



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 11 APRIL 2016
1.00pm**

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

Date: 11 April 2016

Time: 1.00pm

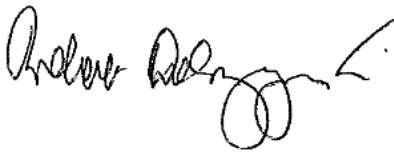
Section 65 Certificate of Qualified Advice

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

ORDER OF BUSINESS

Item No	Item	Page No
1	OPENING OF MEETING - ATTENDANCE AND APOLOGIES	1
2	DECLARATIONS OF INTEREST	1
3	CONFIRMATION OF MINUTES	1
4	DEPUTATIONS	1
	No Deputations have been identified as part of this Agenda	
5	PETITIONS	2
5.1	Tabling of Petition Requesting a Public Meeting About the Transfer of Land to the University of Tasmania (UTAS)	2
6	COMMUNITY REPORTS	8
	No Community Reports have been registered with Council as part of this Agenda	
7	PUBLIC QUESTION TIME	8
7.1	Public Questions on Notice	8
7.1.1	Public Questions on Notice - Mr Basil Fitch - Council Meeting - 30 March 2016	9
7.2	Public Questions without Notice	12
8	PLANNING AUTHORITY	13
8.1	Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston	13
8.2	Launceston Interim Planning Scheme 2015 - Amendment 25 - Rezone Title Volume 114633 Folio 101 to Open Space	50

Item No	Item	Page No
8.3	Launceston Interim Planning Scheme 2015 amendment 14 - realign zone boundary 23 Killafaddy Road and 66 - 92 St Leonards Road, St Leonards	60
8.4	Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards	73
8.5	5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings	87
9	ANNOUNCEMENTS BY THE MAYOR	111
9.1	Mayor's Announcements	111
10	ALDERMEN'S REPORTS	113
11	QUESTIONS BY ALDERMEN	113
11.1	Questions on Notice	113
	No Questions on Notice have been identified as part of this Agenda	
11.2	Questions without Notice	113
12	COMMITTEE REPORTS	114
12.1	Tender Review Committee - 29 February and 21 March 2016	114
13	COUNCIL WORKSHOPS	116
14	NOTICES OF MOTION	116
	No Notices of Motion have been identified as part of this Agenda	
15	DEVELOPMENT SERVICES DIRECTORATE ITEMS	117
15.1	City Centre Smokefree Zones	117

Item No	Item	Page No
16	FACILITIES MANAGEMENT DIRECTORATE ITEMS	123
	No Items have been identified as part of this Agenda	
17	QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS	123
	No Items have been identified as part of this Agenda	
18	INFRASTRUCTURE SERVICES DIRECTORATE ITEMS	124
18.1	Quarantine Road Highway Closure (Verge Section Adjacent to 241-247 Hobart Road)	124
19	CORPORATE SERVICES DIRECTORATE ITEMS	132
19.1	Call for Submission of Motions - Local Government Association of Tasmania	132
19.2	Call for Submission of Motions - 2016 National General Assembly of Local Government	137
19.3	Progress Against 2015/2016 Annual Corporate Plan Actions as at 31 March 2016	151
20	GENERAL MANAGER'S DIRECTORATE ITEMS	156
	No Items have been identified as part of this Agenda	
21	URGENT BUSINESS	156
	No Urgent Items have been identified as part of this Agenda	
22	CLOSED COUNCIL	156
22.1	Confirmation of the Minutes	156
22.2	34-40 Howick Street, South Launceston	156
23	MEETING CLOSURE	156

1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2 DECLARATIONS OF INTEREST

Local Government Act 1993 - Section 48

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

3 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 30 March 2016 be confirmed as a true and correct record.

4 DEPUTATIONS

No Deputations have been identified as part of this Agenda

5 PETITIONS

Local Government Act 1993 - Sections 57 and 58

5.1 Tabling of Petition Requesting a Public Meeting About the Transfer of Land to the University of Tasmania (UTAS)

FILE NO: SF0097

AUTHOR: Leanne Purchase (Governance and Planning Coordinator)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To table a petition presented to the Mayor, Alderman A M van Zetten, on 30 March 2016.

RECOMMENDATION:

That Council tables the petition in accordance with Section 58 of the *Local Government Act 1993 (Tas)*.

REPORT:

Mr Raymond Norman, on behalf of concerned citizens, ratepayers and residents of Launceston, presented a petition to the Mayor, Alderman A M van Zetten, during the Council Meeting on Wednesday, 30 March 2016. The Mayor forwarded the petition to the General Manager, Mr Robert Dobrzynski.

The parts of the *Local Government Act 1993 (Tas)* (the Act) that are relevant to this report are included as Attachment 1.

Petition

A petition blank is included as Attachment 2. The petition says:

1. *We the undersigned electors of Launceston City Council, hereby request that the Launceston City Council call a Public Meeting under Section 57 (Local Government Act 1993) for the purpose of discussing the Council's decision to transfer (free gift) land, known as Willis Street Car Park, and Old Velodrome.*
-

5.1 Tabling of Petition Requesting a Public Meeting About the Transfer of Land to the University of Tasmania (UTAS)...(Cont'd)

2. *Call on Council to rescind motion passed by Full Council Meeting 9th November, 2015, Item 20-20.1, to transfer said land (free gift) to UTas.*
3. *That the said land be placed For Sale on Open Market Public Auction, with Reserve Price \$5million.*
And your Petitioners as in duty ever pray.....

Compliance with Legislation

As required by Section 58(3) of the Act, the petition complies with Section 57 of the Act, is not defamatory, and does not propose unlawful action.

Action on Petition

The petitioners seek a public meeting regarding the subject matter of the petition. With this in mind, the next actions to be taken in respect of the petition are prescribed by Section 60 of the Act:

- (i) Council officers will check that the petition complies with Section 59 of the Act;
- (ii) The General Manager will provide notice as prescribed by Section 60(1) of the Act to Mr Norman; and
- (iii) Per Section 69(2) of the Act, the General Manager will report back to Council by Monday, 23 May 2016 (i.e. within 42 days of the Council Meeting of 11 April 2016) regarding compliance of the petition with Section 59 of the Act, and Council will determine any action to be taken in respect of the petition.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

5.1 Tabling of Petition Requesting a Public Meeting About the Transfer of Land to the University of Tasmania (UTAS)...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 8 - A secure, accountable and responsive Organisation
Ten-year goal - To communicate and engage consistently and effectively with our community and stakeholders
Key Directions -
1. To develop and consistently use community engagement processes
3. To ensure decisions are made on the basis of accurate and relevant information

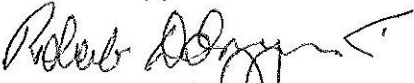
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to 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.


Robert Dobrzynski: General Manager

ATTACHMENTS:

1. *Local Government Act 1993 (Tas)* - Sections 57-60
 2. Petition blank
-

Attachment 1 - Relevant parts of the Local Government Act 1993 (Tas)

The complete version of the *Local Government Act 1993 (Tas)* is available at:
www.thelaw.tas.gov.au.

57. Petitions

- (1) A person may lodge a petition with a council by presenting it to a councillor or the general manager.
- (2) A person lodging a petition is to ensure that the petition contains –
- (a) a clear and concise statement identifying the subject matter; and
 - (b) a heading on each page indicating the subject matter; and
 - (c) a brief statement on each page of the subject matter and the action requested; and
 - (d) a statement specifying the number of signatories; and
 - (e) the full printed name, address and signature of the person lodging the petition at the end of the petition.

58. Tabling petition

- (1) A councillor who has been presented with a petition is to –
- (a) table the petition at the next ordinary meeting of the council; or
 - (b) forward it to the general manager within 7 days after receiving it.
- (2) A general manager who has been presented with a petition or receives a petition under subsection (1)(b) is to table the petition at the next ordinary meeting of the council.
- (3) A petition is not to be tabled if –
- (a) it does not comply with section 57; or
 - (b) it is defamatory; or
 - (c) any action it proposes is unlawful.
- (4) The general manager is to advise the lodger of a petition that is not tabled the reason for not tabling it within 21 days after lodgment.

59. Petitions seeking public meetings

- (1) A petition under section 57 may request that a council hold a public meeting regarding the subject matter of the petition.
- (2) A council must hold a public meeting if the petition complies with section 57 and it is signed by whichever is the lesser of the following:
- (a) 5% of the electors in the municipal area;
 - (b) 1,000 of those electors.
- (3) A petition that requests a public meeting is not to be made in respect of any matter relating to rates and charges in Part 9 if those rates or charges have been made for the current financial year.
-

60. Action on petition

- (1) The general manager, by notice in writing to the person who lodged the petition, is to –
- (a) advise whether the petition complies with section 59, if it seeks a public meeting; and
 - (b) give reasonable notice of when the council is to consider the petition.
- (2) Within 42 days after the tabling of the petition –
- (a) the general manager is to advise the council at a council meeting whether the petition complies with section 59, if applicable; and
 - (b) the council, at that meeting, is to determine any action to be taken in respect of the petition.
- (3) If the petition complies with section 59, or the council otherwise resolves to hold a public meeting regarding the subject matter of the petition, the council, within 30 days after the meeting referred to in subsection (2), is to hold a public meeting to discuss the subject matter of the petition.
- (4) The council is to record in the minutes of the meeting referred to in subsection (2) –
- (a) the subject matter of the petition; and
 - (b) the number of signatories to the petition.
-

For more information go to <http://www.lcc63.blogspot.com.au/>

PETITION

Presented by the concerned citizens, ratepayers and residents of Launceston Tasmania

To His Worship The Mayor and Aldermen, Launceston City Council:-

1. We the undersigned electors of Launceston City Council, hereby request that the Launceston City Council call a Public Meeting under Section 57 (Local Government Act 1993) for the purpose of discussing the Council's decision to transfer (free gift) land, known as Willis Street Car Park, and Old Velodrome.
2. Call on Council to rescind motion passed by Full Council Meeting 9th November, 2015, Item 20-20.1, to transfer said land (free gift) to UTas.
3. That the said land be placed For Sale on Open Market Public Auction, with Reserve Price \$5million.

