



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 27 JULY 2015**

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

Date: 27 July 2015

Time: 1.00pm

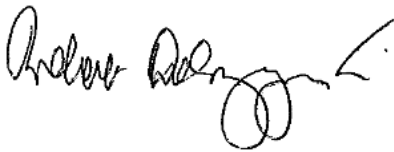
Section 65 Certificate of Qualified Advice

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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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 City of Launceston held on 13 July 2015 be confirmed as a true and correct record.

4 DEPUTATION

Nil

5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME

Meeting Date	Question	Answer	Officer Responsible
13/07/2015	<p>Mr Paul Mallett - Launch of Every Child Succeeds Initiative</p> <p>Mr Mayor, on Tuesday July 21, the Launceston Tamar Valley Collective Impact Initiative, "Every Child Succeeds" will be launched. The goal of this cross sector initiative is to ensure, within a generation, every child in our community: is loved and safe; has the material basics; is healthy; learning, participating; and has a positive sense of identity and culture. Mr Mayor, will you or your delegate attend this launch? And will you or your delegate continue to engage with this child friendly city initiative going forward? <i>I do note that a similar initiative in the south, known as Glenorchy Child, has the Glenorchy Mayor as a key stakeholder.</i></p>	<p>As a collective impact project, the City of Launceston will be required to have some involvement in the "Every Child Succeeds" project, however, to my knowledge there has been no request received at this stage for a representative to sit on the Committee. Any request for a Committee representative or ongoing involvement will be considered when the Council has an understanding of what the project and its objectives are; whether any involvement is required at an operational or governance level and what resources are required, etc.</p> <p>Unfortunately, as I am on leave, I am unable to attend the launch on Tuesday 21 July, however our Manager Community, Tourism and Events and another Council Officer will be attending. The Manager Community, Tourism and Events has indicated she would be available to be involved in the early stages of the collective impact approach. There are some City of Launceston projects which might feed into the "Every Child Succeeds" project such as the Northern Suburbs project and the Resilient Youth Australia funding.</p>	General Manager

Meeting Date	Question	Answer	Officer Responsible
13/07/2015	<p>Mr Paul Mallett - Urban Renewal of Northern Suburbs</p> <p>Several years ago the Mayor facilitated a series of meetings on the urban renewal of the Northern Suburbs. From memory, 3P Consulting completed a report and a score of Stakeholder agencies/groups were involved. Can I seek an update as to the progress of that initiative and what the Council is doing to support the citizens and communities of Rocherlea, Mayfield and surrounds?</p>	<p>The 3P Consulting Report was in regard to anti-social behaviour in the City and it was commissioned as the Council's contribution to a working group that was established by the Attorney General at that time, Brian Wightman, to investigate community concern about the extent of anti-social behaviour.</p> <p>I am very passionate about a Northern Suburbs Revitalisation Project and it is one of the Priority Projects that the Council has adopted recently in terms of its strategic priority projects. The Council is looking to scope that project, a fundamental aspect of which will be to engage with communities in our Northern Suburbs to ascertain from them what their priority areas might be and to ensure they have ownership of both the process and therefore the outcomes.</p> <p>A scoping project has been undertaken with the assistance of Professor David Adams and that work will be presented to a future Council meeting.</p>	General Manager

Meeting Date	Question	Answer	Officer Responsible
	<p>Mr Paul Mallett - Play Equipment in Rocherlea Parks</p> <p>I meet with residents of the Northern Suburbs regularly, particularly Rocherlea. In one recent meeting the state of play equipment and the absence of vibrant inviting play parks in Rocherlea was raised by residents who have a keen interest in the health of their children and grandchildren. Does the Council have plans to upgrade play and park equipment in this suburb?</p>	<p>In early 2014 the City of Launceston adopted and began implementing the Play Space Strategy that will guide upgrades and renewals to the City's play spaces and will ensure that there is greater diversity in our parks and varied play opportunities. The Strategy will include play spaces with a focus on natural play, such as large boulders and logs to jump on, climb up, etc; play spaces offering more imaginative play, more challenges for children and more risk taking; and play spaces with a combination of traditional play elements and nature play opportunities.</p> <p>Since the Play Space Strategy was adopted, play space improvements have been made to Heritage Forest (Mowbray), Newnham Bikeway (Alanvale), Southgate Drive Park (Kings Meadows), and the Transport Safety Centre (South Launceston). Planned play space improvements in the 2015/2016 financial year include Waverley Lake Reserve (Waverley), Punchbowl Reserve (Punchbowl), Rowland Crescent Park (Summerhill), King Billy Park (Rocherlea) and Charlton Street Reserve (Norwood).</p>	<p>General Manager</p>

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to Agenda Item 7.1.

7 PLANNING AUTHORITY

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)

FILE NO: DA0125/2015

AUTHOR: Julia Allen (Development Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Jason Paul Jones
Property:	70 Bathurst Street and 74 Bathurst Street, Launceston
Zoning:	Urban Mixed Use
Receipt Date:	16/03/2015
Validity Date:	19/05/2015
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	27/07/2015 (extension of time granted)
Representations:	5

PREVIOUS COUNCIL CONSIDERATION:

B212/66 - construction of a factory. The floor plan in this building application is reflective of the present arrangement onsite whereby the building is split into two tenancies.
D305/91 - change of use to light industry. Permit issued 10 September 1991.
D211/84 - change of use to light industry. Permit issued 30 November 1984.
D289/92 - change of use to vehicle parts, sales, fitting centre and advertising signs. Permit issued 5 August 1998.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

RECOMMENDATION:

That in accordance with Section 51 and Section 57 of the Land Use Planning and Approvals Act 1993, a permit be granted for DA0125/2015 Storage - warehouse; change of use, extension of use at 76 Bathurst Street to 70 & 74 Bathurst Street Launceston (retrospective), in accordance with the endorsed plans and subject to the following conditions.

1. ENDORSED PLANS

The use must be carried out in accordance with the endorsed site plan (scale 1:200 at A3, advertised 30/5/2015) and documents to the satisfaction of the Council unless modified by a condition of the permit.

2. HOURS OF OPERATION

Hours of operation are limited to 8am to 6pm Monday to Saturday.

3. DISABLED PARKING

Despite condition 1, within six (6) months of the permit date of issue, one (1) car space that is capable of being used by persons with a disability must be provided onsite in close proximity to the main entrance. The space must comply with *AS/NZ2890.6-2009 Parking facilities - off street parking for people with disabilities*.

4. BATHURST STREET FOOTPATH

Despite condition 1, within 6 months of the permit date of issue, the frontage boundary with Bathurst Street must have a kurb or similar installed, to prevent vehicle access onto the Bathurst Street footpath other than via the existing vehicle crossover.

5. RIGHT OF WAY

Right of ways on or adjoining the site are to be maintained for access at all times. No storage on, or obstruction of, those rights of way is permitted.

6. LEGAL TITLE

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

7. EXPOSED STORAGE

Goods, equipment, packaging material, machinery or waste must not be stored outside a building so as to be visible from Bathurst Street.

- 7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)**
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8. DELIVERY HOURS

No deliveries are permitted before 7am or after 7pm Monday to Friday. No deliveries are permitted Saturday, Sunday or public holidays.

9. ADHESION OF TITLES

Prior to the issuing of the Occupancy Permit, lots Volume 146578 Folio 1 and Volume 116937 folio 1 must be adhered under the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

10. DRIVEWAY CONSTRUCTION

Within 6 months of the permit date of issue, areas set aside for parking vehicles and access lanes as shown on the endorsed plans must;

- a) Be designed to comply with the following suite of Australian Standards: AS 2890.1 Off-street car parking,
- b) Be properly constructed to such levels that they can be used in accordance with the plans,
- c) Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers,
- d) Be drained to Councils requirements,
- e) Be line-marked or otherwise delineated to indicate each car space and access lanes,
- f) Be provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas;
- g) Have exterior lights that are installed in such positions as to effectively illuminate all pathways, car parking areas and porch areas. Such lighting must be controlled by a time clock or sensor unit and shielded to prevent direct light being emitted outside the site.

Parking areas and access lanes must be kept available for these purposes at all times.

11. DAMAGE TO COUNCIL INFRASTRUCTURE

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

12. EXTERIOR AND SECURITY LIGHTING PLANNING

Exterior Lighting and Security lighting to comply with the Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting".

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

Notes:

Building Permit Required

Prior to the commencement of any construction the applicant is required to attain a Building Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

Occupancy Permit Required for Changed Use

Prior to the occupation of the premises, in the case where building work is not required, the applicant is required to attain an Occupancy Permit for the changed use of the building pursuant to the Building Act 2000 section 117.

General

This permit was issued based on the proposal documents submitted for DA0125/2015. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).

This permit takes effect after:

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

This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

Permit Commencement.

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

Signage

No signage has been approved in this application. Separate approval may be required for any signage proposed on the site.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

REPORT:

1. THE PROPOSAL

The proposal seeks retrospective approval for a change of use to storage at 70 & 74 Bathurst Street, Launceston. The use proposes to store garden products. The use is associated with the business, Waratah Launceston, located next door at 76 Bathurst Street. The use will operate 8am until 5pm Monday to Friday, employing 7 full time and 1 part time staff. Deliveries to the site are typically with a medium rigid truck on average 3 to 4 times per day by courier. Further trips conducted as necessary with the company's own vehicle. This can contribute up to a further 5 trips per day.

Commercial vehicles park in front of the building towards the southern boundary and are loaded and unloaded with a forklift. The forklift accesses the laneway along the southern side of the building to the roller doors located at the rear of the site. Commercial vehicles are reliant on reversing into or out of the site.

Six car spaces are proposed in front of the building although this is in a tandem formation to enable that number of spaces.

No signage is proposed.

No public access to the building is proposed.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject land consists of two titles, 70 Bathurst Street, a 435m² title which contains the existing warehouse building and 74 Bathurst Street, a 344m² title which contains the office section of the building and an existing unmarked car parking area. There is a right of way along the southern side of each title which provides vehicle access from Bathurst Street to the rear of the buildings.

The building is separated into two tenancies. Each tenancy contains both a portion of the warehouse at the rear and office at the front. The building was constructed around 1966 with that floor layout.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

Council's records provide little information about the history of the site. The history provided by the owner of the land and Waratah Launceston is that the southern tenancy has been occupied by Waratah Launceston for a warehouse in association with the main business operations at 76 Bathurst Street for in excess of eighteen years. The business expanded into the northern tenancy for further storage about 18 months ago. There are currently no planning or building permits for that expanded use.

The northern tenancy previously operated as a mechanical repair garage. This, according to the owner of the land, Waratah Launceston and some adjoining residents operated for many years. A planning permit (D289/98) was issued in 1998 for a vehicle parts sales and fitting centre.

Council has a photo from 1998 of the site showing the north tenancy vacant with signage indicating the presence of a window furnishing manufacturer and a later photo showing the site used for a mechanical repair business.

The site is located to the south of a row of terrace houses fronting Elizabeth Street. At the rear of those terraces, there is a shared private right of way lane, 2.8m wide, providing vehicle access to Bathurst Street. There is no fencing between the laneway and the subject land's car park enabling both sites to use each other's land to assist with vehicle access.

To the east, the site adjoins the Salvation Army and to the south is the main office and functions of Waratah Launceston, a wholesale garden supplies business that seeks to use the subject land for storage.

The broader area is characterised as mixed use with commercial and residential uses prevailing. Commercial uses include electrical repairs and servicing, pet supplies, and vehicle sales.

- 7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)**

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

15.0 Urban Mixed Use Zone

15.1.1 Zone Purpose Statements

15.1.1.1 To provide for integration of residential, retail, community services and commercial activities in urban locations.

15.1.1.2 To provide for a diverse range of urban uses and increased intensity of development including residential densities that support the role of activity centres.

15.1.1.3 To encourage residential, visitor accommodation and tourist operation uses as a means of increasing activity outside normal business hours.

15.1.1.4 To create:

- (a) activity at pedestrian levels, with active road frontages offering interest and engagement to shoppers; and
- (b) appropriate provision for car parking, pedestrian access and traffic circulation.

Consistent

The area is a key transition area of the city where redevelopment is encouraged to achieve the mixed use character envisaged. The area presently contains a mix of residential and commercial uses, although a mix of these uses is uncommon within an individual site. The proposal is for storage activities associated with Waratah Launceston, a business adjoining the south of the site at 76 Bathurst Street.

