### 19 GENERAL MANAGER

#### 19.1 LGAT General Meeting - Form View on Motions Submitted

**FILE NO:** SF2217

**AUTHOR:** John Davis (Manager Corporate Strategy)

**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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#### **DECISION STATEMENT:**

To consider and form a view on the Local Government Association of Tasmania (LGAT) Agenda items for the Association's General Meeting scheduled for 4 December 2013.

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

N/A

#### **RECOMMENDATION:**

1. That Council's representative to the LGAT General Meeting vote accordingly to the below motions:

<b>Ag Item</b>	<b>Motion</b>	<b>LCC Comment</b>
2.1	<b>Decision Sought</b>  That the Meeting consider the issues raised at the recent Jobs Forum in respect of what it is anticipated could occur within Local Government to stimulate job creation and economic activity in the state and provide the Association with guidance in responding to the matters.	<b>Support</b>

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19.1 LGAT General Meeting - Form View on Motions Submitted...(Cont'd)

Ag Item	Motion	LCC Comment
2.2	<p><b>Decision Sought</b></p> <p>That the Local Government Association of Tasmania corresponds to</p> <ul style="list-style-type: none"> <li>• CEO of NBN Co, Dr Ziggy Switkowski</li> <li>• Premier of Tasmania, Lara Giddings</li> <li>• Federal Minister for Communication, Malcolm Turnbull</li> <li>• Federal Shadow Minister for Communications, Jason Clare</li> <li>• State Minister for Infrastructure and Development, David O'Byrne</li> <li>• State Shadow Minister for Infrastructure, Rene Hidding</li> </ul> <p>requesting their support for the remainder of Tasmanian towns and cities without a construction order in place for the NBN roll-out, to enjoy and utilise, as soon as possible, the same access and opportunity as currently the 70% Tasmanian businesses and households already having access or access being built, that being fibre to direct to all businesses and households.</p>	<p>With the correction deleting word "CEO" and substituting "Chairman"</p> <p>Delete "requesting" substitute with seeking. Delete second last "to", to read <i>...being fibre direct to all...</i></p> <p><b>Support</b></p>

**19.1 LGAT General Meeting - Form View on Motions Submitted...(Cont'd)**

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<b>Ag Item</b>	<b>Motion</b>	<b>LCC Comment</b>
2.3	<b>Decision Sought</b>  That the Meeting revisit the motion from 2011 pertaining to amendments to the Tasmanian Constitution and advise LGAT if this remains a priority.	<b>Support</b>

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**REPORT:**

The LGAT agenda for the Association's General Meeting to be held on 4 December 2013 has been circulated to all Aldermen and Directors.

The purpose of the report is to ensure all Aldermen are aware of the motions to be considered and noted by the association and to enable Council to consider and provide direction to the Mayor or representative in voting on the respective motions.

The majority of motions listed on this General Meeting's agenda are for noting, with the exception of motions 2.1, 2.2 and 2.3 (see above table)

**ECONOMIC IMPACT:**

N/A

**ENVIRONMENTAL IMPACT:**

N/A

**SOCIAL IMPACT:**

N/A

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**19.1 LGAT General Meeting - Form View on Motions Submitted...(Cont'd)**

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**STRATEGIC DOCUMENT REFERENCE:**

Area 5 - Governance Services - Strategic Plan 2008/13 - engaging our community and delivering responsible management.


**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**

**19.2 Local Government Board - Review of Councillor Numbers****FILE NO:** SF0326**AUTHOR:** John Davis (Manager Corporate Strategy)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To receive the report and recommendations put forward by the Local Government Board in regard to their review of Councillor numbers.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

That Council

1. Receives the report undertaken by the Local Government Board and notes there is no recommended change to the number of Councillors at Launceston City Council; and
  2. Not make a submission in regards to the report.
- 

**REPORT:**

In February 2013 the Local Government Board undertook a second review of Councillor numbers and their report is attached.

The Local Government Board has recommended a reduction in the number of Councillors elected to the Derwent Valley Council, the Southern Midlands Council and the Waratah-Wynyard Council. No change to the number of Councillors elected to Launceston City Council has been recommended.

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## 19.2 Local Government Board - Review of Councillor Numbers...(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:

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. Letter from Bryan Green to the Mayor
  2. Local Government Boards report of Councillor numbers (distributed separately)
-

**Hon Bryan Green MP**

DEPUTY PREMIER

Level 10, Executive Building  
15 Murray Street, HOBART TAS 7000 Australia  
Ph: (03) 6233 6454 Fax: (03) 6233 2272  
Email: bryan.green@parliament.tas.gov.au



31 OCT 2013

FILE No.	SF0326		
EO	OD	Box	
RCV'D - 1 NOV 2013 LCC			
Doc No.			
Action Officer	Noted	Replied	
A VANZETIEN			

Ald Albert van Zetten  
Mayor  
Launceston City Council  
PO Box 396  
LAUNCESTON TAS 7250

Dear Mayor

EGP3 - 12 DABRZINSKI

In February 2013, I asked the Local Government Board to conduct a second review of councillor numbers. The Board has now provided me with its report and recommendations and, as required by section 214D(4) of the *Local Government Act 1993*, I have attached a copy of the report for your Council's consideration.

The Board has recommended a reduction in the number of councillors elected to the Derwent Valley Council, the Southern Midlands Council and the Waratah-Wynyard Council, and no change to the number of councillors elected to the Brighton Council, the Dorset Council and the Launceston City Council.

I would like to invite your Council to make a submission to me on the report. I would be grateful if you could provide me with your submission within five weeks after this letter is dated. I have also arranged for a copy of this correspondence to be forwarded to the General Manager of your Council.

For your information, I have also released this report to the public at this time. The report is available on the Department of Premier and Cabinet's Local Government Division website at [www.dpac.tas.gov.au/divisions/lgd/local\\_government\\_board](http://www.dpac.tas.gov.au/divisions/lgd/local_government_board).

I look forward to receiving your Council's feedback.

Yours sincerely

Bryan Green MP  
**Minister for Local Government**

Attachment:

Copy to: General Manager

**20 URGENT BUSINESS**

**That Council pursuant to Clause 8(6) of the Local Government (Meeting Procedures) Regulations 2005,**

**21 WORKSHOP REPORT(S)**

**Nil**

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

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

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**ATTACHMENTS:**

1. Information / matters requiring further action - 25 November 2013
-

MATTERS ARISING FROM COUNCIL - REQUIRING FURTHER ACTION - AT 25 NOVEMBER 2013

Meeting Date, Item & File #	Outstanding Items & Action Requested	Officer Responsible & Officer Comment	Due Date
9 Sept 2013 Item 13.1 SF5547 / SF0595 / SF0594	<p><b>Notice of Motion - Alderman Peck - WiFi in Brisbane Street Mall</b></p> <p><u>Resolution at Council Meeting 09/09/2013:</u> That Launceston City Council investigate the installation of Wi-Fi in the Brisbane Street Mall and report back to Council.</p>	<p>Michael Tidey - Director Corporate Services</p> <p><u>Status</u> Manager Information Technology met with Economic Development Officer and the Tourism Manager to discuss requirements.</p> <p>Contractor has been briefed on the project. Awaiting proposal to confirm the costs.</p>	Nov 2013

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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