And your Petitioners as in duty ever pray.....

1	NAME: PLEASE PRINT	ADDRESS: PLEASE PRINT	SIGNATURE
2	NAME: PLEASE PRINT	ADDRESS: PLEASE PRINT	SIGNATURE
3	NAME: PLEASE PRINT	ADDRESS: PLEASE PRINT	SIGNATURE
4	NAME: PLEASE PRINT	ADDRESS: PLEASE PRINT	SIGNATURE
5	NAME: PLEASE PRINT	ADDRESS: PLEASE PRINT	SIGNATURE

ONLY Ratepayers and/or Residents of Launceston City Council Sign Please, Thank you. Please collect family and friends signatures (1000 needed) URGENT.

Please return to P.O. Box 513, Launceston, 7250

Authorised Raymond John Norman, 40 Delamere Crescent, Trevallyn.

6 COMMUNITY REPORTS

(Community Reports allow an opportunity for Community Groups to provide Council with a three minute verbal presentation detailing activities of the group. This report is not intended to be used as the time to speak on Agenda Items; that opportunity exists when that Agenda Item is about to be considered. Speakers are not to request funding or ask questions of Council. Printed documentation may be left for Aldermen.)

No Community Reports have been registered with Council as part of this Agenda

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(1)

(Questions on Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting. Questions on Notice will be researched by Council Officers and both the Question on Notice (as received) and the response will be provided at the Council Meeting and a reply in writing will also be provided.)

7.1.1 Public Questions on Notice - Mr Basil Fitch - Council Meeting - 30 March 2016**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

QUESTIONS and RESPONSES:

The following questions were submitted to Council on 30 March 2016 by Mr Basil Fitch and have been answered by Mr Robert Dobrzynski (General Manger).

Questions (typed as received):

1. What progress has been made in regard to the sale of public land (*the car park*) at the Penny Royal Complex?

Response:

Public land is defined under the *Local Government Act 1993 (Tas)*. This parcel of land is not public land. At its Meeting of 14 December 2015, Council provided land to the Penny Royal development.

2. If a sale price has been agreed upon between the City Manager and the JAC Group, what is it?

Response:

Commercial in confidence but above the valuation figure provided by a licensed valuer.

3. UTas has purchased the Theatre Royal Hotel in Hobart for \$1.7million, how does this reflect upon the UTas CoL MoU?

Response:

Council is not aware of the circumstances in Hobart, so it is not appropriate to comment.

4. Given the General Manager asserts that stormwater and sewerage infrastructure at Invermay is owned by Tas Water, how is it that the CoL is reportedly liable for \$6.9million for infrastructure costs relative this issue - *estimated at \$745 per rateable property*?
-

7.1.1 Public Questions on Notice - Mr Basil Fitch - Council Meeting - 30 March 2016...(Cont'd)

Response:

This figure is incorrect and is speculation.

5. What progress has been made towards resolving Launceston's sewerage and stormwater infrastructure costs?

Response:

This is an Arbitration process governed by *Urban Drainage Act 2013 (Tas)*.

6. What research has been undertaken, or advice sought under SECTION 65, to ensure that Launceston's sewerage and stormwater is discharged to the environment (*the Tamar?*) to a tertiary treatment standard?

Response:

This matter has been referred to TasWater as the asset owner of the combined system.

7. What options has Council/Flood Authority considered and/or investigated to acquire a '*state of the art*' dredge to manage the Tamar Estuary silt issues?

Response:

This matter has been referred to the Launceston Flood Authority as the responsible agency.

8. What action is Council/Flood Authority taking to desist with the demonstrably failed 'silt raking' process - *in that it exasperates the river's contamination levels?*

Response:

Research evidence does not support the comments made. This matter has been referred to the Launceston Flood Authority as the responsible agency.

ATTACHMENTS:

1. Questions on Notice - Mr Basil Fitch - 30 March 2016
-

QUESTIONS TO LAUNCESTON CITY COUNCIL AND GENERAL MANAGER MARCH 30, 2016

1. What progress has been made in regard to the sale of public land (*the car park*) at the Penny Royal Complex?
 2. If a sale price has been agreed upon between the City Manager and the JAC Group, what is it?
 3. UTas has purchased the Theatre Royal Hotel in Hobart for \$1.7million, how does this reflect upon the UTas CoL MoU?
 4. Given that the General Manager asserts that stormwater and sewerage infrastructure at Invermay is owned by Tas Water, how is it that the CoL is reportedly liable for \$6.9million for infrastructure costs relative this issue – *estimated at \$745 per rateable property*?
 5. What progress has been made towards resolving Launceston's sewerage and stormwater infrastructure costs?
 6. What research has been undertaken, or advice sought under SECTION 65, to ensure that Launceston's sewerage and stormwater is discharged to the environment (*the Tamar?*) to a tertiary treatment standard?
 7. What options has Council/Flood Authority considered and/or investigated to acquire a '**state of the art**' dredge to manage the Tamar Estuary silt issues?
 8. What action is Council/Flood Authority taking to desist with the demonstrably failed 'silt raking' process – *in that it exasperates the river's contamination levels?*
-

7.2 Public Questions without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(2)(b)

(Members of the public who ask Questions without Notice at a meeting will have both the question and any answer provided recorded in the Minutes. Council Officers will endeavour to answer the question asked at the meeting, however, that is not always possible and more research may be required. If an answer cannot be provided at the Meeting, the question will be treated as a Question on Notice. A response will be provided at the next Council Meeting.)

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Item 8 - Planning Authority.

8 PLANNING AUTHORITY

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston

FILE NO: SF6458/DA0080/2016

AUTHOR: Richard Jamieson (Manager Planning Services)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider a combined planning scheme amendment and planning application to rezone 8 Broadland Drive, Launceston to Commercial and change of use to Business and Professional Services (office).

PLANNING APPLICATION INFORMATION:

Applicant:	8 Broadland Drive Pty Ltd
Title:	Volume 37781 Folio 3
Land area:	987m ²
Current zone:	Light Industry
Proposed zone:	Commercial
Codes:	Parking and Sustainable Transport
Existing Use:	Office
Date Application Received:	24 February 2016

RECOMMENDATION:

Note:

Schedule 6 - Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015* - Parts 2A and 3 of the **former provisions** remain in force until a Local Planning Schedule comes into effect for the municipal area.

1. That Council, pursuant to former Section 33(3) of the *Land Use Planning and Approvals Act 1993*, (the Act) initiates Amendment 29 to rezone 8 Broadland Drive Launceston from Light Industrial to Commercial, as described in Appendix 2. (ECM Document Number 3731514).
-

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

2. That Council authorises officers to prepare draft Amendment 29.
 3. That Council, in accordance with Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Director of Development Services its functions under Section 35(1) of the Act.
 4. That Council, pursuant to former Section 38(a) of the *Land Use Planning and Approvals Act 1993*, determines the period of public exhibition to be 28 days.
 5. That Council, pursuant to former Section 43A of the *Land Use Planning and Approvals Act 1993*, approves DA0080/2016 for Business and Professional Services - change of use to office at 8 Broadland Drive, Launceston subject to the following conditions:
 1. **ENDORSED PLANS & DOCUMENTS**

The use must be carried out in accordance with the endorsed plans unless modified by a condition of the Permit:

 - a. Site plan, Drawn by CBM Sustainable Design Rev.1, 8th December 2015
 2. **DISABLED PARKING**

Despite condition 1, and within 3 months if occupation of the building one disabled car space is required to be provided onsite. This space must comply with the relevant Australian Standard.
 3. **CAR PARKING**

The areas set aside for parking vehicles and access lanes must be maintained for this purpose and kept free of obstruction as shown on the endorsed plans.
 4. **STORAGE AND SCREENING**

Screen fencing must be erected around all storage areas with a minimum height of 1.8m. Goods must not be stored or stacked above the height of the fence.
 5. **TASWATER**

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2016/00296-LCC).
 6. **SITE LANDSCAPING**

The landscaping must be maintained to the satisfaction of the Manager Planning Services.
-

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

Notes**A. General**

This permit was issued based on the proposal documents submitted DA0080/2016. 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 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.

B. Other Approvals

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

- Council Building permit*
- Council Plumbing permit*
- Occupancy Permit*

C. Permit Commencement

The permit does not commence until the amendment and application are approved by the Tasmanian Planning Commission pursuant to Section 43A of the Land Use Planning and Approvals Act 1993.

REPORT:**PART A - APPLICATION FOR PLANNING SCHEME AMENDMENT****1.1 Introduction**

The proposal is for a planning scheme amendment to the Launceston Interim Planning Scheme 2015 to rezone 8 Broadland Drive, Launceston from Light Industrial to Commercial.

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

The amendment will align the zone with that of the immediate neighbour's to the property and allow for continuation of the existing use.

Also proposed is a planning application to change to the use to an office. This aspect of the proposal will be assessed in part B of this report.

1.2 Site Context

The subject land is described as Certificate of Title Volume 37781 Folio 3 and known as 8 Broadland Drive, Launceston. It is 987m² in area with frontage to Broadland Drive along its northern boundary. There is an existing freestanding two storey office building with a gross floor area of about 480m² located in the north western corner of the site. A 19 space car park adjoins the building along the south eastern and northern sides and encompasses the remainder of the site.

The building contains a reception area, several offices, two meeting rooms, and large shared workspace area.

The site is adjoined by warehouses and a transport depot.

2 Proposed Change

It is proposed to rezone Certificate of Title Volume 37781 Folio 3, 8 Broadland Drive, Launceston from Light Industrial to Commercial zone as described in Appendix 2.