The site is a pre-existing commercial site that has a long history of service industry use and warehousing use. No public access to this site is proposed, therefore no pedestrian focus is proposed which does not further the intent of the zone but rather maintains the status quo. The proposal does not involve significant capital intensification of the site and therefore is considered to not unduly prejudice the future beneficial reuse of the site, should economic circumstances allow. The existing operation has no history of complaints from adjoining residential properties.

Parking and turning is constrained, with tandem staff and delivery parking proposed. This site would be difficult for many non-residential uses that are permissible in the zone unless it was a low key use that would not require the operation of large trucks. The site has operated in a manner to uses previously acknowledged as having operated from the site.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

15.3 Use Standards

15.3.1 Hours of operation

Objective: To ensure that non-residential uses do not cause unreasonable loss of amenity to nearby sensitive uses.
Consistent Compliance with the acceptable solution implies compliance with the objective.
A1 Commercial vehicles must only operate between 6.00am and 10.00pm.
Complies The site receives on average three to four courier trucks per week day and up to about four trips per week day with the company's own commercial vehicle. Deliveries typically occur from opening time, that is 8am, and usually cease around 3.30pm. No deliveries occur after 5pm and very occasionally a delivery will be before 7am.

15.3.2. Mechanical plant and equipment

Objective: To ensure that the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to sensitive uses.
Consistent Compliance with the acceptable solution implies compliance with the objective.
A1 Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining or immediately opposite sensitive uses.
Complies These are not required by the use. If required, the plant is capable of being installed to be compliant with the standard.

15.3.3 Light spill and illumination

Objective: To ensure that light spill and levels of illumination from external lighting does not cause unreasonable loss of amenity to sensitive uses.
Consistent Compliance with the acceptable solution implies compliance with the objective.
A1 The use must: <ul style="list-style-type: none"> (a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the General Residential, Inner Residential, and Low Density Residential zones; and (b) contain direct light from external light sources within the boundaries of the site.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

Complies

The property does not adjoin a General Residential, Inner Residential or Low Density Residential zone. It does however adjoin the rear of a row of terraces houses facing Elizabeth Street that are within the Urban Mixed use zone. The use does not require exterior lighting, nor is any proposed. If required, the lighting is capable of being installed so that it is contained within the site. A condition to that effect is recommended.

15.3.4 Noise level

Objective:

To ensure that noise levels from uses do not unreasonably impact on the amenity of nearby sensitive uses.

Consistent

Compliance with the acceptable solution implies compliance with the objective.

A1 Noise generated by a use on the site must:

- (a) not exceed a time average A-weighted sound pressure level (L_{aeq}) of 5 dB(a) above background during operating hours when measured at the boundary of an existing sensitive use adjoining or immediately opposite the site; or
- (b) be in accordance with any permit conditions required by the Environment Protection Authority or an environmental protection notice issued by the Director of the Environment Protection Authority.

Complies

This is a retrospective application. The business has been operating from the southern tenancy on the site for more than eighteen years according to the owner's representative and Waratah Launceston. Waratah expanded into the northern tenancy on the site approximately eighteen months ago, after the mechanical repair business ceased.

Noise has not been raised as a major concern by the representors.

The site is located next door to a row of residential terrace houses fronting Elizabeth Street. The area is located on a busy arterial road that receives traffic at all hours.

The site will be used for the storage and distribution of garden products. Other than the noise associated with the loading and unloading of vehicles, noise generation by the use should be minimal and not undermine the amenity of adjoining sensitive uses.

Restrictions of the operations are recommended to protect residential amenity. A condition to that effect is recommended.

- 7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)**

15.4 Development Standards

15.4.2 Location of car parking

Objective:

To ensure that car parking:

- (a) does not detract from the streetscape; and
- (b) provides for vehicle and pedestrian safety.

Consistent

The site is pre-existing with a pre-existing building and car parking area. No alterations are proposed to the existing car parking.

The parking is located in front of the building and is constrained requiring vehicles to park in tandem on the site. This is discussed in further detail in clause 15.4.2 P1.

A1 Car parking must be located:

- (a) within the building structure; or
- (b) behind the building.

Relies on Performance Criteria

The car parking is located forward of the building line. An assessment against the performance criteria is required.

P1 Car parking must be located to minimise its visibility from a road, mall, laneway or arcade, having regard to:

- (a) the existing streetscape;
- (b) the location of the car parking;
- (c) vehicle and pedestrian traffic safety;
- (d) measures to screen parking; and
- (e) any landscaping proposed.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

Complies

The car parking and loading area are both located forward of the building line. The area is asphalted with no fencing, landscaping or other forms of separation between the site, the footpath along Bathurst Street or the northern adjoining private laneway that provides access to the rear of the Elizabeth Street terrace houses.

There is access to the rear of the site via a right of way along the southern side of the building between the site and 76 Bathurst Street. There is no opportunity for parking at the rear. Loading and unloading is possible and safe but constrained.

The arrangement requires tandem parking for vehicles. Onsite turning is not possible for delivery vehicles.

Bathurst Street is a traffic light controlled one way, multi-lane street that links highways in the area. It is a busy road however the lights are synchronised providing periodic gaps in the traffic.

The residential private laneway adjoining to the north is very narrow with residents of those terraces being unable to turn vehicles unless they utilise the subject site to do so. When available, residents use the area in front of 74 Bathurst Street to turn. Similarly, whilst the site is capable of being self-contained vehicles onsite can access that residential private laneway.

Whilst there is no legal mechanism in place for either site to use their neighbour's land, there is a mutual benefit gained by each using the other's land for access by enabling vehicles to enter and exit in a forwards direction.

The arrangement would not meet current standards; however these are pre-existing conditions and have been operating without issue for some time. These arrangements would be in place for any operation re-using these vacant premises.

On other sites in the area typically contain a thin landscaping strip, fence or kerb to delineate private and public land. The layout is unattractive. The introduction of landscaping provides the most attractive option however parking spaces would have to be lost to achieve this option.

Line marking or some other treatment is required to clearly demarcate the areas. This is anticipated to assist with maintaining a clear path of travel along the Bathurst Street footpath in particular. A condition to that effect is recommended.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.

A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

Relies on Performance Criteria

Bathurst Street is an arterial road linking the Midlands Highway to the East and West Tamar Highways. It has a speed limit of 60km/hr. The site receives on average three to four courier deliveries per day plus staff/visitor parking plus around four to five trips by the company vehicle. This exceeds 40 traffic movements per day from the site. An assessment against the performance criteria is required.

P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

- (a) the increase in traffic caused by the use;
- (b) the nature of the traffic generated by the use;
- (c) the nature and efficiency of the access or the junction;
- (d) the nature and category of the road;
- (e) the speed limit and traffic flow of the road;
- (f) any alternative access to a road;
- (g) the need for the use;
- (h) any traffic impact assessment; and
- (i) any written advice received from the road authority.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

Complies

The traffic generated by the use involves cars and typically medium rigid trucks accessing the site. These vehicles utilise the existing crossover, located on the southern side of the site. The adjoining property crossover may also be used since there is no fencing between the two sites.

This section of Bathurst Street is maintained by Council. It is an arterial road that links major highways in the area.

Parking in front of the building on areas such as the footpath, contrary to what is shown on the site plan, has occurred. This is not helped by the lack of line marking on the site and the lack of demarcation between the site and adjoining land.

While the use does not propose to use the neighbouring crossover, it does necessitate delivery vehicles to back out onto the street. The arrangement is undesirable however it is not uncommon for older constrained commercial and light industrial charactered sites.

Advice received from Council's Infrastructure Department indicates that the site is capable of operating safely.

It is recommended that the site is line marked to identify parking, loading areas and the property boundary. This will assist with addressing the issues identified above. A condition to that effect is recommended.

E4.6 Development Standards**E6.0 Parking and Sustainable Transport Code**

E6.1 The purpose of this provision is to:

- (a) ensure that an appropriate level of parking facilities are provided to service use and development;
- (b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas;
- (c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;
- (d) ensure that parking does not adversely impact on the amenity of a locality;
- (e) ensure that parking spaces and accesses meet appropriate standards; and
- (f) provide for the implementation of parking precinct plans.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

Consistent

The site is pre-existing and used for storage in conjunction with the use located at 76 Bathurst Street. The site contains an existing asphalted area in front of the building and a lane along the southern side providing access to the rear of the building.

The sealed area is intended to be used for parking but is presently unmarked.

The site is restrictive in area and the parking arrangement is undesirable, however the site is capable of functioning safely.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

To ensure that an appropriate level of car parking is provided to meet the needs of the use.

Consistent

The proposal is intended to provide parking in excess of Table E6.1.

A1 The number of car parking spaces must:

- (a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or
- (b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or
- (c) not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or
- (d) be in accordance with an acceptable solution contained within a parking precinct plan.

Relies on Performance Criteria

Pursuant to Table E6.1 1 space per 200m² of the site area, or 1 space per 2 employees, whichever is greater. The site has a combined area of 779m², which equates to 4 spaces. Four spaces are capable of being provided onsite. 6 spaces are shown on the plans. An assessment against the performance criteria is required.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

P1.1 The number of car parking spaces for other than residential uses, must be provided to meet the reasonable needs of the use, having regard to:

- (a) the availability of off-road public car parking spaces within reasonable walking distance;
- (b) the ability of multiple users to share spaces because of:
 - (i) variations in car parking demand over time; or
 - (ii) efficiencies gained by consolidation of car parking spaces;
- (c) the availability and frequency of public transport within reasonable walking distance of the site;
- (d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;
- (e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;
- (f) an assessment of the actual car parking demand determined in light of the nature of the use and development;
- (g) the effect on streetscape; and
- (h) the recommendations of any traffic impact assessment prepared for the proposal; or

P1.2 The number of car parking spaces for residential uses must be provided to meet the reasonable needs of the use, having regard to:

- (a) the intensity of the use and car parking required;
- (b) the size of the dwelling and the number of bedrooms; and
- (c) the pattern of parking in the locality; or

P1.3 The number of car parking spaces complies with any relevant parking precinct plan.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

Complies

The parking arrangement will require a tandem parking arrangement. This is undesirable, however this is a pre-existing arrangement that would be similarly problematic for other commercial uses if they were to occupy the site.

The car parking is proposed for staff only. Given that no access to the public is proposed to the site this arrangement is manageable.

On street parking is available on the far side of the road and Bathurst Street car park is only a block away.

A2 The number of accessible car parking spaces for use by persons with a disability must be:

- (a) for uses that require 5 or less parking spaces - 1 space; or
- (b) for uses that require 6 or more parking spaces - in accordance with Part D3 of Volume 1 of the National Construction Code 2014.

Complies

Four spaces are required for the use. Therefore 1 space is required. The plans submitted do not show a disabled space, however the site is capable of providing a space. A condition to that effect is recommended.

E6.5.2 Bicycle parking numbers

Objective:

To ensure that an appropriate level of bicycle parking spaces are provided to meet the needs of the use.

Consistent

Compliance with the acceptable solution implies compliance with the objective.

A1 The number of bicycle parking spaces must be provided on either the site or within 50m of the site in accordance with the requirements of Table E6.1.

Complies

Table E6.1 lists no requirement for bicycle parking for a storage use.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

E6.5.5 Loading bays

<p>Objective:</p> <p>To ensure adequate access for goods delivery and collection, and to prevent loss of amenity and adverse impacts on traffic flows.</p>
<p>A1 A loading bay must be provided for uses with a gross floor area greater than 1 000m² in a single occupancy.</p>
<p>Complies</p> <p>The floor area of the building is less than 1000m² so a dedicated loading bay is not required.</p>

E6.6 Development Standards

E6.6.1 Construction of parking areas

<p>Objective:</p> <p>To ensure that parking areas are constructed to an appropriate standard.</p>
<p>Consistent</p> <p>Compliance with the acceptable solution implies compliance with the objective.</p>
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (a) have a gradient of 10% or less; (b) be formed and paved; (c) be drained to the public stormwater system, or contain stormwater on the site; (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

Complies

The parking area is relatively level and presently sealed. Some patching of the surface is required as well as line marking. A condition to that effect is recommended.

E6.6.2 Design and layout of parking areas

Objective:

To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.

Consistent

The site is pre-existing. The layout is unconventional however it is capable of operating safely.