3 Strategic Planning

The area in the vicinity of the subject land has a mixed commercial/light industrial character with some remnant residential uses, particularly fronting Dowling Street. The planning intent for the area has changed over time and this is reflected in the existing mix of uses. The areas were zoned General Residential in both the 1973 and 1983 Planning Schemes. Most of the area was then altered to Light Industrial under the Launceston Planning Scheme 1996, with the exception of 31 Dowling Street and 10-12 Broadland Drive which made successful representation to the Launceston Planning Scheme 1996 at the time when it was under assessment. The properties are in the immediate vicinity of the subject site and area zoned Commercial.

The area is relatively high profile and the frontages to Broadland Drive and Dowling Street have tended to develop for uses that are more commercial in nature and involve customer interaction. The back land development and those without significant passing traffic have, with some notable exceptions, developed with more industrial uses.

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

3.1 Act Requirements

The *Land Use Planning and Approvals Act 1993* was amended by Royal Assent on 4 December 2015 by the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015* to reflect the changes once the Tasmanian Planning Scheme is introduced. Until the new state-wide planning scheme is introduced, applications for amendments to the current Launceston Interim Planning Scheme 2015 are to be decided under the previous provisions of the *Land Use Planning and Approvals Act 1993* (refer to Schedule 6 of the Act for transitional provisions).

The act allows for a combined application for a planning scheme amendment and a planning application to be jointly considered in accordance with former Section 43a:

- (1) A person who requests a planning authority to amend a planning scheme may also request the planning authority to consider, in accordance with this Division, an application for a permit which would not be allowed if the planning scheme were not amended as requested.*
- (2) Where a planning authority has decided to initiate an amendment under, section 33 (3) it may consider the application for a permit referred to in subsection (1) concurrently with the prepared of the requested amendment to the planning scheme.*
- (3) An application may be made for a permit under this section even if it could not be granted under the existing planning scheme.*

The amendment must be decided under Section 33(3) which reads:

33. Request for amendment of planning scheme

(3) A planning authority must, within 42 days of the receipt of a request or such longer time as the Commission may allow, make a decision as to whether or not to initiate an amendment of the planning scheme and serve on the person who made the request of its notice within seven days of making the decision.

(3AA) If the planning authority decides under subsection (3) to initiate an amendment of a planning scheme after receipt of a request from a person under subsection (1), it must:

- (a) initiate the amendment under; Section 34 and*
- (b) certify the draft amendment under Section 35*

Within 42 days of receiving the request or such longer time as the Commission allows.

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

The matters which Council must consider when making a decision whether to reject or initiate the amendment as listed in Section 32 and 43C of the Act are set out in detail as follows:

32. Requirements for preparation of amendments

- (1) *A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A):*
 - (a)
 - (b)
 - (c)
 - (d)
 - (e) *must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
 - (ea) *must not conflict with the requirements of Section 300; and*
 - (f) *must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

In regard to (ea), Section 300 is considered in detail below.

300. Amendments under Divisions 2 and 2A of interim planning schemes

- (1) *An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of Section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.*
- (2) *An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if:*
 - (a) *the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with Section 30EA, or an overriding local provision; and*
 - (b) *the amendment does not revoke or amend an overriding local provision; and*
 - (c) *the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.*
- (3) *Subject to Section 30EA, an amendment may be made to a local provision if:*
 - (a) *the amendment is to the effect that a common provision is not to apply to an area of land; and*

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

- (b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.*
- (4) An amendment may not be made under Division 2 or 2A to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.*
- (5) Subject to section 30EA, an amendment of a planning scheme may be made under Division 2 or 2A if the amendment consists of:
 - (a) taking an optional common provision out of the scheme; or*
 - (b) taking the provision out of the scheme and replacing it with another optional common provision.**

The proposal is for a rezoning (of land) amendment only. No local provisions will be affected.

And Schedule 1, Part 1 - Objectives of the Resource Management and Planning System of Tasmania:

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

The site is located east of the central city where no natural vegetation remains. The site is fully developed containing a two storey building and car parking. Adjacent development contains existing warehouses and car parking. The amendment will have no adverse impact on natural or physical resources and biodiversity of the area.

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

The area contains a mix of warehouses, cottages and showrooms within the Light Industrial zone. The mix suggests that a broader review of the zone maybe required at some stage to consider the land use mix and interface with an existing established inner residential area. The change to the zone will provide improved zoning consistency with the site's neighbour's and opportunity to utilise the site for a range of commercial rather than light industrial activities that would better suit the existing development onsite and character.

- (c) to encourage public involvement in resource management and planning*

As part of the statutory process a public consultation period is required that provides an opportunity for public involvement in the process. The public consultation period, if the application is initiated will be 28 days.

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)*

The zone change will support activities better suited to the current development on the site.

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

The proposal has been referred to the relevant utility service providers and relevant Council departments for comment. Also, as part of the assessment process, it will be referred to the Tasmanian Planning Commission for assessment.

TasWater have issued a Submission to Planning Authority Notice TWDA 2016/00296-LCC on the 9 March 2016. The SPAN sets no conditions and advises that TasWater does not object to the proposal.

And Section 43C states:

(1) In determining an application referred to in Section 43A, a planning authority, in its opinion:

(a) must seek to further the objectives set out in Schedule 1; and

(b) must take into account such of the prescribed matters as are relevant to the use or development subject to this application.

Schedule 1 has been considered above.

3.1 State Policies

3.1.1 State policy on the Protection of Agricultural Land 2009

Not applicable for this amendment.

3.1.2 State Coastal Policy 1996

The site is located within 1km of the North Esk River. The river remains tidal at this point. The state policy is addressed by parts of the interim scheme that are unaffected by this amendment.

3.1.3 State Policy on Water Quality Management 1997

This policy applies to all surface water, including coastal waters, and ground waters, other than privately owned waters that are not accessible to the public and are not connected to, or flow directly into, waters that are accessible to the public, or, water in any tank, pipe or cistern.

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

Clause 31.5 of the Policy requires that a use or development to be consistent with the physical capacity of the land so that the potential for erosion and subsequent water quality degradation is minimised. The site is entirely sealed, other than for some landscaping. Stormwater is captured and drains into the existing reticulated stormwater service provided in the district. Presently erosion and water quality degradation is unlikely from the site. Any future development of the site can be considered under parts of the interim planning scheme not affected by this amendment and conditions imposed where required by the planning authority.

3.1.4 National Environmental Protection Measures (NEPMs) - Air Toxins

Addressed by parts of the interim scheme that are unaffected by this amendment.

3.1.5 National Environmental Protection Measures (NEPMs) - Ambient Air Quality

Addressed by parts of the interim scheme that are unaffected by this amendment.

3.1.6 National Environmental Protection Measures (NEPMs) - Assessment of Site Contamination

Addressed by parts of the interim scheme that are unaffected by this amendment.

3.1.7 National Environmental Protection Measures (NEPMs) - Diesel Vehicle Emissions

Not applicable for this amendment.

3.1.8 National Environmental Protection Measures (NEPMs) - Movement of Controlled Waste between States and Territories

Not applicable for this amendment.

3.1.9 National Environmental Protection Measures (NEPMs) - National Pollutant Inventory

Not applicable for this amendment.

3.1.10 National Environmental Protection Measures (NEPMs) - Used Packaging Materials

Not applicable for this amendment.

3.2 Strategies

3.2.1 Northern Regional Land Use Strategy (NRLUS)

The Regional Land Use Strategy of Northern Tasmania, version 5, January 2016, is intended to provide a 20 year planning policy to guide integrated infrastructure, land use development and transport planning decisions for the northern region of Tasmania.

The relevant regional activity centre policies are:

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

<p>RAC-P1 Maintain and consolidate the Regional Activity Centres Network to ensure future urban development consolidates and reinforces the spatial hierarchy of existing centres through reuse and redeveloping existing buildings and land to integrate a mix of land uses including the coordinated provision of residential development, retail, commercial, business, administration, social and community facilities, public and active transport provision and associated infrastructure.</p>	<p>RAC-A1 Integrate the Regional Activity Centres Network into government policy and strategies (i.e. strategic plans, corporate plans, planning schemes and capital works programs).</p> <p>RAC-A2 Ensure that zoning and land use provisions under Planning Schemes minimise the potential for decentralisation of functions outside of the Regional Activity Centres Network and reinforces the spatial hierarchy, role and function of centres.</p>
<p>RAC-P9 Discourage 'out-of-centre' development to ensure new use and development supports the Activity Centres Network and the integrated transport system.</p> <p>Development applications that are 'out of centre' will only be considered if all of the following criteria are adequately addressed:</p> <ul style="list-style-type: none"> • Community need; • No adverse impact on existing activity centres; and • Synergy with existing employment hubs (ie. health, education, research) • If these three factors are present there must be overall community benefit demonstrated through a social and economic impact assessment to reflect the strategic directions and policies of the RLUS. 	<p>RAC-A11 Undertake master planning for the major regional activity centres, taking into account the Activity Centres Network and supporting policies to encourage in-centre developments.</p> <p>These master plans should include a detailed development capacity audit, public consultation opportunities and constraints assessment, methods to improve urban amenity and an economic development strategy along with addressing other activity centre principles.</p> <p>The master plans should enhance accessibility of the higher order activity centre through good layout and good pedestrian movement.</p> <p>RAC-A12 Any proposed 'out-of-centre' development are to undertake a detailed economic impact assessment that addresses how the 'out of centre' proposal complies with the strategic directions and policies of the RLUS.</p>
<p>RAC-P10 Provide for a range of land uses to be incorporated into activity centres appropriate to their role and function within the hierarchy of activity centres.</p>	<p>RAC-A13 Focus high density residential and mixed-use development in and around regional activity centres and public transport nodes and corridors.</p> <p>RACR-A14 Planning scheme controls on uses, height and residential density should reflect the Regional Activity Centres network.</p>

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

In terms of Industrial land, the relevant policies are:

<p>ED-P2 Ensure land use planning and infrastructure networks support the development of:</p> <ul style="list-style-type: none"> • High value agricultural and food products • Digital economy ie. the rollout of the NBN, • Vibrant, creative and innovative activity centres as places of employment and lifestyle; and • Diverse tourism opportunities <p>ED-P3 Ensure that industrial zoned and serviced land is available in good strategic locations and is zoned to provide at least 10 years supply of industrial zoned lands.</p>	<p>ED-A3 Ensure planning schemes specifically identify suitable located lands to be zoned for industrial development and employment purposes to reflect the updated DEDTA Industrial Land Demand (Short, Medium and Long Term overview) 2040 Study and that the region is well placed to capture economic opportunities specifically:</p> <ul style="list-style-type: none"> • Future industrial land is integrated with the location and function of existing major freight and port networks; and • Allow for emerging industry sectors and innovations, such as those in the growing renewable energy sector <p>ED-A4 Analyse the industrial land demand to 2040 and demonstrate that there will be sufficient land supply to be zoned for industrial development that is supported with provision of necessary infrastructure (transport, water and sewerage and energy) networks requirements.</p>
--	---

The site is located beyond the fringe to the Central Business District of Launceston, on a commercial/industrial arm of development, that extends eastwards along the train track to where it abuts the eastern residential suburbs of Newstead and Ravenswood.

The site is close to public transport and located along a heavy transport freight route.

The site is nestled within a pocket of commercial and industrial uses which include a range of construction industry associated uses.

The sites proximity to residential development and relatively small site size, constrains the range of industrial uses that would be considered suitable for the site. The commercial zone in that regard, provides a broader range of potentially, less nuisance generating activities that better fit the character of the site.

The commercial zone will introduce limited retailing and office uses that are presently not permitted within the light industrial zone. This however, is not considered to conflict with the hierarchy given the small size of the site and its relative inner city location.

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

The Commercial zone is intended to cater for those types of low turnover, large floor area retailing activities that require larger sites that aren't so well suited to a major business district location.

3.2.2 Greater Launceston Plan

The Greater Launceston Plan (GLP) provides a long term strategy to inform a coordinated approach for land use and development of the greater Launceston area. The amendment proposed will reflect the prevailing land use on those properties and will better support the future development of that land.

Key priorities and directions include:

- a major focus on a metropolitan parks and pathways system;
- compact growth areas with a strong focus on developing balanced communities;
- regeneration of the inner city underpinned by major new projects; transport corridors and broadly based urban revitalisation;
- new economic drivers through multi-purpose regional nodes;
- investment strategies for the region's major gateways

The proposal is for a single site rezoning. It will align the site with the zoning of some of its immediate neighbour's and allow for uses that better fit the design of the existing development onsite and mix of uses within the area. The change is considered to be broadly consistent with GLP objectives.

3.2.3 Launceston Open Space Strategy 2007

Not applicable for this amendment.

3.2.4 Launceston Strategic Tourism Plan 2012

Not applicable for this amendment.

3.2.5 Launceston Residential Strategy 2009

Not applicable for this amendment.

3.2.6 Launceston Retail Audit and Activity Centres Strategy 2011

This Strategy provides strategic planning policy for the greater Launceston retail sector. The strategy outlines the roles of the different tiers of retail districts.

The strategy forecasts commercial floor space requirements for both Retail and Office uses. Retail floor space is forecast to increase from 42,500m² to 63,100m² between 2011-2021 and 2021-2036, while office floor space is forecast to increase from 27,000 m² to 47,300m² over the same period. Thus, while retail demand is expected to increase approximately 50%, office demand is expected to increase by 75%.

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

The proposal will contribute to an increase in office area of approximately 480m². According to this strategy, office space has a higher forecast demand than retail.

Its contribution is insignificant in terms of its impact on the retail and business hierarchy. It may be beneficial locally by introducing a broader range of potential uses that could compliment neighbouring light industrial activities.

Essentially this amendment is facilitating a range of uses that are a more compatible with the characteristics of the existing building and immediate location.

3.2.7 Launceston Industrial Strategy 2009-2029

This Strategy seeks to provide a co-ordinated supply of industrial land, to support the growth of the industrial sector in Launceston.

The Strategy identifies that there is an estimated 184ha of vacant industrial land in the greater Launceston area, which is deemed appropriate for the short and mid-term demand for industrial sites.

There is no specific reference to the Broadland Drive area in the strategy.

The proposed rezoning is considered to not have a material impact on this Strategy and its aims. The property is currently not suitable for an industrial use and the site is less than 1000m². The removal of this property will have negligible impact on the industrial land for the city.

3.2.8 Parking and Sustainable Transport Strategy

Not applicable to this amendment.

3.2.9 Launceston Public Spaces and Public Life 2011

Not applicable to this amendment.

3.2.10 Launceston Interim Planning Scheme 2015

The purpose statements for the current and proposed zones are:

Light Industrial

24.1.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimize conflict or impact on the amenity of any other uses.

24.1.1.2 To provide for uses that are complementary to and compatible with the above purpose.

Commercial

23.1.1.1 To provide for large floor area retailing and service industries.

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

23.1.1.2 To provide for other large area uses, such as car yards, bulky goods sales, warehouse and showrooms in the areas of high traffic volume and high passing visibility.

23.1.1.3 To ensure uses support and do not threaten the established activity centre hierarchy.

The change in zone provides for a set of allowable uses that better reflect the circumstances of the site and its immediate surroundings. The primary building on the site has been operating as professional offices for some time.

The uses permitted by each zone are as follows:

Light Industrial zone	Commercial zone
No permit required	No permit required
Natural and cultural values management	Natural and cultural values management
Passive recreation	Passive recreation
Permitted	Permitted
Equipment and machinery sales and hire	Bulky goods if for a single tenancy or multi tenancy with a gross floor area less than 2000m ² .
Research and development	Equipment and machinery sales and hire
Service industry	Recycling and waste disposal if not for a refuse disposal site or waste transfer station
Storage	Service industry
Transport depot and distribution	Storage
Utilities if for minor utilities	Transport depot and distribution
Discretionary	Utilities if for minor utilities
Bulky goods if for garden or landscape or hardware supplies	Vehicle fuel sales and service
Community meeting and entertainment	Discretionary
Crematoria and cemeteries if for crematoria	Bulky good sales
Domestic animal breeding, boarding or training	Business and professional services
Emergency services	Community meeting and entertainment
Food services if not for a restaurant	Educational and occasional care
Manufacturing and processing	Emergency services
Recycling and waste disposal if not for a refuse disposal site	Food services
Resource processing if not for animal saleyards or abattoir	General retail and hire if for a local shop
Sport and recreation	Hotel industry
Utilities	Manufacturing and processing
Vehicle fuel sales and service	Research and development

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

Vehicle parking	Sport and recreation
Prohibited	Utilities
All other uses	Vehicle parking
	Visitor accommodation
	Prohibited
	All other uses

The key difference between the two zones is that the Commercial zone allows for office uses as well as limited retailing and hospitality uses not permitted within the Light Industrial zone. Industrial activities are significantly more limited in the Commercial zone

4 Special Considerations

4.1 Heritage

There are no structures or buildings of heritage significance on the property.

4.2 Natural Values

The site is completely developed and is devoid of native vegetation. No natural values exist.

4.3 Scenic Values

The site is located within the valley that forms part of the river plains of the North Esk River. It is surrounded by existing development and is only visible from a localised setting. No significant scenic values are deemed to exist.

4.4 Other Constraints

The land is low lying and is protected from flooding in extreme flood events by the existing levee system. This is similar to much of the low lying land in the vicinity of the river. This is not considered to be a material factor in determining this rezoning.

4.5 Landslip

There is no known history of landslip on the property.

4.7 Contamination

According to Council records the site was previously used as a joinery workshop. According to the applicant, there was no such use. The site history was originally constructed as an office with adjoining warehouse/storage areas for a building contractor. The warehouse section was converted into offices during the 1990 - 2000s and remains used for that purpose to this day.

The use proposed is not a sensitive use and no excavation is proposed. Should this occur in the future it would be dealt with in the assessment by any contamination code in the planning scheme relevant at the time and an assessment made.

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

4.8 Infrastructure

The site is fully serviced.

5 Conclusion

It is recommended Council approves the amendment for the reasons outlined in the report.

PART B - PLANNING APPLICATION DA0080/2016

6 The proposal

The proposal is for a change of use to a professional office. There is no significant development proposed to the layout or external form of the buildings. This reflects the best use of the existing buildings.

No application for signage is being made as part of the proposal. Existing signs could be repurposed to reflect the new occupiers.

7 Planning Scheme Requirements

7.1 Zone Purpose

23.0 Commercial Zone
23.1.1 Zone Purpose Statements
23.1.1.1 To provide for large floor area retailing and service industries.
23.1.1.2 To provide for other large area uses, such as car yards, bulky goods sales, warehouse and showrooms in the areas of high traffic volume and high passing visibility.
23.1.1.3 To ensure uses support and do not threaten the established activity centre hierarchy.
Consistent
23.1.1.1 The proposal is not for large floor area retailing or for a service industry.
23.1.1.2 The proposal is not for other large area uses.
23.1.1.3 The proposal is for business and professional services, occupying a building with a floor area 470m ² . The use is for a consulting firm that caters for a wide range of property development. The use is not considered to threaten the established activity centre hierarchy since it is not a retail type use. Furthermore as it is involved in the construction industry, its co-location with related construction industry uses provides for potential business synergies.