A1.1 Car parking, access ways, manoeuvring and circulation spaces must:

- (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;
- (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2;
- (c) have parking space dimensions in accordance with the requirements in Table E6.3;
- (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are 3 or more car parking spaces; and
- (e) have a vertical clearance of not less than 2.1 metres above the parking surface level.

A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.

A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are 6 spaces or more.

A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.

Relies on Performance Criteria

Unless the site operates in a drive through manner utilising the northern adjoining properties crossover, reversing in or out onto the street is necessary. Cars are capable of turning onsite. They may have to wait until a delivery is completed, since the area where a truck will occupy the site is also the turning area for cars. An assessment against the performance criteria is required.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

P1 Car parking, access ways, manoeuvring and circulation spaces must be convenient, safe and efficient to use, having regard to:

- (a) the characteristics of the site;
- (b) the proposed slope, dimensions and layout;
- (c) vehicle and pedestrian traffic safety;
- (d) the nature and use of the development;
- (e) the expected number and type of vehicles;
- (f) the nature of traffic in the surrounding area; and
- (g) the provisions of Australian Standards AS 2890.1 - Parking Facilities, Part 1: Off Road Car Parking and AS2890.2 Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.

Complies

The site requires tandem parking of vehicles and either reversing into or out of the site for delivery vehicles. The parking is used for staff, who will be present during business hours.

The traffic lights along Bathurst Street does pulse the traffic providing opportunity for these manoeuvres to occur safely.

Pedestrian safety could be improved by providing better demarcation between the property and footpath.

Whilst is it not an ideal arrangement it is manageable. Conditions to require line marking is recommended.

E6.6.3 Pedestrian access

Objective:

To ensure pedestrian access is provided in a safe and convenient manner.

Consistent

Compliance with the acceptable solution implies compliance with the objective.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

A1.1 Uses that require 10 or more parking spaces must:

- (a) have a 1m wide footpath that is separated from the access ways or parking aisles, except where crossing access ways or parking aisles, by:
 - (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or
 - (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and
- (b) be signed and line marked at points where pedestrians cross access ways or parking aisles; and

A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a minimum width of 1.5m and a gradient not exceeding 1 in 14 is required from those spaces to the main entry point to the building.

Complies

The use requires 4 spaces. No separate footpath is required.

E6.6.4 Loading bays

Objective:

To ensure adequate access for goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.

Consistent

The goods delivery arrangement is pre - existing. It requires an unconventional arrangement however impacts can be managed.

P1 Loading bays must have area and dimensions suitable for the use, having regard to:

- (a) the types of vehicles likely to use the site;
- (b) the nature of the use;
- (c) the frequency of loading and unloading;
- (d) the area and dimensions of the site; and
- (e) the location of the site and nature of traffic.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

Complies

The site will receive deliveries daily to the site, with the delivery vehicle required to reverse into or out of the site. The site typically receives medium rigid vehicles and heavy rigid vehicles of the same length. Deliveries occur on average three to four times per day by courier and up to a further four to five trips a day conducted by the company vehicle.

There is sufficient room onsite to allow for these vehicles to be parked onsite and loaded and unloaded by forklift.

The arrangement is undesirable and suggests that the use has outgrown the site. Advice received from Council's Infrastructure Department is that this is a pre-existing constrained site where the use is capable of operating safely within the limitations of the site.

A2 It must be demonstrated that the type of vehicles likely to use the site can enter, park and exit the site in a forward direction, without impact or conflicting with areas set aside for parking or landscaping, in accordance with AS2890.2 - 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.

Relies on Performance Criteria

Delivery vehicles are unable to enter and exit in a forwards direction where the parking is being used onsite. An assessment against the performance criteria is required.

P2 Access for vehicles commercial vehicles to and from the site must be safe, having regard to:

- (a) the types of vehicles associated with the use;
- (b) the nature of the use;
- (c) the frequency of loading and unloading;
- (d) the area and dimensions of the site;
- (e) the location of the site and nature of traffic;
- (f) the effectiveness or efficiency of the surrounding road network; and
- (g) site constraints such as existing buildings, slope, drainage, vegetation, parking and landscaping.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

Complies

The site receives deliveries daily to the site. Those vehicles are required to reverse into or out of the site. The site typically receives up to medium rigid vehicles and heavy rigid vehicles of the same length. Deliveries occur on average three to four times per day with up to a further four trips typically conducted by the company vehicle.

The site is pre-existing with limited opportunity to improve the situation without demolishing part of the building onsite.

Bathurst Street is a multi-lane one way traffic controlled street. The lights are synchronised enabling the flow of traffic to be broken and allow for the delivery vehicle to reverse into or out of the site without unreasonably impacting on traffic.

Whilst not ideal, advice received from Council's Infrastructure Department, is that this situation is manageable.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Roads and Hydraulics	The site is pre-existing. The use can access the site safely. Conditional consent provided.
Environmental Health	Conditional consent provided.
Parks and Recreation	N/A
Heritage/Urban Design	N/A
Building and Plumbing	There is a building class change from 8 to 7b. A building permit is required.
EXTERNAL	
TasWater	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

5. REPRESENTATIONS

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993, the application was advertised for a 14 day period from 30 May to the 15 June 2015. Five representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

The representors have been contacted by phone, email and in person during the last month to clarify issues and seek further information about previous uses on the subject land, and their experiences of the present use of the site.

ISSUE	COMMENTS
Traffic and parking impacts.	The parking and traffic arrangement relies on tandem staff parking and lack of on-site turning. The site design and layout is a pre-existing arrangement. Whilst a less intensive use would be more desirable, the proposed use as been assessed to be able to use the site without adverse off site traffic and parking impacts. Conditions are recommended to maintain safety and amenity requirements.
Use of the private lane way	The proposal does not require the use of the private residential lane way that benefits the dwellings at 99 to 107 Elizabeth Street. The site utilises the right of way located on the southern side of the building between 74 and 76 Bathurst Street for access to the rear of the warehouse for deliveries. Practically however since there is no fencing between the site and those residential properties, the use of that private residential lane way may occur as is the case for the residents of 99-107 Elizabeth Street using 74 Bathurst Street for vehicle turning. There is a significant mutual benefit gained by both sites with the existing arrangement to improve vehicle access although there is no legal arrangement in place. While Council is not endorsing the arrangements, it is recommended that Council does not intervene with this informal arrangement. Boundary fencing can be erected by either side without requiring a permit if the continuation of the informal arrangement is not desired by either side.

7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)

Maintenance of the private lane way	This is a civil matter given that both sites benefit from accessing each other's properties.
-------------------------------------	--

6. CONCLUSION

The proposal seeks retrospective approval for a storage use on the site that is used in conjunction with the business at 76 Bathurst Street. The site, according to the applicant and owner has occupied the southern tenancy for many years by the business, with an expansion into the northern tenancy for the same use about 18 months ago. The operation came to the attention of Council last year after a complaint was received.

The site is constrained with limited parking and loading opportunities that allow for onsite turning of vehicles, requiring the use to operate in a sub-standard manner.

Furthermore, the site is located within an area of the city where redevelopment is preferred to foster mixed use development envisaged by the zone, that is, retail and commercial ground floor and residential on the upper floors. This use does not support that vision.

However, it is acknowledged that achieving the scheme's objectives may take some time, requiring the right developer and economic conditions to achieve that outcome. Also, redevelopment may require more than one land parcel to achieve the best outcome that may also take some time to negotiate.

From an assessment of the proposal it suggests that the use has reached the capacity of the site and is marginally suitable. The main concessions are the parking and access arrangements. Whilst the arrangement is undesirable, it is capable of operating safely and without unreasonably impinging on its neighbours.

On that basis, the application is recommended for approval subject to conditions to limit intensification of the use and to protect residential amenity.

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such economic impacts have been considered.

- 7.1 70 Bathurst Street and 74 Bathurst Street, Launceston - Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)...(Cont'd)**
-

ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such environmental impacts have been considered.

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

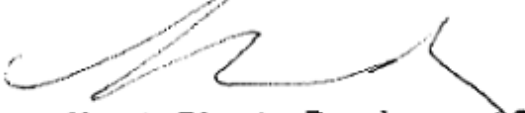
BUDGET & FINANCIAL ASPECTS:

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.



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Locality Map
2. Plans (circulated separately)
3. Representations

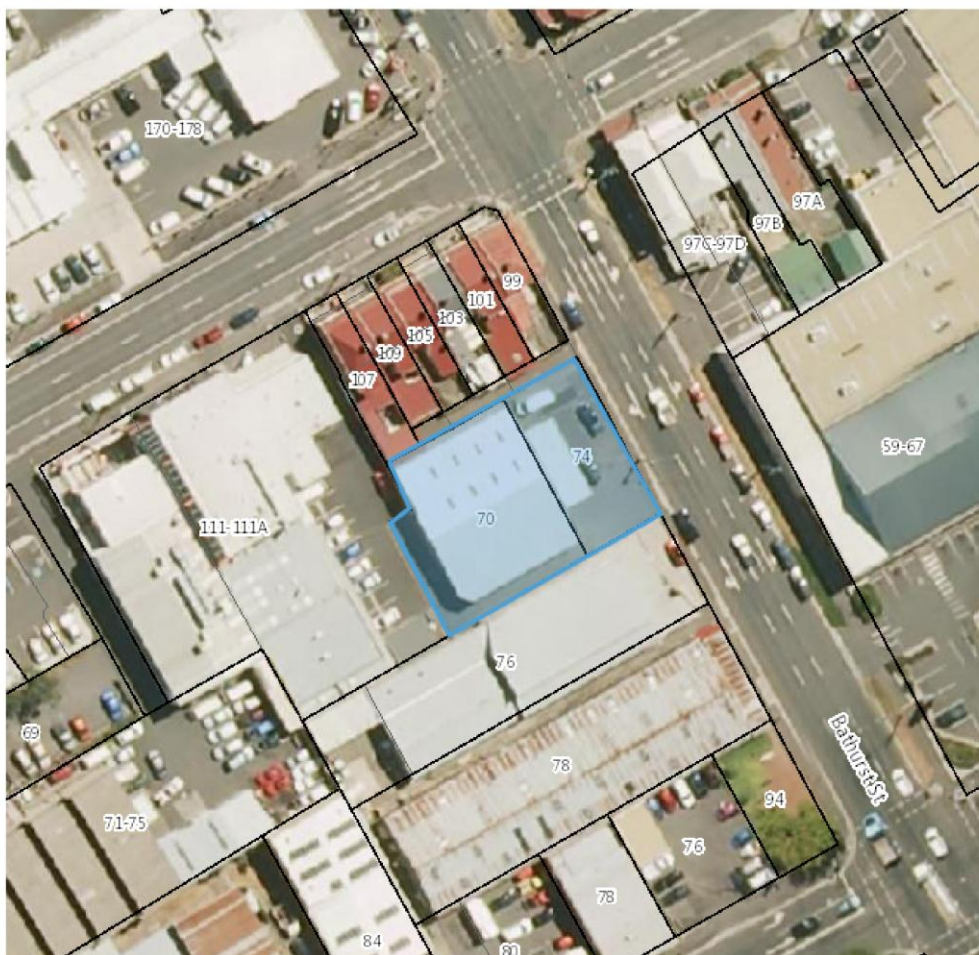
Attachment 1 - 70-74 Bathurst Street, Launceston (Pages =1)



Launceston City Council
A Leader in Community & Government



LOCALITY MAP - DA0125/2015 70 & 74 Bathurst Street



Locality Map

Scale: This Map Is Not to Scale

Attachment 3 - 70-74 Bathurst Street, Launceston (Pages =7)

Julia Allen

From: [REDACTED]
Sent: Wednesday, 10 June 2015 4:14 PM
To: records
Subject: Response to Notice of Application for a Planning Permit , Refer :- DA No:-DA0125/2015

Attn :- General Manager & Julie Allen - Town Planning Department

Dear Sir/Madam

I refer to the above application DA No :- DA0125/2015

[REDACTED] Elizabeth St, Launceston, I object strongly to this proposal as it is clearly inappropriate for the forthcoming reasons

The free ground available in front of the buildings is inadequate to support parking or safe goods handling for a potentially large number of cars and trucks now or in the immediate future, The applicant has not provided any specific details of numbers or sizes.

It must be noted that to the north of 72 Bathurst St, there is a private laneway maintained by the owners which provides access to the rear of said properties fronting Elizabeth St, for vehicle garaging and private access to each property .