Local Area Objectives - There are no local area objectives

Desired Future Character Statements - There are no desired future character statements

23.3 Use Standards

23.3.1 External storage of goods

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

<p>Objective: To ensure that external storage of goods, materials and waste does not detract from the amenity of the area.</p>
<p>Consistent Compliance with the acceptable solution implies compliance with the objective.</p>
<p>A1 Storage of goods and materials, other than for retail sale, or waste must not be visible from any road or public open space adjoining the site.</p>
<p>Complies No exterior storage of goods, materials, or waste that is visible from the road is proposed or required.</p>
<p>P1 Storage of goods and materials, other than for retail sale, or waste must be located or screened to minimise its impact on views into the site from any roads or public open space adjoining the site, having regard to: (a) the nature of the use; (b) the type of goods, materials or waste proposed to be stored; (c) the topography of the site; (d) the landscaping of the site; and (e) any screening proposed.</p>
<p>Not Applicable</p>

23.3.2 Emissions impacting sensitive uses

<p>Objective: To ensure that emissions to air, land and water are not detrimental to the amenity of sensitive uses.</p>
<p>Consistent An assessment against the performance criteria has been carried out and the proposal is considered to not have a detrimental effect on the amenity of nearby sensitive uses.</p>
<p>A1 Uses must be set back from the site of a sensitive use a distance of no less than 100m.</p>
<p>Relies on Performance Criteria The site is located within 100m of residential uses. An assessment against the performance criteria is required.</p>
<p>P1 The use must not adversely impact on the amenity of nearby sensitive uses, having regard to: (a) the nature of the proposed use; (b) the characteristics of the emissions; (c) the proximity and number of sensitive uses in the area; (d) the topography of the site; (e) background levels; (f) any mitigation measures proposed; and (g) the character of the surrounding area.</p>

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

Complies

The nearest residential properties are located approximately 35m to the south west of the subject land. The use proposed is for a professional consulting office. The use does not operate any heavy machinery or conduct activities that emit noise, dust or other emissions that would impact on nearby sensitive uses.

The site is located on the fringe of a commercial/light industrial district that borders existing residential development to the south west and south. The district includes a mix of commercial and light industrial activities including wholesale, transport depot, and fabrication and manufacturing uses. These uses are more likely to emit emissions experienced such are traffic noises related to the backing of forklifts and heavy vehicles than the use proposed on the subject land.

Objective:

To ensure that the impact of retail and business use and development is appropriate.

Consistent

The proposal has been assessed against the performance criteria and found to be an appropriate use that will not adversely impact on the business retail hierarchy for the city.

A1 If for a no permit required or permitted use class.

Relies on Performance Criteria

An assessment against the performance criteria is required.

P1 Uses must have acceptable impacts on the viability of the activity centre hierarchy, having regard to:

- (a) the nature, scale and intensity of the use;
- (b) the products and services sold;
- (c) the proximity to the Central Business zone or the activity centres of Mowbray and Kings Meadows; and
- (d) the proximity to a major road and public transport system that links activity centres.

The location of the site is in reasonable proximity to the Launceston Plaza shopping centre and its associated facilities. It will have no impact on the use of the centre or its viability.

It is common in Launceston for medical and other allied health professional to locate in the accessible inner areas of Launceston, particularly close to the LGH or the private hospitals. It is not common for the type of facility proposed to locate within an activity centre or the CBD.

There is public transport within walkable distance to the facility.

23.4 Development Standards

23.4.1 Building height, setback and siting

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

<p>Objective: To ensure that building bulk and form, and siting: (a) is compatible with the streetscape and character of the surrounding area; and (b) protects the amenity of adjoining lots.</p>
<p>Not Applicable The building is existing. No changes to the building are proposed. The application is for a change of use only.</p>
<p>A1 Building height must be no greater than: (a) 10m; or (b) 1m greater than the average of the building heights on the site or adjoining lots; whichever is higher.</p>
<p>Not Applicable</p>
<p>P1 Building height must be compatible with the streetscape and character of the surrounding area, having regard to: (a) the topography of the site; (b) the height of buildings on the site, adjoining lots and adjacent lots; (c) the bulk and form of existing and proposed buildings; (d) the allowable building heights; (e) the apparent height when viewed from roads and public places; and (f) any overshadowing of adjoining lots or public places.</p>
<p>Not Applicable</p>
<p>A2 Setback from a frontage must be: (a) no less than 5.5m; or (b) no less than the setback of an adjoining building.</p>
<p>Not Applicable</p>
<p>P2 Buildings must be sited to be compatible with the streetscape and character of the surrounding area, having regard to: (a) the topography of the site; (b) the setbacks of surrounding buildings; (c) the height, bulk and form of existing and proposed buildings; (d) the appearance when viewed from roads and public places; (e) the existing or proposed landscaping; and (f) the safety of road users.</p>
<p>Not Applicable</p>
<p>A3 Buildings can be built up to the side and rear boundaries.</p>
<p>Not Applicable</p>
<p>P3 No performance criteria.</p>
<p>Not Applicable</p>
<p>A4 Where the site is located on the boundary of the General Residential, Inner Residential and Low Density Residential zones, new buildings or alterations to existing buildings, must: (a) be set back a horizontal distance of no less than 3m from the zone boundary; and (b) have a solid fence no less than 1.8m high on the zone boundary.</p>

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

Not Applicable
P4 Buildings must be sited so that there is no unreasonable loss of amenity to the occupiers of adjoining residential zones, having regard to: (a) the topography of the site; (b) the height, bulk and form of proposed buildings; (c) the solar access of habitable room windows and private open space of adjoining dwellings; (d) the privacy of habitable room windows and private open space of adjoining dwellings; (e) the amenity of adjoining dwellings; (f) the size and proportions of the lot; (g) any existing or proposed vegetation or screening; (h) the location of building openings; and (i) any external lighting.
Not Applicable
A5 The façade and entrance of the primary building, must be clearly visible and accessible from a road, for pedestrians and persons with a disability.
Not Applicable
P5 Building orientation and access must have regard to: (a) the topography of the site; (b) the nature and specific needs of the use; (c) safe access for pedestrians and persons with a disability; (d) traffic access and parking requirements; (e) the relationship with buildings on the site or adjacent sites and access between sites; and (f) the streetscape.
Not Applicable

23.4.2 Streetscape

Objective: To ensure that development has an acceptable impact on the streetscape.
Not Applicable The building is existing. No changes to the building are proposed. The application is for a change of use only.
A1 Excepting walls built to the lot boundary, new buildings or extensions to existing buildings must: (a) have external walls constructed with no less than 50% brick, concrete, masonry or glass; (b) have external walls, unless brick or glass, painted or finished with a texture coat; and (c) have no less than 50% glazing to the external walls of the office components of the buildings.

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

Not Applicable
P1 New buildings or extensions to existing buildings must be compatible with the streetscape, having regard to: (a) the topography of the site; (b) the nature of the proposed use; (c) the visibility of the building from the road; (d) the external treatment and finish of buildings; and (e) the building materials used in the surrounding area.
Not Applicable
A2 Car parking must not be located within 3m of the frontage.
Relies on Performance Criteria. The car parking is existing with three visitor spaces forward of the building, two of these within the 3m setback.
P2 Car parking must be located to minimise visual impact on the streetscape, having regard to: (a) the topography of the site; (b) the nature of the proposed use; (c) the number of car spaces; (d) the visibility of the car parking from the road; (e) the use of measures to mitigate impacts including screening and landscaping; (f) the location of car parking on adjoining sites; and (g) the character of the streetscape.
Complies As the area is levelled and functionally operates, the existing car parking is considered able to comply

23.4.3 Fences

Objective: To provide for fences that are appropriate to the site and character of the area.
Not Applicable The fences onsite are existing. No changes to fencing are proposed. The application is for a change of use only.
A1.1 Fences must be no higher than: (a) 1.8m on a frontage; or (b) 2.1m on a side or rear boundary that abuts a public reserve; or (c) 3m on a side or rear boundary otherwise. A1.2 Front fences must be 50% transparent above a height of 1.2m. A1.3 Front fences higher than 1.2m must be located no less than 1m from the frontage, and the setback landscaped between the frontage and the fence.

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

Not Applicable
P1 Boundary fences must not have an unreasonable impact on the amenity of adjoining sites and the streetscape, having regard to: (a) the topography of the site; (b) the need for security; (c) the materials and finish of the proposed fence; (d) the need and opportunity for passive surveillance, particularly where the fence adjoins a road or public reserve; (e) overshadowing; (f) the character of the streetscape; and (g) the character of the surrounding area.
Not Applicable

23.4.4 Site landscaping

Objective: To ensure that new development improves the amenity of the site and the streetscape.
Not Applicable The site contains no significant landscaping. No changes to the site are proposed. The application is for a change of use only.
A1 New buildings or extensions with a gross floor area greater than 100m ² or 50% of the existing gross floor area, whichever is less, must: (a) landscape an area within the front setback of not less than the 50% of that area; and (b) provide a minimum of one tree capable of growing to a height of no less than 10m planted for every 1 000m ² of site area. Trees must be located within a minimum 3m diameter landscaped area.
Not Applicable
P1 Landscaping must improve the amenity and appearance of the site and the streetscape, having regard to: (a) the topography of the site; (b) the existing vegetation on the site; (c) shade for users of the site and car parking areas; (d) the location, type and growth of the proposed vegetation; (e) the area set aside for landscaping and its suitability; (f) any proposed screening; and (g) the character of the streetscape and surrounding area.
Not Applicable

23.4.5 Lot size and dimensions

Objective: To ensure: (a) the area and dimensions of lots are appropriate for the zone; and (b) adjoining land, especially residential zones, is protected from adverse impacts on amenity.
--