On no account must access to that lane be blocked at anytime of the day or night,

In Summary;

I believe that the applicant is pushing to many ambitions in attempting to change current approved usage of these buildings,

Should you have any queries, please feel free to contact us on [REDACTED]

Kind Regards

Keith Wallace
[REDACTED]



www.harcourts.com.au

Wednesday, 10th of June, 2015

To whom it may concern;

Re: Parking at rear of premises, [redacted] Elizabeth Streets

We wish to express our concern regarding the planning notice for the rear of these properties. As residents of [redacted] Elizabeth Street, we are concerned that if the rear transport company is able to use the area as noted, parking in the lane way could easily block access to the properties we reside in.

It doesn't appear that a transport company/shipping/logistics would be ideally suited to this site nor does this site facilitate sufficient space for expansion . There wouldn't appear sufficient access or egress to this site for large vehicles to be loaded and unloaded or enough room for staff parking or disabled access under current regulations to our knowledge.

[redacted], is that accessibility to the now private access lane, at times could deny us of our lawful access to the rear off road garage parking. In turn, this could create congestion which exponentially will get worse and further inconvenience us as residents gaining safe access to the property.

We appreciate your attention to this matter.

With Kindest Regards.

Signed:

[Handwritten signatures]

Full name and address of resident/s:

Lisa Sauer

SHAUN SMITH

[redacted]

[redacted]

[redacted]

[redacted]





Wednesday, 10th of June, 2015

To whom it may concern;

Re: Parking at rear of premises, 9 [REDACTED] Elizabeth Streets

We wish to express our concern regarding the planning notice for the rear of these properties. As residents of [REDACTED] Elizabeth Street, we are concerned that if the rear transport company is able to use the area as noted, parking in the lane way could easily block access to the properties we reside in.

It doesn't appear that a transport company/shipping/logistics would be ideally suited to this site nor does this site facilitate sufficient space for expansion . There wouldn't appear sufficient access or egress to this site for large vehicles to be loaded and unloaded or enough room for staff parking or disabled access under current regulations to our knowledge.

[REDACTED] is that accessibility to the now private access lane, at times could deny us of our lawful access to the rear off road garage parking. In turn, this could create congestion which exponentially will get worse and further inconvenience us as residents gaining safe access to the property.

We appreciate your attention to this matter.

With Kindest Regards.

Signed:

[Handwritten signature]

Full name and address of resident/s:

Sam Hunnibell ,

[REDACTED]

[REDACTED]

Julia Allen

From: [REDACTED]
Sent: Thursday, 11 June 2015 6:39 PM
To: records
Subject: Application ID 0125/2015 / 74 Bathurst St Launceston

Re: Property Address 70 Bathurst Street LAUNCESTON TAS 7250 Property Legal Description Lot 1 RP 116937 Vol 116937 Fol 1

Application ID DA0125/2015
Application Description: Storage - warehouse; change of use. Extension of use at 76 Bathurst Street to 70 and 74 Bathurst Street (retrospective)

Dear Launceston City Council

I am the owner of property, [REDACTED], and am writing to you to voice not only my concerns but my opposition to the application mentioned above.

I note in his application, that the applicant states that he uses / will use the laneway between 74 - 76 Bathurst Street for forklift transfers, from my understanding, is the easement which forms part of the properties from [REDACTED] Elizabeth Street, [REDACTED] is subject to a benefiting easement being a right to pass and repass over the Right of Way, [REDACTED]. I don't believe that this easement policy thus gives someone additional land / space / loading dock area, to unload their trucks, nor the ability to conduct their business matters on an ongoing basis on what is residential property. The easement would then affectively be used as commercial property, thus locking out the true value or purpose of the easement, of providing a right of way.

I would also like to highlight that the applicant states in his application that the unloading of semi-trailers would be done out of business hours, early morning, this alone is enough to cause alarm to the residents of these properties, who would have to deal with not only noise pollution, but a possible destruction to their health and living conditions, should this occur application be approved.

The physical space between the proposed development and existing properties either side makes more efficient use of the available site area with regards to scale, density, height, massing, layout and materials as well as safeguarding the amenities of neighbouring residents in accordance.

I believe that the proposed application does not respect local context and street pattern or, in particular, the scale and proportions of surrounding buildings, and would be entirely out of the character of the area, to the detriment of the local environment.

I consider the proposed development to be a direct contravention of the following objective to protect or enhance the local environment, including the nearby park. The detrimental impact upon the residence also is the loss of privacy and overlooking, Highway safety, inadequate parking and access and ground stability.

I thank you for your time in reading my consideration on the proposed application and await a reply in due time.

Kind Regards
Dimitra Kirimis

[REDACTED]

[REDACTED]

Julia Allen

From: [REDACTED]
Sent: Thursday, 11 June 2015 6:53 PM
To: records
Subject: Objection to Application DA0125/2015 / 70 Bathurst Street Launceston

Dear Launceston City Council

I would also like to add further to my previous email, objecting to Application DA0125/2013, that I believe Launceston City Council endeavours to promote designs and layouts which make efficient and effective use of land.

I object to the above application, as it contravenes all aspects of the local area in assessing design quality of a proposed development, consideration the extent to which the development will not be integrated nor does it complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

I believe that all business should prosper and develop for the good of the community and for the state of Tasmania, however they should contribute positively to making places better for people. Designs / Application, which I believe in this context is inappropriate and one which fails for improving the character and quality of this area and the way that it functions, should not be accepted.

Kind Regards
Dimitra Kirimis

[REDACTED]
[REDACTED]

Julia Allen

From: [REDACTED]
Sent: Thursday, 11 June 2015 8:46 PM
To: records
Subject: Response to Notice of Application for a Planning Permit DA No: DA0125/2015

Attn :- General Manager & Julie Allen - Town Planning Department

Dear Sir/Madam

I refer to the above application DA No : DA0125/2015

[REDACTED], I strongly object to this proposal as it is clearly inappropriate for the following reasons:

1. The area in front of the building is not enough to support parking nor is it appropriate for the trucks to offload their goods at any time. From past instances, trucks have been parking on the footpath along Bathurst Street and on their ground (if the trucks are huge) and this blocks pedestrians who are trying to walk on the footpath. If the footpath is blocked, pedestrians will have no choice but to walk on the road. If a disabled person with a wheelchair happens to want to use the footpath, then he will have to use the road. This is clearly not safe and in many ways a breach of WH&S (Workplace Health & Safety).
2. The private laneway leading to the back of the houses. This laneway is small and is maintained by the owners providing private access to the rear of their properties for their vehicles to park. For example, if a truck were to park and block the pathway – which again from past experiences have happened, then our cars will be stuck in the garages. And if they park their trucks in the laneway in the evenings and gone home, how are we supposed to access that laneway?
3. If a big truck happens to park right on their boundary of their property, then accessing our garage would be extremely difficult. A four wheel drive vehicle would normally require sufficient spacing in order to get into our garages. A large truck parked on the boundary will make it very difficult for us to swerve into our own garages. There was one instance where a large shipping container was put right on the boundary of the laneway, making access to our garages extremely difficult.
4. There are not enough warning signs when forklifts are used. This is not only for the safety of the residents but also to the general public. Another WH&S issue.
5. On no account, day or night, holiday or not, must the laneway be blocked. It is a laneway for the residents to access their garages.
6. Finally, the noise level of the business there would be detrimental to the residents during the day. Imagine trucks offloading and loading goods, container movements, etc, especially in the early hours of the day and throughout the day.

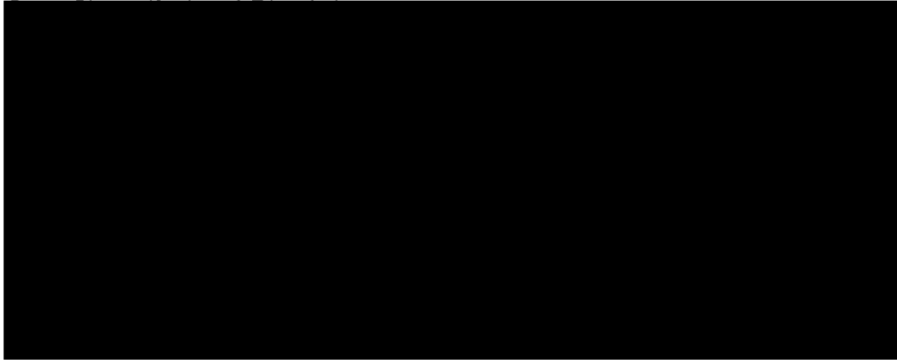
In summary, I strongly object the applicant in attempting to change approved usage of these buildings due to the imminent blocking of the lanes and severe WH&S issues associated with this.

Please feel free to contact me on [REDACTED]

Thanks.

Kind regards,
Chris

Dr Christopher Chin



University of Tasmania Electronic Communications Policy (December, 2014).

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8 ANNOUNCEMENTS BY THE MAYOR

8.1 Mayor's Announcements

FILE NO: SF2375

Tuesday 21 July 2015

- Officiated at Brand Tasmania Networking Event with Current Affair host, Ray Martin, AO

Wednesday 22 July - Friday 24 July 2015

- Attended Local Government Association of Tasmania State Conference and officially welcomed delegates to Launceston at JLT Night at the Museum function

Friday 24 July 2015

- Officiated at Tamar NRM Report Card Launch
- Attended Launceston Cycling Festival Event Launch

Saturday 25 July 2015

- Attended NTFA Football match to raise funds for Brain Cancer Research

Acting Mayor's Announcements

Sunday 12 July 2015

- Attended AFL Hawthorn President's Function and Football match

Monday 20 July 2015

- Attended Tourism Northern Tasmania Board Dinner

Tuesday 21 July 2015

- Officiated at ACELG 2015 Local Government Research Symposium

9 ALDERMEN'S/DELEGATES' REPORTS

10 QUESTIONS BY ALDERMEN

11 COMMITTEE REPORTS**11.1 Tender Review Committee Meetings - 15 June & 6 July 2015****FILE NO:** SF0100**AUTHOR:** Raj Pakiarajah (Manager Projects)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

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

RECOMMENDATION:

That Council receive the reports from the Tender Review Committee meetings held on 15 June and 6 July 2015.

REPORT:

The Tender Review Committee held meetings on 15 June and 6 July and resolved the following:

15 June 2015

1. Supply of Uniform - CD.017/2015

The Tender Review Committee accepted the tender submitted by Leigh Kelly Agencies for the Supply of Uniforms contract.

2. Major Plant Replacement Wheel Loader 9303

The Tender Review Committee accepted the tender submitted by Komatsu Australia, for the replacement of Loader 9303 for the changeover amount of \$130,800 (excl. GST).

6 July 2015

1. Punchbowl Road Stormwater Main Upgrade - CD.018/2015

The Tender Review Committee accepted the tender submitted by Paul Zanetto Pty Ltd for the Punchbowl Road Stormwater Main Upgrade, at a cost of \$149,969 (excl. GST).

11.1 Tender Review Committee Meetings - 15 June & 6 July 2015...(Cont'd)

2. Periodic Standing Contracts 1/8/2015 to 30/6/2018 - CD.022/2015

The Tender Review Committee accepted to register the tenders submitted by the selected contractors as per the schedule presented to the committee, at their tendered rates.

3. Consultancy Services for Stormwater Modelling CD.024/2015

The Tender Review Committee accepted the tender submitted by Cardno Victoria Pty Ltd for the Stormwater Modelling contract at an hourly rate of \$160 (excl GST).

ECONOMIC IMPACT:

The economic impact has been considered in the development of these projects.

ENVIRONMENTAL IMPACT:

The environmental impact has been considered in the development of these projects.

SOCIAL IMPACT:

The social impact is considered in the development of these projects.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Budget 2015/2016.

BUDGET & FINANCIAL ASPECTS:

These projects are funded in accordance with the approved 2015/2016 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.



Harry Galea: Director Infrastructure Services

11.2 Heritage Advisory Committee Meeting - 25 June 2015**FILE NO:** SF2965**AUTHOR:** Fiona Ranson (Urban Design & Heritage Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the Heritage Advisory Committee's meeting held on 25 June 2015.

RECOMMENDATION:

That Council receives the report from the Heritage Advisory Committee meeting held on 25 June 2015.

REPORT:

The Heritage Advisory Committee met on Thursday, 25 June 2015.