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

<p>Not Applicable No subdivision is proposed.</p>
<p>A1.1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have a minimum area of no less than 350m² ; and (b) be able to contain 10m diameter circle with the centre of the circle no greater than 10m from the frontage; or A1.2 Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or (b) be required for the provision of public utilities; or (c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.</p>
<p>Not Applicable</p>
<p>P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use having regard to: (a) development of buildings on the lots; (b) the likely location of buildings on the lots; (c) the accessibility for vehicles providing for supplies, waste removal, emergency services and public transport; (d) the topography of the site; (e) the presence of any natural hazards; and (f) the existing pattern of development in the area.</p>
<p>Not Applicable</p>
<p>A2 Subdivision must not be located on the boundary of the General Residential, Inner Residential, Low Density Residential, Environmental Living, Rural Living, Urban Mixed Use or Village zones.</p>
<p>Not Applicable</p>
<p>P2 Each lot, or a lot proposed in a plan of subdivision, must be designed to minimise the potential for nuisance or loss of amenity for adjacent lots, having regard to: (a) the lot layout and design; (b) the existing pattern of development in the area; (c) the ability for buildings to be erected in accordance with the development standards; (d) the proposed use of the lot; (e) the use of the adjoining lots; (f) the topography of the site; (g) the physical separation to surrounding sensitive land uses; (h) compatibility with the existing pattern of development in the area; (i) the orientation of the lot; (j) access considerations; and (k) the accessibility for vehicles providing for supplies, waste removal, emergency services and public transport.</p>

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

Not Applicable

23.4.6 Frontage and access

Objective: To ensure that lots provide: (a) appropriate frontage to a road; and (b) safe appropriate access suitable for the intended use of the new lot.
Not Applicable No subdivision is proposed.
A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 10m.
Not Applicable
P1 Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage, or legal connection to a road by a right-of-carriageway, of no less than 3.6m width, having regard to: (a) the width of frontage proposed, if any; (b) whether any other land has a right-of-carriageway as its sole or principal means of access over the frontage; (c) the number of immediately adjacent rights-of-carriageway; (d) the topography of the site; (e) the proposed use of the lot; (f) the construction and maintenance of the road; (g) the existing pattern of development in an area; (h) the functionality and usability of the frontage; (i) the anticipated nature of the vehicles likely to access the site; (j) the ability to manoeuvre vehicles on the site; (k) the accessibility for vehicles providing for supplies, waste removal, emergency services and public transport; and (l) the advice of the road authority.
Not Applicable
A2 No acceptable solution.
Not Applicable
P2 Each lot is provided with reasonable vehicular access from a carriageway to a boundary of a lot or building area on the lot, if any, having regard to: (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic, including pedestrians; (d) the character of the area; and (e) the advice of the road authority.
Not Applicable

23.4.7 Discharge of stormwater

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

Objective: To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.
Not Applicable No subdivision is proposed.
A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.
Not Applicable
P1 No performance criteria.
Not Applicable
A2 The Council's General Manager has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.
Not Applicable
P2 No performance criteria.
Not Applicable

23.4.8 Water and sewerage services

Objective: To ensure each lot provides for appropriate water supply and wastewater disposal.
Not Applicable No subdivision is proposed.
A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.
Not Applicable
P1 No performance criteria.
Not Applicable
A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.
Not Applicable
P2 No performance criteria.
Not Applicable

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.
--

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

Consistent

The property contains a freestanding office with gross floor area of 480m². There is an existing car parking area located along the eastern and northern sides of the site that provides parking for about 19 vehicles. The existing car park is sealed and drained however the spaces are unmarked. The size of the car park provided is considered adequate to serve the needs of the use.

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

Compliance with the acceptable solution implies compliance with the objective.

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 two 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.

Complies

Pursuant to Table E6.1, business and professional services use class for an office requires one space per employee plus one space per 100m² of gross floor area.

The use employees approximately 16 staff and the gross floor area of the building is approximately 480m². Therefore, a minimum of 19 spaces is required. 19 spaces can be provided for onsite, therefore the proposal complies.

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

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

<p>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</p>
<p>P1.3 The number of car parking spaces complies with any relevant parking precinct plan.</p>
<p>Not Applicable</p>
<p>A2 The number of accessible car parking spaces for use by persons with a disability for uses that require 6 or more parking spaces must be in accordance with Part D3 of the National Construction Code 2014, as amended from time to time.</p>
<p>Complies Part D3 of the National Construction Code for a class 5 office building requires 1 space for every 100 car spaces or part thereof. Therefore, one space is required for the use. The site plan does not show a space, however a space could be provided for onsite. A condition requiring one disabled space to be provided is recommended.</p>
<p>P2 No performance criteria.</p>
<p>Not Applicable</p>

E6.5.2 Bicycle parking numbers

<p>Objective: To ensure that an appropriate level of bicycle parking spaces are provided to meet the needs of the use.</p>
<p>Consistent Compliance with the acceptable solution implies compliance with the objective.</p>
<p>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.</p>
<p>Complies Pursuant to Table E6.1 requires one space per 500m² of gross floor area. The building has a gross floor area of about 480m² therefore no bicycle parking is required.</p>
<p>P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to: (a) the likely number and characteristics of users of the site and their opportunities and likely need to travel by bicycle; (b) the location of the site and the likely distance a cyclist needs to travel to reach the site; and (c) the availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</p>
<p>Not Applicable</p>

E6.5.3 Taxi spaces

<p>Objective: To ensure that access for taxis is provided to meet the needs of the use.</p>
--

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

<p>Consistent Compliance with the acceptable solution implies compliance with the objective.</p>
<p>A1 Except for dwellings in the General Residential zone, uses that require greater than 50 car spaces by Table E6.1 must provide one parking space for a taxi on site, with one additional taxi parking space provided for each additional 50 car parking spaces required.</p>
<p>Complies The use proposed does not require greater than 50 car spaces. Therefore no taxi parking is required.</p>
<p>P1 Taxi parking spaces must be provided to meet the reasonable needs of the use, having regard to: (a) the nature of the proposed use and development; (b) the availability and accessibility of taxi spaces on the road or in the vicinity; and (c) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping.</p>
<p>Not Applicable</p>

E6.5.4 Motorcycle parking

<p>Objective: To ensure that motorcycle parking is provided to meet the needs of the use.</p>
<p>Consistent Compliance with the acceptable solution implies compliance with the objective.</p>
<p>A1 Except for dwellings in the General Residential zone, uses that require greater than 20 car parking spaces by Table E6.1 must provide one motorcycle parking space on site with one additional motorcycle parking space on site for each additional 20 car parking spaces required.</p>
<p>Complies The use does not require greater than 20 spaces, therefore no dedicated motorbike parking is required.</p>
<p>P1 Motorcycle parking spaces must be provided to meet the reasonable needs of the use, having regard to: (a) the nature of the proposed use and development; (b) the availability and accessibility of motorcycle parking spaces on the road or in the vicinity; and (c) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping.</p>
<p>Not Applicable</p>

E6.5.5 Loading bays

<p>Objective: To ensure adequate access for goods delivery and collection, and to prevent loss of amenity and adverse impacts on traffic flows.</p>
--

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

<p>Not Applicable Pursuant to clause E6.2.3.5, the standard is not applicable for business and professional services use.</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>Not Applicable P1 Adequate space for loading and unloading must be provided, 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 location of the site; (e) the nature of traffic in the surrounding area; (f) the area and dimensions of the site; and (g) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping.</p>
<p>Not Applicable</p>

E6.6 Development Standards

E6.6.1 Construction of parking areas

<p>Objective: To ensure that parking areas are constructed to an appropriate standard.</p>
<p>Not Applicable The car parking area exists. It is sealed and drained appropriately and can adequately meet the needs of the use.</p>
<p>A1 All parking, access ways, manoeuvring and circulation spaces must: (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.</p>
<p>Not Applicable P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions, having regard to: (a) the nature of the use; (b) the topography of the land; (c) the drainage system available; (d) the likelihood of transporting sediment or debris from the site onto a road or public place; (e) the likelihood of generating dust; and (f) the nature of the proposed surfacing and line marking.</p>

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

Not Applicable

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 Compliance with the acceptable solution implies compliance with the objective.

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 four 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 three or more car parking spaces; and (e) have a vertical clearance of not less than 2.1m 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.
--

Complies Onsite turning is available for all parking proposed onsite with sufficient room to enable access into and out of the site in a forwards direction. The site is not line marked nor a disabled space shown the on the plans. The site is capable of complying with the standard and a condition to that effect is recommended.

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.
--

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

Not Applicable

E6.6.3 Pedestrian access

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

Consistent The proposal is reliant on a performance criteria assessment. An assessment against that standard indicates that the objective can be achieved.
--

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.

Relies on Performance Criteria The site requires 19 car spaces, therefore a separate pedestrian access is required. No separate pedestrian has been proposed. An assessment against the performance criteria is required.

P1 Safe pedestrian access must be provided within car parks, having regard to: (a) the characteristics of the site; (b) the nature of the use; (c) the number of parking spaces; (d) the frequency of vehicle movements; (e) the needs of persons with a disability; (f) the location and number of footpath crossings; (g) vehicle and pedestrian traffic safety; (h) the location of any access ways or parking aisles; and (i) any protective devices proposed for pedestrian safety.

Complies The site is level with good visibility throughout the site including from the road to the entrance of the building. Sharing of access ways for motorists and pedestrians can occur safely and as such a separate footpath is not considered necessary.

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.
--

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

Not Applicable Not required for the use pursuant to clause E6.2.3.5.
A1 The area and dimensions of loading bays and access way areas must be designed in accordance with AS2890.2 - 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities, for the type of vehicles likely to use the site.
Not Applicable
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.
Not Applicable
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.
Not Applicable
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.
Not Applicable

E6.6.5 Bicycle facilities

Objective: To ensure that cyclists are provided with adequate facilities.
Not Applicable Bicycle parking is not required to be provided pursuant to clause E6.5.2.
A1 Uses that require five or more bicycle spaces by Table E6.1 must provide one shower and change room facility on site, with one additional shower and change room on site for each 10 additional bicycles spaces required.
Not Applicable
P1 Shower and change room facilities must be provided at adequate level to cater for the reasonable needs of cyclists, having regard to: (a) the location of the proposed use; (b) the existing network of cycle paths and bicycle lanes and other means of access to the site for cyclists;

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

- (c) the nature of the proposed use;
- (d) the number of employees;
- (e) the users of the site and the likelihood of travel by bicycle;
- (f) whether there are facilities on the site for other reasons that could be used by cyclists; and
- (g) the opportunity for sharing bicycle facilities on nearby sites.