The Committee noted the following items:-

- Heritage Planning Review - Review of Heritage List
- HAC Briefing for Aldermen - Proposed presentation deferred
- Terms of Reference - Proposed amendments for approval by the Council
- Heritage Awards - Reflection and ideas for promotion of the 2016 Awards

The following items were discussed.

Heritage Planning Review

An update was provided on the funding for the review of the planning scheme heritage list and a preliminary project plan was presented for feedback from the Committee. There was discussion around the prioritisation of the Heritage List Project over the Precincts Project and also the need for consultation.

Terms of Reference

The Terms of Reference were reviewed by the Committee and it was agreed that clarification was required in regard to the scope of interest of the Committee and also that guidance was required in regard to how the Committee may provide feedback on development proposals for heritage properties. The Committee resolved that a report is prepared for Council to ratify the terms of reference

11.2 Heritage Advisory Committee Meeting - 25 June 2015...(Cont'd)

2015 Launceston Heritage Awards

The Awards were presented on Thursday 21 May at the QVMAG at Inveresk in the presence of approximately 60 invited guests. With the addition of a new category; heritage garden and landscape projects section; and the Heritage Snap! awards held at the same time, the event was considered another great success for the City of Launceston with winners of all categories receiving an impressive level of media attention.

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.



Leanne Hurst: Director Development Services

12 COUNCIL WORKSHOPS**12.1 Council Workshops - 20 July 2015****FILE NO:** SF4401**AUTHOR:** Anthea Rooney (Committee Clerk)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the Council Workshops held on 20 July 2015.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council notes the Council Workshops held on 20 July 2015.

REPORT:

The following Council Workshops were held on 20 July 2015:

- Launceston Show Society Presentation

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

N/A

12.1 Council Workshops - 20 July 2015...(Cont'd)

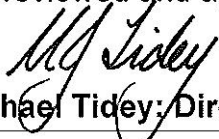
BUDGET & FINANCIAL ASPECTS:

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

13 PETITIONS

Nil

14 NOTICES OF MOTION - FOR CONSIDERATION

Nil

DIRECTORATE AGENDA ITEMS

15 DEVELOPMENT SERVICES

No Reports

16 FACILITIES MANAGEMENT**16.1 National Automobile Museum of Tasmania - Expansion Proposal****FILE NO: SF5896****AUTHOR:** Matthew Skirving (Manager Architectural Services)**DIRECTOR:** Rod Sweetnam (Director Facilities Management)

DECISION STATEMENT:

To consider the proposal from the National Automobile Museum of Tasmania to undertake extension works to their existing leasehold premises.

PREVIOUS COUNCIL CONSIDERATION:

Item 3.2 - Strategic Planning and Policy Committee - 25 January 2010
Deputation by NAMT Board Members.

Item 3.5 - Strategic Planning and Policy Committee - 12 April 2010
Lease Renewal, National Automobile Museum of Tasmania.

Item 12.4 - Closed Council - 28 June 2010
Lease Renewal, National Automobile Museum of Tasmania.

Item 4.1 - Strategic Planning and Policy Committee - 6 July 2015
Deputation by Mr Harry Williscroft, Director, National Automobile Museum of Tasmania.

RECOMMENDATION:

That Council defers any decision regarding the extension and upgrade proposal received by the National Automobile Museum of Tasmania, pending further consideration of the inner city campus investigations currently being undertaken by the University of Tasmania.

REPORT:

The National Automobile Museum of Tasmania (NAMT) provided Council with a proposal to undertake an extension to their premises at 86 Cimitiere Street. NAMT Director, Mr Harry Williscroft, presented the proposal to the Strategic Planning and Policy Committee meeting on 6 July 2015.

16.1 National Automobile Museum of Tasmania - Expansion Proposal...(Cont'd)

The proposal comprises an extension to the rear (northern side) of the existing building, of approximately 400sqm, to house a collection of historic Fire Engines used by the Tasmanian Fire Service. The proposal also includes some minor alternations to the existing building to improve energy efficiency and ventilation of the premises. Mr Williscroft indicated the NAMT has not yet secured funding for the project.

The NAMT premise is owned by the City of Launceston, and forms part of the site area known as the Willis Street precinct. The NAMT currently occupy the premises under a 10 year Lease agreement with Council, which is due to expire in 2021. The NAMT have requested a 10 year extension to their lease over the premises, should Council support their proposed expansion of the site.

Given the current status of planning and investigation into an inner city campus expansion by the University of Tasmania, it is recommended that Council defer any decision regarding the proposal received from the NAMT, until the Inveresk Campus Design Liaison Group provides further reporting to Council for consideration. Concept planning for the inner city campus proposal is expected to be completed by 31 August 2015.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

N/A

BUDGET & FINANCIAL ASPECTS:

The NAMT proposal includes a request for Council to fund the construction of a new internal lift to service the facility. The NAMT estimate this to be valued at \$60,000.

There is no provision in current Council budgets for this expenditure.


16.1 National Automobile Museum of Tasmania - Expansion Proposal...(Cont'd)

DISCLOSURE OF INTERESTS:

The Director Facilities Management is the Local Government Association of Tasmania representative on the State Fire Commission.

The officer has no conflict of interest in this item.

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



Rod Sweetnam: Director Facilities Management

17 QUEEN VICTORIA MUSEUM AND ART GALLERY

No Reports

18 INFRASTRUCTURE SERVICES**18.1 Licence - City Park Train****FILE NO:** SF0836**AUTHOR:** Andrew Smith (Parks & Recreation Manager)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider re-licencing the operation of a midget train in City Park.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.3 SPPC - 6 July 2015

Consideration of terms of re-licencing the midget train in City Park.

Item 12.1 - Council - 29 March 2010

Council approved the re-licencing of the operation of the mini train in City Park to Quin and Jacqui Partis.

RECOMMENDATION:

That Council, in accordance with Section 177 of the *Local Government Act 1993*, approves a licence for the operation of the midget train in City Park to Quin and Jacquie Partis under the following terms:

- the term shall be five years commencing on 1 July 2015
 - the lease amount shall be \$2,805 per annum plus GST adjusted annually by CPI
 - tenant shall continuously maintain:
 - public liability insurance of at least \$10 million
 - licences and/or permits required for working with children
-

REPORT:

Council has licensed the operation of a midget train in City Park for over twenty five years with the current licensee having operated their train for the past nine years. The operation is hugely successful for both residents and visitors to the City of Launceston.

18.1 Licence - City Park Train...(Cont'd)

The current operator has written to Council ([Attachment 1](#)) requesting a new licence of five years plus an option for a further five years, given that there has been no capital investments a five year licence is recommended. As they are the only business in Launceston with a midget train, and considering its popularity, it is recommended that their licence be renewed. Five years ago, when the license was reissued, Council advertised for potential train operators and the current operator was the only application received. The current licence fee is \$2,781 per annum plus GST.

The licence that Council provides for the train's operation includes provisions that the train must comply with all necessary legislation for operating the train, e.g. registration, structural engineering reports may be requested, fees charged must be approved by the Manager, Parks and Recreation and that the train will not operate during Festivale or at any other major event times.

It is recommended that Council license the operation of the midget train in City Park to Quin and Jacquie Partis for a period of five years at \$2,805 per annum plus GST adjusted annually by CPI, commencing on July 1, 2015.

Because the property is Public Land and the lease is for a period of 5 years it is not necessary to provide valuation advice to Council or to advertise the disposal of an interest in land. A lease value has been specified based upon a continuation of the fees and CPI increases from the previous licence.

ECONOMIC IMPACT:

There is no significant economic impact with this proposal.

ENVIRONMENTAL IMPACT:

There is no significant economic impact with this proposal.

SOCIAL IMPACT:

There is a positive social impact through enabling an important activity for children to continue in City Park.

STRATEGIC DOCUMENT REFERENCE:

The key directions within Council's Strategic Plan (2014-2024) considered relevant are:

- 1.1.3 To optimise the use and usability of our assets for different types of activities
- 2.1.1 To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.

18.1 Licence - City Park Train...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

\$2,805 per annum plus GST income Parks & Recreation.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Letter of proposal from Quin and Jacquie Partis

Attachment 1

FILE No.	SF0836		
EO	<input checked="" type="checkbox"/>	OD	Box <input checked="" type="checkbox"/>
RCVD		20 APR 2015	LCC
Doc No.			
Action Officer	Noted	Replied	
A. SMITH			

Quentin and Jacqueline Partis

PO Box 7501

Launceston 7250

16 April 2015.

Dear Andrew,

This is to confirm our application to continue operating the Mini train rides in City Park, under licence from Launceston City Council.

We have been associated with the train as licence holder now for over 15 years, of the trains 50+ years of operation.

We are keen to continue under similar conditions to the past 5 year agreement, and acknowledge that from time to time there may need to be adjustments to comply with current regulations.

In particular we understand all pathways used by the train need to be identified, as main route, optional changes due to events (ie circumventing the Rotunda), and pathways used for servicing etc.

Our request is for a 5 year agreement with further 5 year option.

In addition we have always maintained a minimum fare for the customers, against rising costs for Fuel, insurance etc. Our charge of \$2.50 per ride is well below national average for this type of entertainment and is made possible in part by the licence fee. A continuation of the current arrangement, will support this.

The train is Road registered, insured for public liability, and also conforms to the Australian Standard for Amusement Rides and Devices.2009.

Yours Faithfully

Handwritten signature of Quin and Jacqui Partis

Quin and Jacqui Partis

0407 879 889

I have enclosed a route map as a working document.

Handwritten signature

18.2 7LA Tennis Courts**FILE NO:** SF0866**AUTHOR:** Andrew Smith (Parks & Recreation Manager)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider the future of the Royal Park Tennis Courts.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.2 SPPC - 6 July 2015

Discussion related to the future of the Royal Park Tennis Courts

RECOMMENDATION:

That Council advertises for an expression of interest for alternative recreational uses for the Royal Park Tennis Courts.

REPORT:

The two tennis courts in Royal Park were leased to the 7LA Tennis Club in 1973 and their use has continued until recent times. The lease expires in 2022 however the Club handed back the courts and a change room to Council on the 25 May 2015. The clubs membership had continued to decline in recent years, partly due to changes in recreational pursuits, the type of surfaces and facilities expected by participants and the availability of alternative venues. With the development of the Council owned Regional Tennis Centre (RTC) there has been a significant increase in the range of tennis facilities available in the central Launceston area. The participation data collected for the construction of the RTC predicted a decline in the numbers of people playing tennis in the Launceston area of approximately 8.7% from 2006 through to 2021. It is therefore not surprising that with the construction of the RTC there would be a decline in utilisation of some of the existing courts located within the area serviced by the RTC. The 7LA Tennis club had approximately 20 members during the 2004-2006 period and numbers have declined progressively since the construction of the RTC.

18.2 7LA Tennis Courts...(Cont'd)

Tennis Tasmania inspected the courts recently and advised that both courts are in reasonable condition but require resurfacing. The plexipave surfaces although cracking at the joints are currently safe for use but at the end of their life useful life. The cost to repave the courts is approximately \$16,000 with additional funds required to upgrade the net post assemblies. The net post assemblies do not meet current standards and may represent a hazard for unsupervised use.

Tennis Tasmania do not see a future for the courts within a regional tennis facility hierarchy given that they will soon require substantial investment to resurface and there is very limited ability to recover basic maintenance costs (Attachment 1). The adjacent tennis change room and toilets are also very basic, do not meet current standards and can only cater for one gender at a time. Tennis Tasmania are of the view that there is little point in upgrading the 7LA courts and change rooms when the RTC courts are in the same central location and capable of greater levels of utilisation.

It is the case that some coaches may be interested in a cut price facility and some enquiries from coaches have already been received but again this is not considered a sustainable model and ultimately could undermine the RTC.

In considering the future of the area encompassed by the courts, the courts are located within a larger parcel of active recreational land and an alternative recreational use is considered desirable to take advantage of the location and existing hard surfaces. The neighbouring bowls club have been consulted and they do not have any interest in expanding their activities into the area encompassed by the courts.

Before determining the future of the courts it is considered appropriate to provide an opportunity for the community to respond with alternative, compatible recreational uses for the site. It is recommended that an 'Expression of Interest' process be advertised calling for alternative recreational uses for consideration by Council prior to a final determination of the future of the courts.

The removal of the courts and reinstatement to grass with improvements to the surface drainage systems is estimated to cost \$24,450.

ECONOMIC IMPACT:

There is no significant economic impact with this project.

ENVIRONMENTAL IMPACT:

There is no significant environmental impact with this project.

18.2 7LA Tennis Courts...(Cont'd)

SOCIAL IMPACT:

There is no significant social impact with this project but there may be an opportunity to develop a project with positive social impacts.

STRATEGIC DOCUMENT REFERENCE:

The key directions within Council's Strategic Plan (2014-2024) considered relevant are:

- 1.1.3 To optimise the use and usability of our assets for different types of activities
- 2.1.1 To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston
- 2.1.6 To promote active and healthy lifestyles

BUDGET & FINANCIAL ASPECTS:

7LA Tennis Club annual rental \$476.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Letter from Tennis Tasmania

Attachment 1



Andrew Smith
City Of Launceston

Via Email: Andrew.Smith@launceston.tas.gov.au

RE: 7 LA Tennis Courts

Dear Andrew,

In reference to the recent dissolving of the 7 LA Tennis Club, Tennis Tasmania would like to make the following observations in regards to its impact on tennis in Launceston.

In point form this is our stance;

1. The club have been doing a wonderful job in providing an opportunity for their members and the general community to participate in tennis
2. The club have been managing a small database of members (20) for quite sometime
3. It is becoming increasingly difficult for clubs with a low membership base to maintain a sufficient value proposition to attract new members
4. Two courts at the 7LA facility are currently in need of repair and resurface
5. The costs attributed to this, on a low membership and revenue stream, seems unviable
6. Tennis Tasmania only heard about the closure of 7LA second hand, there were no attempts from 7LA for Tennis Tasmania support

Whilst Tennis Tasmania are not in the business of reducing the number of courts available for play across the state, we do understand that in some cases the costs associated with running a volunteer based club are difficult to maintain on a low membership base.

Tennis Tasmania would therefore support the existing 7LA courts be utilised for an alternative recreational activity by the City of Launceston.

This is on the basis of the following;

1. The Launceston Regional Tennis Centre is the hub for tennis participation within central Launceston
2. City of Launceston's purpose to retain the land and utilise for general recreation
3. The ability of the Launceston Regional Tennis Centre to cater to different user groups and manage an influx of new participants
4. The operating model of the Launceston Regional Tennis Centre with respect to City of Launceston and Tennis Tasmania agreements and their ability to co-exist in developing, servicing, maintaining and ultimately sustaining a major tennis facility in the region long term.

If you have any questions, please let me know.

Regards

Mark Handley
Executive Director

Tennis Tasmania
2 Davies Avenue
Glebe, Tasmania 7000
GPO Box 1158
Hobart, Tasmania 7001
T + 61 3 6108 8200
F + 61 3 6108 8215
www.tennis.com.au

18.3 Drainage Reserve (41 Penquite Road) - Disposal of an Interest in Land**FILE NO:** 114040 29261 DA0225/2015**AUTHOR:** Robert Holmes (Property Coordinator)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a request to dispose of an interest in land.

This decision requires an absolute majority of the Council.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council, in accordance with Section 177 of the *Local Government Act 1993*, agrees to create a private service easement over that part of 41 Penquite Road contained in Certificate of Title 160842 folio 1 as marked on the plan marked Attachment 1 at a figure of \$360 plus GST if applicable, subject to the applicant paying for all survey, legal, valuation, transfer and registration fees.

REPORT:Description of Proposal:

The Council has received an application (DA0225/2015) to subdivide a 6.551 ha lot, known as 31 Longwood Avenue, into two lots. The current land is provided access via a driveway that crosses a Council owned 'Drainage Reserve' known as 41 Longwood Avenue.

A formal right of way exists (10.1m wide by 18m long) at the crossing point in favour of 31 Longwood Avenue over (the Council owned) 41 Penquite Road contained in Certificate of Title 160842 folio 1.

TasWater has indicated that for their purposes to enable supply of water to the proposed lot that a "Private Services Easement" must be created over the 'right of way'. The location of the current right of way easement and proposed private services easement are shown in the plan enclosed as Attachment 1.

18.3 Drainage Reserve (41 Penquite Road) - Disposal of an Interest in Land...(Cont'd)

As a result the owner of 31 Longwood Avenue has made application to acquire the easement rights. This report specifically deals with the creation of the services easement being an essential element before the planning permit for the subdivision can be finalised.

Legislation Requirements:

Section 177 of the *Local Government Act 1993* sets out the requirements for Council to consider matters relating to the disposal or exchange of an interest in land.

177. Sale and disposal of land

- (1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.*
- (2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practise as a land valuer under section 4 of the Land Valuers Act 2001.*
- (3) A council may sell –
(a) any land by auction or tender; or
(b) any specific land by any other method it approves.*
- (4) A council may exchange land for other land –
(a) if the valuations of each land are comparable in value; or
(b) in any other case, as it considers appropriate.*
- (5) A contract pursuant to this section for the sale, lease, donation, exchange or other disposal of land which is public land is of no effect.*
- (6) A decision by a council under this section must be made by absolute majority.*

Section 46 of the Acts Interpretation Act 1943 provides further definition as to an interest in land:-

"land shall include messuages, tenements, and hereditaments, houses, and buildings of any tenure and any estate or interest therein"

"estate, used in reference to land, shall include any estate or interest, easement, right, title, claim, demand, charge, lien, or encumbrance in, over, to, or in respect of such land".

In compliance with Section 177 of the *Local Government Act 1993* a valuation report has been obtained to ascertain the value of the interest of Service Easement. The value of a service easement having an area of 181.8m² is \$360 exclusive of GST and is on the basis that all costs associated with the sale of the subject property interest are paid by the purchaser. The cost of obtaining the valuation advice is \$400 plus GST. The applicant is to pay for all survey, legal, valuation, transfer and registration fees.

It is recommended that the request for a services easement (over the footprint of the right of way) be supported.

18.3 Drainage Reserve (41 Penquite Road) - Disposal of an Interest in Land...(Cont'd)

ECONOMIC IMPACT:

Not considered applicable to this item.

ENVIRONMENTAL IMPACT:

Not considered applicable to this item.

SOCIAL IMPACT:

Not considered applicable to this item.

STRATEGIC DOCUMENT REFERENCE:

The key direction within Council's Strategic Plan 2014-2024 which is considered relevant is:

7.1.6 To facilitate direct investment in the local economy to support its growth.

BUDGET & FINANCIAL ASPECTS:

Neutral as the applicant is to meet costs.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

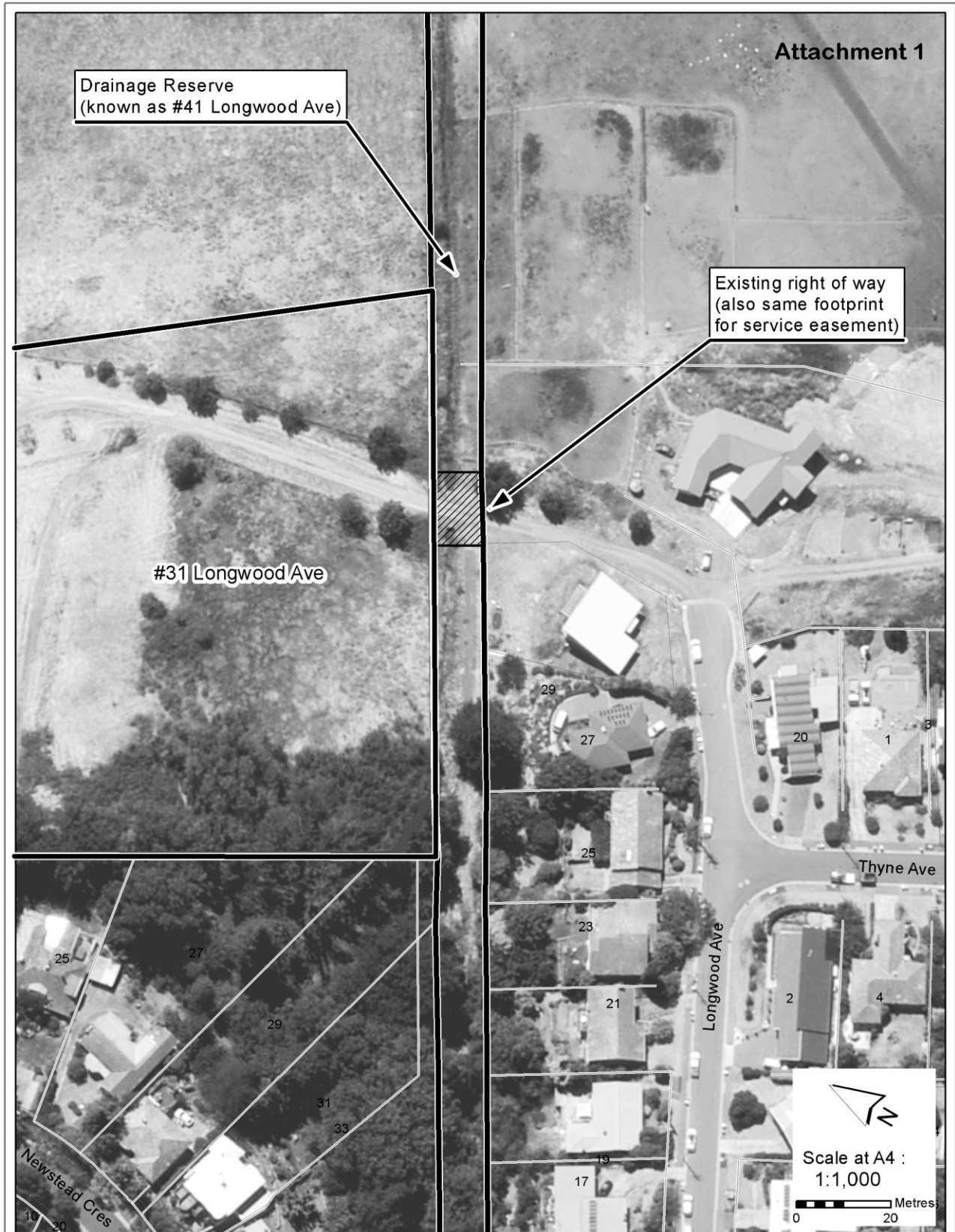
I certify that I have reviewed and approved this advice and recommendation.



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Plan to identify the easement to be transferred



Printed: 10/07/2015



Proposed Service Easement
31 Longwood Avenue

NOTE:
While all reasonable care has been taken to ensure the accuracy of the information portrayed on this plan its purpose is to provide a general indication of the location of Council services. The information provided may contain errors or omissions and the accuracy may not suit all users. A site inspection and investigation is recommended before commencement of any project based on this data. This note forms an integral part of this plan.
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18.4 Infrastructure Services Directorate - Appointments as Authorised Officers

FILE NO: SF0113

AUTHOR: Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider the appointment of officers in the Infrastructure Services Directorate as 'Authorised Officers' for the purposes of various Legislation and Council By-Laws.

PREVIOUS COUNCIL CONSIDERATION:

Item 17.1 - 10 February 2014

Changes to the previous approval of 'Authorised Officers' in the Infrastructure Services Directorate.

RECOMMENDATION:

1. That Council, pursuant to the provision of the section and Act of Parliament or By-Law as specified in column 3 in the schedule below, resolves to appoint or grant power as indicated in column 4 to persons holding the positions identified in column 5 of the function described in column 6 but subject to the conditions identified in column 7.
2. That the Instrument of Delegation, if required by the Act, be the schedule within the Minutes of the meeting certified as a true and correct record by the Council to the Officer(s) given Functions and/or Power but subject to the Conditions as specified in columns 5, 6 and 7 respectively.