Not Applicable

E6.6.6 Bicycle parking and storage facilities

Objective:

To ensure that parking and storage facilities for bicycles are safe, secure and convenient.

Not Applicable

Bicycle parking is not required to be provided pursuant to clause E6.5.2.

A1 Bicycle parking and storage facilities for uses that require 5 or more bicycle spaces by Table E6.1 must:

- (a) be accessible from a road, cycle path, bicycle lane, shared path or access way;
- (b) be located within 50m from the main entrance;
- (c) be visible from the main entrance or otherwise signed; and
- (d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.

Not Applicable

P1 Bicycle parking and storage facilities must be provided in a safe, secure and convenient location, having regard to:

- (a) the accessibility to the site;
- (b) the characteristics of the site;
- (c) the nature of the proposed use;
- (d) the number of employees;
- (e) the users of the site and the likelihood of travel by bicycle;
- (f) the location and visibility of proposed parking storage facilities for bicycles;
- (g) the nature of the bicycle parking and storage facilities;
- (h) whether there are other parking and storage facilities on the site; and
- (i) the opportunity for sharing bicycle parking and storage facilities on nearby sites.

Not Applicable

A2 Bicycle parking spaces must:

- (a) have minimum dimensions of:
 - (i) 1.7m in length; and
 - (ii) 1.2m in height; and
 - (iii) 0.7m in width at the handlebars;
- (b) have unobstructed access with a width of at least 2m and a gradient of no more 5% from a road, cycle path, bicycle lane, shared path or access way; and
- (c) include a rail or hoop to lock a bicycle to that meets AS 2890.3 1993 Parking facilities - Bicycle parking facilities.

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

Not Applicable
P2 Bicycle parking spaces and access must be convenient, safe and efficient to use, having regard to: (a) the characteristics of the site; (b) the space available; (c) the safety of cyclists; (d) the proposed measures to secure bicycles; and (e) the provisions of AS 2890.3 1993 Parking facilities - Bicycle parking facilities.
Not Applicable

E6.7 Parking Precinct Plans

E6.7.1 Precinct 1 - Launceston Central Business District Parking Exemption Area

E6.7.1.3 Local area provisions

Objective: To limit on-site car parking within the Launceston Central Business District Parking Exemption Area.
Not Applicable The site is not located within a car parking exemption area.
A1 On-site car parking is: (a) not provided; or (b) not increased above existing parking numbers.
Not Applicable
P1 On-site car parking must demonstrate: (a) that it is necessary for the operation of the use; and (b) parking must not exceed the minimum provision required by Table E6.1.
Not Applicable

7.2 Referrals

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	Infrastructure services have no issues or requirements for the proposal.
Environmental Health	Environmental services have no issues with the proposal.
Parks and Recreation	N/A
Heritage/Urban Design	N/A
Building and Plumbing	No changes to the building is proposed. No building or plumbing permits are required.
EXTERNAL	
TasWater	TasWater has issued a submission to the

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

	Planning Authority TWDA 2016/00296-LCC issued on the 8 March 2016. TasWater have no objections or requirements for the proposal.
DIER	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

8 Notification

The application will be advertised for a 28 day period where Council's determines to initiate the proposal.

9 Conclusion

The application has been assessed as complying with all relevant provisions of the scheme and for this reason it is recommended for approval with necessary conditions

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The amendment proposed has taken into account the relevant economic impacts.

ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The amendment proposed has taken into account the relevant environmental impacts.

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The amendment proposed has taken into account the relevant social impacts.

8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

- *Land Use and Planning Approvals Act 1993*
- Launceston Interim Planning Scheme 2015
- Protection of Agricultural Land Policy 2009
- State Coastal Policy 1996
- State Policy on Water Quality Management 1997
- National Environmental Protection Measures (NEPMs)
- Launceston Interim Planning Scheme 2012
- Regional Land Use Strategy of Northern Tasmania 2013;
- North Bank Draft Master Plan
- North Bank Draft Land Use Study
- Launceston Strategic Tourism Plan
- Launceston Retail Audit and Activity Centres Strategy 2011
- Launceston Industrial Strategy 2009 - 2029
- Parking and Sustainable Transport Strategy
- Launceston Public Spaces and Public Life 2011
- Open Space Strategy 2007
- Launceston Planning Scheme 1996
- Great Launceston Plan
- Launceston Flood Risk Management Deed 2008
- City of Launceston Strategic Plan 2014-2024

BUDGET & FINANCIAL ASPECTS:

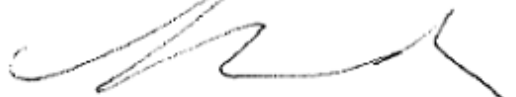
Not considered relevant to this report.

- 8.1 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston...(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.



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Location map (distributed electronically)
 2. Appendix 2 (distributed electronically)
 3. Appendix 3 (distributed electronically)
-

8.2 Launceston Interim Planning Scheme 2015 - Amendment 25 - Rezone Title Volume 114633 Folio 101 to Open Space**FILE NO:** SF6391**AUTHOR:** Julia Allen (Town Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

These amendments seek to correct an anomaly to improve the function of the Launceston Interim Planning Scheme 2015 (the interim scheme).

RECOMMENDATION:**Note:**

Schedule 6 - Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015* - Parts 2A and 3 of the **former provisions** remain in force until a Local Planning Schedule comes into effect for the municipal area.

1. That Council, pursuant to former Section 34(1) of the *Land Use Planning and Approvals Act 1993*, (the Act) initiates Amendment 20 to the Launceston Interim Planning Scheme 2015.
 2. That Officers prepare draft Amendment 25.
 3. That Council, in accordance with Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Director of Development Services its functions under former Section 35(1) of the Act.
 4. That Council, request the Tasmanian Planning Commission to exercise their power to dispense with certain requirements in accordance with former Section 37 of the *Land Use Planning and Approvals Act 1993* to approve Amendment 25.
 5. Where the Tasmanian Planning Commission do not exercise their powers in accordance with former Section 37 of the *Land Use Planning and Approvals Act 1993*, that Council, in accordance with former Section 38(a) of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.
-

REPORT:**1.1 Introduction**

The amendment is to correct a minor misalignment of a zone boundary.

8.2 Launceston Interim Planning Scheme 2015 - Amendment 25 - Rezone Title Volume 114633 Folio 101 to Open Space...(Cont'd)

1.2 Site Context

The site consists of title volume 114633 folio 101, an unaddressed triangular shaped title that forms part of the Manzoney and Bishops Drive Reserves. It is sloping, grassed and sited at the rear of 51 and 53 Viewbank Road. It is a small title with an area of 312m².

The land was created by a subdivision in the mid 1990s followed by the creation of Manzoney Reserve adjoining to the north east being from a subdivision in the early 2000s. The site, including other public open space land was zoned Closed Residential under the Launceston Planning Scheme 1996. The reserve land is now zoned Open Space, however the site was missed when that occurred with the making of the Launceston Interim Planning Scheme 2012 and then Launceston Interim Planning Scheme 2015.

2 Proposed Change

The amendment is to rezone public reserve title Volume 114633 Folio 101 from General Residential to Open Space to reflect its public recreational use and to align its zoning with the remainder of the park land.

3 Strategic Planning

3.1 Act Requirements

There are various sections of the legislation that are required to be considered in the assessment of a planning scheme amendment. These being:

32. Requirements for preparation of amendments

- (1) *A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of Section 20(2A):*
 - (a)
 - (b)
 - (c)
 - (d)
 - (e) *must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
 - (ea) *must not conflict with the requirements of Section 300; and*
 - (f) *must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

In regard to (ea), Section 300 is considered in detail below.

300. Amendments under Divisions 2 and 2A of interim planning schemes

- (1) *An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of Section 20(2A),*

8.2 Launceston Interim Planning Scheme 2015 - Amendment 25 - Rezone Title Volume 114633 Folio 101 to Open Space...(Cont'd)

practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.

- (2) *An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if:*
 - (a) *the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with Section 30EA, or an overriding local provision; and*
 - (b) *the amendment does not revoke or amend an overriding local provision; and*
 - (c) *the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.*
- (3) *Subject to Section 30EA, an amendment may be made to a local provision if:*
 - (a) *the amendment is to the effect that a common provision is not to apply to an area of land; and*
 - (b) *a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.*
- (4) *An amendment may not be made under Division 2 or 2A to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.*
- (5) *Subject to Section 30EA, an amendment of a planning scheme may be made under Division 2 or 2A if the amendment consists of:*
 - (a) *taking an optional common provision out of the scheme; or*
 - (b) *taking the provision out of the scheme and replacing it with another optional common provision.*

No changes to the provisions of the interim scheme are proposed. The proposal is to rezone land only.

And Schedule 1, Part 1 - Objectives of the Resource Management and Planning System of Tasmania:

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

The applicable codes that apply to the land will remain thereby supporting this objective.

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

The amendment supports this objective by locating the land in the most appropriate zone to support the continued use of the land.

8.2 Launceston Interim Planning Scheme 2015 - Amendment 25 - Rezone Title Volume 114633 Folio 101 to Open Space...(Cont'd)

(c) to encourage public involvement in resource management and planning

Whilst not part of the statutory process, Council officers have contacted property owners to seek feedback on the amendment proposed and incorporated changes, where appropriate, to align with property owners comments.

In addition, there are statutory public notification requirements that enable public involvement during the assessment process.

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)

The zone change will readily identify the current use and purpose of the site, and its association with adjoining park land.

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

Property owners and relevant government authorities have been consulted during the preparation of this amendment.

The amendment is to tidy up a translation error to the interim planning scheme. The Tasmanian Planning Commission (TPC) can exercise discretion under Section 37 of *Land Use Planning and Approvals Act 1993* (LUPPA), to approve those amendments where the TPC consider they satisfy that section. By doing so, it enables a more streamlined approval process under the act.