The Schedule

1 #	2 Short Title	3 Enabling Legislation		4 Authority Bestowed	5 Officer(s)	6 Description of Function and/or Power		7 Conditions
		Section	Act			Section	Description	
1	Authorised Officer	41(1)	Local Government (Highways) Act 1982	Appointment	<ul style="list-style-type: none"> • DIS • <u>MTS</u> • <u>MO</u> • RHM • RAE 	41	... as an Authorised Officer to administer the provisions where traffic is likely to cause damage to a highway.	Nil
2	Authorised Officer	46(2)	Local Government (Highways) Act 1982	Appointment	<ul style="list-style-type: none"> • DIS • <u>MTS</u> • <u>MO</u> • RHM • EO-D • RSS • RAE 	46(1)	... as an Authorised Officer enabled to grant permission for a person to do various works within a highway.	Nil

18.4 Infrastructure Services Directorate - Appointments as Authorised Officers...(Cont'd)

1	2	3	4	5	6	7		
3	Authorised Person	43(1)	Traffic Act 1925	Appointment	<ul style="list-style-type: none"> • DIS • <u>MTS</u> • <u>MO</u> • RHM • CSS • RSS • RAE 	43	... as an Authorised Person enabling the removal of things obstructing public streets.	Nil
4	Corporation's Engineer		Local Government (Highways) Act 1982	Appointment	DIS	All	... to the position of the Corporation's Engineer or 'engineer' for purposes under the Act	Nil
5	Authorised Officer	20 A	Local Government Act 1993	Appointment	<ul style="list-style-type: none"> • DIS • <u>MTS</u> • <u>MO</u> • RHM • EO-R • RSS • CSS 	20 A	...a person authorised to enter land.	for the purposes of the <i>Urban Drainage Act 2013</i>
6	Authorised Officer	4	Kerbside Refuse Collection By-Law No 8 of 2003	Appointment	<ul style="list-style-type: none"> • DIS • <u>MO</u> • SWMO 	All	... as an Authorised Officer for the purposes of enforcing the provisions of the By-Law.	Nil
7	Authorised Officer	3	Refuse Disposal Area By-Law No 21 of 2004	Appointment	<ul style="list-style-type: none"> • DIS • <u>MO</u> 	All	... as an Authorised Officer for the purposes of enforcing the provisions of the By-Law.	Nil
8	Public Open Space Payment	64	Local Government Act 1993	Grant power to act on behalf of the Council	<ul style="list-style-type: none"> • DIS • <u>MTS</u> 	E10.4.1	... determine that no land is required for public open space, or payment is required instead of public open space.	Nil

LEGEND:

CSS	City Services Supervisor	MO	Manager Operations
DIS	Director Infrastructure Services	RHM	Road and Hydraulics Manager
EO-D	Engineering Officer - Development	RAE	Road Assets Engineer
EO-R	Engineering Officer - Roads	RSS	Road Services Supervisor
<u>MTS</u>	<u>Manager Technical Services</u>	SWMO	Senior Waste Management Officer

REPORT:

Various legislation relating to infrastructure services tasks require that Council or the General Manager appoint officers as an Authorised Officer or delegate to fulfil the powers and functions of the Acts.

A major review was undertaken of the Infrastructure Services Directorate in 2010 following the transfer of staff to Ben Lomond Water (now TasWater). The schedule of Authorised Officers was further refined in February 2011 and February 2014 following an internal restructure which merged Hydraulic Assets into the Road Assets section and when Parks and Recreation Department become a department of Infrastructure Services Directorate.

18.4 Infrastructure Services Directorate - Appointments as Authorised Officers...(Cont'd)

It is necessary to make further changes to the Authorised Officers schedule given change of titles due to an internal restructure of the directorate and to include a delegation due to the recently approved *Launceston Interim Planning Scheme 2015* to allow more efficient assessment for when payment is required instead of creation of public open space. In respect to the latter issue an extract from the Scheme (Code E10) is provided as further information as Attachment 1.

All changes to the approved February 2014 delegations are shown underlined.

ECONOMIC IMPACT:

Not relevant to this motion.

ENVIRONMENTAL IMPACT:

Not relevant to this motion.

SOCIAL IMPACT:

Not relevant to this motion.

STRATEGIC DOCUMENT REFERENCE:

The goals within Council's Strategic Plan 2014-2024 which are considered relevant:

- 6.1 To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions.
- 6.1.2 To develop and take a strategic approach to development sites to maximise public benefits of development.
- 8.3 To ensure decisions are made in a transparent and accountable way.

BUDGET & FINANCIAL ASPECTS:

N/A

18.4 Infrastructure Services Directorate - Appointments as Authorised Officers...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. E10.0 Open Space Code

Attachment 1

E10.0 Open Space Code

E10.1 Purpose of the Open Space Code

- E10.1.1 The purpose of this provision is to:
- (a) Ensure that the location and area of land required for public open space in subdivisions meets the reasonable ongoing needs of the community.

E10.2 Application of this Code

- E10.2.1 This Code applies to subdivision creating additional lots in the following zones:
- (a) General Residential;
 - (b) Inner Residential;
 - (c) Low Density Residential;
 - (d) Urban Mixed Use;
 - (e) Village;
 - (f) Local Business;
 - (g) General Business;
 - (h) Central Business;
 - (i) Commercial;
 - (j) Light Industrial; and
 - (k) General Industrial.

E10.3 Definition of Terms

- E10.3.1 Not applicable.

E10.4 Use or Development exempt from this Code

- E10.4.1 The following development is exempt from this Code:
- (a) where Council has determined that no land is required for public open space, or payment is required instead of public open space, in accordance with the [Local Government \(Building & Miscellaneous Provisions\) Act 1993](#); and
 - (b) a boundary adjustment, where no additional lot is created.

E10.5 Use Standards

- E10.5.1 Not used in this Code.

E10.6 Development Standards

E10.6.1 Provision of Public Open Space

Objective:

To:

- (a) ensure that the location and area of land required for public open space meet the reasonable ongoing needs of the community; and
- (b) provide public open space which meets user requirements for outdoor recreational and social activities.

Acceptable Solutions

A1

No acceptable solution.

Performance Criteria

P1

The location, area and characteristics of public open space must meet the reasonable needs of the community, having regard to:

- (a) the physical characteristics of the land;
- (b) the needs of people with disabilities;
- (c) the range of recreational facilities in the surrounding area;
- (d) the existing public open space in the surrounding area and its relationship to any proposed public open space;
- (e) connectivity for pedestrians and cyclists;
- (f) the ability of the community to access the land;
- (g) any limitations imposed by services and utilities;
- (h) any drainage requirements, or the existence of wetlands;
- (i) public health and safety;
- (j) the likely cost of maintenance; and
- (k) the relationship and alignment with adjoining land uses, including fencing and landscaping.

Map E10 Applicable Zones - LISTmap

18.5 Amendments to 2015/16 Fees at the Launceston Waste Centre**FILE NO:** SF0628**AUTHOR:** Rachael Eberhardt (Waste Management Officer)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider amendment to the minimum weights for commercial and domestic entries at the Launceston Waste Centre.

PREVIOUS COUNCIL CONSIDERATION:

Council Item 19.2 - 25 May 2015

Adoption of new waste disposal fees at Waste Disposal Sites including setting minimum weights for the Launceston Waste Centre.

RECOMMENDATION:

That Council, in accordance with Section 205 *Local Government Act 1993*, resolves to amend the minimum weights for the \$10 minimum entry fee as follows:

- Domestic entries (\$60/tonne) at 164kg and
 - Commercial entries (\$85/tonne) at 114kg.
-

REPORT:

In March 2015 all entries into the Launceston Waste Centre commenced paying for waste disposal based on the weight of their load. A minimum fee and corresponding minimum weight were set as part of the implementation. The minimum weight for domestic and commercial entries have been set based on the \$10 minimum fee.

Due to accuracy of the weighbridge and the licence issued under the National Measurement Institute the Council is only permitted to charge in 10kg increments.

A rounding issue has recently been identified in the minimum weights for the 2015/16 financial year at the Launceston Waste Centre.

For example a domestic entry at \$60/tonne the weight for the \$10 minimum fee is calculated at 166.67kg ($\$10/0.06/\text{kg} = 166.67\text{kg}$). The 166.67kg was rounded to 170kg and the latter adopted as the weight where the minimum (\$10.00) fee applies.

18.5 Amendments to 2015/16 Fees at the Launceston Waste Centre...(Cont'd)

If a load is recorded at a weight of 170kg the customer will actually be charged \$10.20 not the \$10 minimum fee as indicated in the new fees.

This is the same issue for commercial customers with the minimum entry at \$85/tonne the weight for the \$10 minimum fee is 117.65kg ($\$10/0.085/\text{kg} = 117.65\text{kg}$). The 117.65kg was rounded to 120kg.

The occurrence where the weight of the load is measured at the minimum weight is reasonably rare but the issue needs to be resolved technically given inconsistencies between the system charge compared to the minimum fee set by the Council. On one occasion the inconsistency was raised by a customer.

It is recommended that Council approve setting new minimum weights for the \$10 minimum entry fee:

- Domestic entries (\$60/tonne) at 164kg which rounds down to be charged at 160kg.
- Commercial entries (\$85/tonne) at 114kg which rounds down to be charged at 110kg.

ECONOMIC IMPACT:

The change is minor and not expected to make an economic impact on council or the community.

ENVIRONMENTAL IMPACT:

The change is minor and not expected to have an environmental impact.

SOCIAL IMPACT:

The change is minor and not expected to create any social impacts.

STRATEGIC DOCUMENT REFERENCE:

The key directions within Council's Strategic Plan (2014-2024) which are considered relevant:

- 5.1.5 To reduce our and the community's impact on the natural environment.
- 8.5.2 To maintain a financially sustainable organisation.

18.5 Amendments to 2015/16 Fees at the Launceston Waste Centre...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

The budget effects are extremely insignificant. A sensitivity analysis indicates that the scale of the financial effect is less than \$110 p.a. (based on an average 400 entries per day, 1 in 200 customers would be in the range 164-166.67 kgs.)

Director Corporate Services and Manager Finance have been consulted in the preparation of this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

COUNCIL AGENDA

Monday 27 July 2015

19 CORPORATE SERVICES

19.1 Budget Amendments - 2014/2015

FILE NO: SF6082

AUTHOR: Paul Gimpl (Manager Finance)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider changes to the Council's 2014/15 Statutory Estimates that result in:

- a) The operating surplus (including \$4.307m in capital grants) being amended to \$4.169m; and
- b) The capital budget being increased to \$20.583m.

This decision requires an absolute majority vote of Council in accordance with Section 82(4) of the *Local Government Act 1993*.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That the Council, pursuant to Sections 82(2) and (4) of the *Local Government Act 1993*, resolves by absolute majority to amend the budget as follows:

1. The reallocation of funding relating to transfers from Operations to Capital in the amount of \$344,473.
2. The reallocation of funding relating to transfers from Capital to Operations in the amount of \$200,000.
3. The amendment of the 2014/15 budget to reflect the net result of external funds received of \$1,965,000.
4. The adoption of the revised:

	2014/15 Statutory Estimates	\$m
i)	Underlying Operating Budget Deficit	(0.139)
ii)	Operating Budget Surplus	4.169
iii)	Capital Budget	20.583

19.1 Budget Amendments - 2014/2015...(Cont'd)

REPORT:

The amendments are changes to budget estimates that require a Council decision. The amendments relate to: a) transfers from Operations to Capital, Capital to Operations to align with the Asset Capitalisation Framework (accounting treatment requirements); and b) the receipt of External (Capital Grant) Funds and contributions in kind which require changes to the revenue, expenditure and capital budgets.

1. Transfer from Operations to Capital

Project 45955 Rural Roads Operations - to Project 23485 - Road Resheeting Program	\$318,000
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The road construction works meet the Capitalisation Framework Policy and as such needs to be treated as a Capital Expenditure.

Museum Bequest Operational Expenditure - to Project 23488 - QVMAG Collection	\$26,473
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The expenditure meets the Capitalisation Framework Policy and as such needs to be treated as a Capital Expenditure which results in the expenditure adding to the Museum Collection value.

RECOMMENDATION 1	<u>\$344,473</u>
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2. Transfer Capital to Operations

Project 21493 - Town Hall Annexe Upgrades to Project 22371 - Town Hall Annexe Operational expenses	\$200,000
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The expenditure does not meet the definition of capital required under the Capitalisation Framework Policy. As these costs cannot be capitalised, the budget amount needs to be transferred to the applicable operations project.

RECOMMENDATION 2	<u>\$200,000</u>
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19.1 Budget Amendments - 2014/2015...(Cont'd)

**3. External Funds or Contributions in Kind Received
(Adjustment to revenue and asset value)**

Project 21326 - Heritage Forest Playground \$25,000

The value of the work undertaken by an external organisation to a Council asset should be recognised as an external contribution and in the value of the asset created.

Project 23352 - Birch Avenue Soccer Club Building \$590,000

The value of the work undertaken by an external organisation to a Council asset should be recognised as an external contribution and in the value of the asset created.

Project 23353 - Rocherlea Football Club Building Stage 2 \$1,150,000

The value of work performed by the club and supporters added this value which has to be capitalised to reconcile with the latest valuation of the completed building. A 2% increase in building values has been estimated by our valuers for the three years ended 30 June 2015 and this increase has been taken into consideration to arrive at the in-kind value of \$1,150,000 contributed by the club.

Project 23479 - QVMAG Tangyes Gas Engine \$200,000

The funds have been received from the Commonwealth Ministry for the Arts and the expenditure will be fully funded by the grant.

RECOMMENDATION 3 \$1,965,000

19.1 Budget Amendments - 2014/2015...(Cont'd)

4. Reconciliation of Revised Statutory Estimates

Summary 2014/15 Statutory Estimates

	Operations \$'000	Capital \$'000
Statutory Budget	10,081	26,245
Capital to Operations	(1,072)	(1,072)
Operations to Capital	754	754
Old L'ton Seaport Boardwalk - additional funds	-	250
External Capital Grants Funds	<u>(7,703)</u>	<u>(7,703)</u>
Balance Approved by Council 13 July 2015	2,060	18,474
Capital to Operations	(200)	(200)
Operations to Capital	344	344
External Capital Grant Funds and contributions	1,965	1,965
Balance as at 30 June 2015	<u>4,169</u>	<u>20,583</u>
Deduct Capital Grants and Contributions	(4,308)	
Underlying Operating Budget Deficit	<u>(139)</u>	

ECONOMIC IMPACT:

Not applicable to this report.

ENVIRONMENTAL IMPACT:

Not applicable to this report.

SOCIAL IMPACT:

Not applicable to this report.

STRATEGIC DOCUMENT REFERENCE:

Not applicable to this report.

19.1 Budget Amendments - 2014/2015...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

Dealt with in the body of the report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey: Director Corporate Services

20 GENERAL MANAGER**20.1 Launceston Flood Authority - Appointment of Directors****FILE NO:** SF4493**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider the reappointment of the Directors of the Launceston Flood Authority.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

Pursuant to the provision of clause 12.1 and 12.4 of the Launceston Flood Authority Rules, Council reappoint:

- (a) The Honourable Don Wing AM to the Board of Directors of the Launceston Flood Authority for a further term of two years to 1 May 2107.
 - (b) Dr Owen Ingles to the Board of Directors of the Launceston Flood Authority for a further term of two years to 30 September 2016.
-

REPORT:

The Launceston Flood Authority Rules, in Part 3, deals with the appointment of Directors.

A Director is appointed for a maximum term of four years (clause 12.4). That person may be reappointed for a further period (clause 12.4).

The Launceston Flood Authority has written to the Council requesting the reappointment of Directors as set out in the recommendation.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

20.1 Launceston Flood Authority - Appointment of Directors...(Cont'd)

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

N/A


BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Robert Dobrzynski: General Manager

ATTACHMENTS:

1. Extract from Rules of Launceston Flood Authority (Rules 12, 13 and 14).
2. Letter from Launceston Flood Authority dated 7 July 2015.

LAUNCESTON FLOOD AUTHORITY RULES

Part 3 - Directors

12. Appointment of Directors

- 12.1 The Directors (individually or en bloc) shall be appointed and removed from office by or at the direction of Council.
- 12.2 Subject to Clause 12.7, the number of Directors shall be five.
Subject to the right of Council to appoint and remove Directors;
One Director shall be the Mayor of Council;
One Director shall be a person independent of Government, an expert in the work of the Authority;
One Director shall be the General Manager of Council, or representative of Council;
Two Directors shall be residents of the locality but with knowledge and competence in the field of work undertaken by the Authority.
- 12.3 If an Alderman (including the Mayor) appointed as Director ceases to be an Alderman during his or her term of appointment as Director, that person shall cease to be a Director (but shall not be precluded from being subsequently appointed as a Director).
- 12.4 Each Director shall be appointed for a maximum term of four years. A person appointed as a Director who remains eligible to be appointed a Director, may be reappointed for a further period or periods provided each term does not exceed four years. The terms of office of the initial Directors have been deliberately varied.
- 12.5 A certificate signed by or on behalf of Council to the effect that a person has been appointed a Director or removed from the office of Director shall be conclusive evidence of that fact.
- 12.6 The appointment of a Director shall be vacated if a Director:
- Resigns;
 - Dies;
 - Becomes bankrupt;
 - Becomes of unsound mind;
 - Becomes for any reason unable to perform the duties of a Director;
 - Is convicted of an indictable offence;
 - Is removed from office by Council; or
 - Is an Alderman Director who has ceased to be an Alderman.
- 12.7 If the number of Directors falls below five for any reason, Council may, but shall not be obliged to, appoint one or more replacement Directors. If Council does not appoint a replacement Director, then the remaining number of Directors, if less than five, shall become the permitted

LAUNCESTON FLOOD AUTHORITY RULES

minimum number of Directors under these Rules, until Council does appoint a replacement Director or Directors.

13. Chair

- 13.1 Council may appoint one of the Directors to be Chair of the Authority and that person will be Chair. If not appointed by Council, the Directors shall elect one of them as Chair. The Chair shall hold that office for an initial term of two years and may be appointed pursuant to these Rules for a further term of two years thereafter.
- 13.2 If the Chair is unable for any reason to perform the Chair's duties then the Directors may elect an acting Chair during the relevant period of inability.

14. Alternate Directors

Council may appoint a person to act as an alternate Director for any Director appointed by Council during any period when that Director is, for whatever reason, temporarily unable to attend to his or her duties as Director.

- 14.1 Each person appointed as an alternate Director under this clause 14 shall:
- a) During the periods when the alternate director is acting as an alternate director, have all the rights, powers, and obligations of the Director for whom the alternate director is acting; and
 - b) Automatically be entitled to act as an alternate director for any relevant Director or Directors from time to time during any periods of absence in accordance with clause 14 until such time as the alternate director's appointment is cancelled.
- 14.2 Council may from time to time revoke the appointment of any person appointed to act as an alternate director in writing to the Chair and may appoint any other person as an alternate director.
- 14.3 Each alternate Director shall be entitled to receive copies of all notices of meetings, Director minutes or other written information forwarded to Directors.



Town Hall, St John Street, Launceston
PO Box 396, Launceston, Tasmania
Ph (03) 6323 3243 Fax (03) 6323 3396

File No: SF4493
AF:cb

7 July 2015

Robert Dobrzynski
General Manager
Launceston City Council
Town Hall, St John Street
LAUNCESTON TAS 7250

Dear Robert

Re: Launceston Flood Authority - Board of Directors

At the Launceston Flood Authority's April Board meeting, it was reported that Dr Owen Ingles term as a Director expired on 30 September 2014. Unfortunately this went unnoticed due to the Flood Authority's Personal Assistant being away from the office whilst her husband was hospitalised. It was further noted that Mr Don Wing's appointment was due to expire on 1 May 2015.

The Board unanimously resolved that the following recommendation be submitted to Council:

- Mr Don Wing be reappointed to the Board of Directors for a further term of two (2) years to 1 May 2017, and
- Dr Owen Ingles be reappointed to the Board of Directors for a further term of two (2) years to 30 September 2016.

Accordingly, as per clause 12.1 of the Launceston Flood Authority Rules which states:

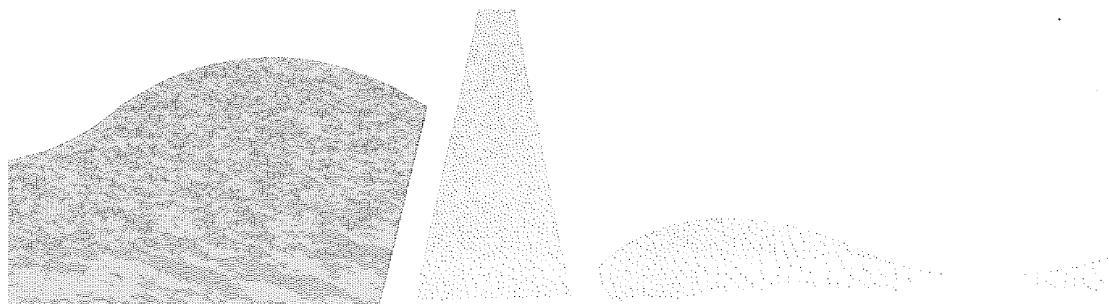
"The Directors (individually or en bloc) shall be appointed and removed from office by or at the direction of Council",

the Authority requests that the recommendation be submitted to the next Council meeting for consideration.

Yours sincerely



Andrew Fullard
GENERAL MANAGER



(Extract from the Launceston Flood Authority Board Minutes - 22 April 2015)

7.1.3 LFA Board - Reappointment of Directors

DW and OI withdrew from the meeting for the duration of discussions on this item.

The Board noted that Dr Ingles' appointment as a Director expired on 30 September 2014.

The Board noted that Don Wing's appointment as a Director will expire on 1 May 2015.

AB proposed that both appointments be nominated for a further period of two years with a coincidental date of 1 May 2015.

RD stated that in terms of the Board's governance responsibilities, it would be useful to have continuity and that Dr Ingles' appointment should be backdated to 30 September 2014 for a two year period.

Recommendation:

- Mr Don Wing be reappointed to the Board of Directors for a further term of two (2) years to 1 May 2017
- Dr Owen Ingles be reappointed to the Board of Directors for a further term of two (2) years to 30 September 2016.

Moved: RD	Seconded: AVZ	CARRIED: By all present
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Action:

AF to draft reappointment letters for DW and OI and forward to RD for submission to Council.

Action: AF
4/1/2015

21 URGENT BUSINESS

Pursuant to regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*

Nil

22 INFORMATION / MATTERS REQUIRING FURTHER ACTION

INFORMATION / MATTERS REQUIRING FURTHER ACTION				
<i>As at: 27 July 2015</i>				
Meeting Item No	Outstanding Items	Action Requested	Director	Officer Comment
13/04/12 14.1	Duck Reach Redevelopment	Recommendation 3: On finalization of the business case analysis outlined in the report, and identification of potential third party development opportunities, Council review the redevelopment options for the Duck Reach site based on a future report	Rod Sweetnam	<p>The project was considered at a workshop in October 2014. Officers are awaiting confirmation from Hydro Tasmania they will release scoping information to respondents of an expression of interest process to be advertised by Council - due December 2015</p> <p>Hydro Tasmania have now provided confirmation of the process for EOI participants to access their project scoping and feasibility documentation relating to the redevelopment potential of the Duck Reach site. This information will be incorporated into Council's Expression of Interest documentation in preparation for advertising in June 2015.</p> <p>Expressions of interest advertised on 4 July 2015.</p>

20.1 Launceston Flood Authority - Appointment of Directors...(Cont'd)

Meeting Item No	Outstanding Items	Action Requested	Director	Officer Comment
27/04/15 14.2	Notice of Motion - Alderman D H McKenzie - Appointment of a Queen Victoria Museum and Art Gallery (QVMAG) Committee	That Council appoints a Committee to review the strategic direction of the QVMAG with the express view of reporting back to Council with recommendations on its future direction	Richard Mulvaney	The Committee will present its report after 3 August 2015.
11/05/2015 14.1	Notice of Motion - Deputy Mayor Alderman R I Soward - Introduction of a Trial Community Reports Category at Council Meetings	Include a Community Reports Category in Council Meetings	Michael Tidey	Processes and attendance criteria to be determined. Target date is 22 June 2015. Briefed Aldermen on 6 July 2015 regarding procedures.
25/05/2015 14.2	Notice of Motion - Alderman D W Alexander - Implementation of the Placespeak Community Consultation Platform for the Launceston City Council	Investigate the Placespeak community consultation platform for use within the City of Launceston	General Manager	Investigation of Placespeak, along with other community consultation platforms, will be undertaken towards the end of the year.

23 CLOSED COUNCIL**23.1 Confirmation of the Minutes****RECOMMENDATION**

Pursuant to the *Local Government (Meeting Procedures) Regulations 2015* - Regulation 34(6) states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

23.2 Launceston Show Society Business Plan**RECOMMENDATION**

That Agenda Item 23.2 be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

- 15(2)(g) information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential.

24 MEETING CLOSURE