The relevant considerations under that section of the act are:

(a) the draft amendment is for the purpose of:

- (i) the correction of any error in the planning scheme;*
- (ii) the removal of any anomaly in the planning scheme;*
- (iii) clarifying or simplifying the planning scheme*

.....

(vid) enabling an alteration of the zoning of land to which an interim planning scheme applies, or has applied, so that the zoning that applied to the land before the interim planning scheme applied (the former zoning) may become the zoning that most closely corresponds to the former zoning; or

.....

And:

(b) the public interest will not be prejudiced:

8.2 Launceston Interim Planning Scheme 2015 - Amendment 25 - Rezone Title Volume 114633 Folio 101 to Open Space...(Cont'd)

The amendment meets the relevant criteria of Section 37 of the act for the following reasons:

- Correction of a translation error to remove interim scheme inconsistencies;
- Improve interim scheme consistency with the application of the most appropriate zone to strategic land uses;
- The property owner was contacted prior to the preparation of this report. No objections were raised by the proposal.

3.1 State Policies

3.1.1 State policy on the Protection of Agricultural Land 2009

Not applicable for this amendment.

3.1.2 State Coastal Policy 1996

Addressed by parts of the interim scheme which are not be affected by this amendment.

3.1.3 State Policy on Water Quality Management 1997

Addressed by parts of the interim scheme which are not be affected by this amendment.

3.1.4 National Environmental Protection Measures (NEPMs) - Air Toxins

Addressed by parts of the interim scheme which are not be affected by this amendment.

3.1.5 National Environmental Protection Measures (NEPMs) - Ambient Air Quality

Addressed by parts of the interim scheme which are not be affected by this amendment.

3.1.6 National Environmental Protection Measures (NEPMs) - Assessment of Site Contamination

Addressed by parts of the interim scheme which are not be affected by this amendment.

3.1.7 National Environmental Protection Measures (NEPMs) - Diesel Vehicle Emissions

Not applicable for this amendment.

3.1.8 National Environmental Protection Measures (NEPMs) - Movement of Controlled Waste between States and Territories

Not applicable for this amendment.

3.1.9 National Environmental Protection Measures (NEPMs) - National Pollutant Inventory

Not applicable for this amendment.

3.1.10 National Environmental Protection Measures (NEPMs) - Used Packaging Materials

Not applicable for this amendment.

8.2 Launceston Interim Planning Scheme 2015 - Amendment 25 - Rezone Title Volume 114633 Folio 101 to Open Space...(Cont'd)

3.2 Strategies**3.2.1 Northern Regional Land Use Strategy (NRLUS)**

The amendment proposed will reflect the land use to support the orderly development of that land. The amendment is consistent with the regional strategy.

3.2.2 Greater Launceston Plan

The Greater Launceston Plan (GLP) provides a long term strategy to inform a coordinated approach for land use and development of the greater urban area of Launceston. The amendment proposed will reflect the prevailing land use on those properties and will better support the future development of that land. The amendment is consistent with the GLP objectives.

3.2.3 Launceston Open Space Strategy 2007

The strategy provides a guide to future planning, provision, use and development of open space within the Launceston municipality. The site forms part of the Alanvale/Newnham district. The recommendations for that are:

Acquire larger blocks of land where possible, ideally linked to existing POS. Avoid small acquisitions, the preference in these cases would be to take cash in lieu. A smaller block may be considered if it links to existing public open space.

The site is already in public ownership. Whilst it is small, it abuts other larger parcels of existing public open space. In that regard it is consistent with the strategy and recognition of its use for public open space is best served by the Open Space zone.

3.2.4 Launceston Strategic Tourism Plan 2012

Not relevant for this amendment.

3.2.5 Launceston Residential Strategy 2009

Not applicable for this amendment.

3.2.6 Launceston Retail Audit and Activity Centres Strategy 2011

Not applicable to this amendment.

3.2.7 Launceston Industrial Strategy 2009-2029

Not applicable to this amendment.

3.2.8 Parking and Sustainable Transport Strategy

Not applicable to this amendment.

3.2.9 Launceston Public Spaces and Public Life 2011

Not applicable to this amendment.

8.2 Launceston Interim Planning Scheme 2015 - Amendment 25 - Rezone Title Volume 114633 Folio 101 to Open Space...(Cont'd)

3.2.10 Launceston Interim Planning Scheme 2015

The Open Space zone and Rural Resource zone have a completely different focus, evident by the purpose statements for those zones being:

General Residential zone purpose statements:

10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.

10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.

10.1.1.3 Non-residential uses are not to adversely affect residential amenity, through noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.

10.1.1.5 To encourage residential use and development that facilitates solar access, integrated urban landscapes, and utilisation of public transport, walking and cycling networks.

Open Space zone purpose statements

19.1.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

The zones are also very different in terms of permissible uses being:

General Residential Zone	Open Space zone
No permit required	No permit required
Education and occasional care if for home based child care	Natural and cultural values management
Residential is for a single dwelling	Passive recreation
Natural and cultural values management	Permitted
Passive recreation	Not used in this zone
Permitted	Discretionary
Residential if for multiple dwellings	Community meeting and entertainment
Utilities if for minor utilities	Emergency services
Discretionary	Food services
Business and professional services if for medical centre	General retail and hire if for a market
Community meeting and entertainment if not for a cinema or function centre	Pleasure boat facility
Food services if for a café or takeaway food premises	Sports and recreation
General retail and hire if for a local shop	Tourism operation

8.2 Launceston Interim Planning Scheme 2015 - Amendment 25 - Rezone Title Volume 114633 Folio 101 to Open Space...(Cont'd)

Residential	Utilities
Utilities	Prohibited
Visitor accommodation	All other uses
Prohibited	
All other uses	

The General Residential zone provides many standards relating to managing residential amenity. The Open Space zone requires greater separation from boundaries.

The subdivision standards are also quite different, reflective of the different land uses.

Notably passive recreation is a no permit required use in both zones. The key benefit to locating the site in the Open Space zone is that it will recognise its public open space use and associated with adjoining public open space land.

4 Special Considerations

4.1 Heritage

No known heritage values exist on the site.

4.2 Natural Values

The site has no significant natural values.

4.3 Scenic Values

The site has no significant scenic values.

4.4 Landslip

The site is not subject to landslip.

4.5 Contamination

There is no history of potentially contaminating activities on the site or adjacent sites. Therefore potential contamination is unlikely.

4.8 Infrastructure

The site also in effect functions as a drainage reserve since there both sewer and stormwater lines traverse through the northern and western parts of the site.

5 Notification

All property owners were notified of the proposed amendments in the first week of November and were given until the 13 November 2015 to comment. No concerns were raised by the property owners.

6 Conclusion

The proposal is to rezone the land to Rural Resource to reflect current land use and character for the site and area since the subject site is superfluous to the city's open space requirements. The proposal is consistent with relevant act and strategy requirements. Initiation of the amendment proposed is recommended.

8.2 Launceston Interim Planning Scheme 2015 - Amendment 25 - Rezone Title Volume 114633 Folio 101 to Open Space...(Cont'd)

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The amendment proposed has taken into account the relevant economic impacts.

ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The amendment proposed has taken into account the relevant environmental impacts.

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The amendment proposed has taken into account the relevant social impacts.

STRATEGIC DOCUMENT REFERENCE:

- *Land Use and Planning Approvals Act 1993*
 - Launceston Interim Planning Scheme 2015
 - Protection of Agricultural Land Policy 2009
 - State Coastal Policy 1996
 - State Policy on Water Quality Management 1997
 - National Environmental Protection Measures (NEPMs)
 - Launceston Interim Planning Scheme 2012
 - Regional Land Use Strategy of Northern Tasmania 2013
 - North Bank Draft Master Plan
 - North Bank Draft Land Use Study
 - Launceston Strategic Tourism Plan
 - Launceston Retail Audit and Activity Centres Strategy 2011
 - Launceston Industrial Strategy 2009 - 2029
 - Parking and Sustainable Transport Strategy
 - Launceston Public Spaces and Public Life 2011
 - Open Space Strategy 2007
 - Launceston Planning Scheme 1996
 - Great Launceston Plan
 - Launceston Flood Risk Management Deed 2008
-

8.2 Launceston Interim Planning Scheme 2015 - Amendment 25 - Rezone Title Volume 114633 Folio 101 to Open Space...(Cont'd)


BUDGET & FINANCIAL ASPECTS:

Not relevant to 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.



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Location Map (distributed electronically)
 2. Amendment 25 (distributed electronically)
-

8.3 Launceston Interim Planning Scheme 2015 amendment 14 - realign zone boundary 23 Killafaddy Road and 66 - 92 St Leonards Road, St Leonards**FILE NO:** SF6391**AUTHOR:** Julia Allen (Town Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider an amendment to the Launceston Interim Planning Scheme (interim scheme) to correct a translation error to land at 23 Killafaddy Road and 66-92 St Leonards Road, St Leonards.

RECOMMENDATION:**Note:**

Schedule 6 - Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015* - Parts 2A and 3 of the **former provisions** remain in force until a Local Planning Schedule comes into effect for the municipal area.

1. That Council, pursuant to former Section 34(1) of the *Land Use Planning and Approvals Act 1993*, (the Act) initiates Amendment 14 to the Launceston Interim Planning Scheme 2015.
 2. That Officers prepare draft Amendment 14.
 3. That Council, in accordance with Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Director of Development Services its functions under former Section 35(1) of the Act.
 4. That Council, request the Tasmanian Planning Commission to exercise their power to dispense with certain requirements in accordance with former Section 37 of the *Land Use Planning and Approvals Act 1993* to approve Amendment 14.
 5. Where the Tasmanian Planning Commission do not exercise their powers in accordance with former Section 37 of the *Land Use Planning and Approvals Act 1993*, that Council, in accordance with former Section 38(a) of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.
-
-

8.3 Launceston Interim Planning Scheme 2015 amendment 14 - realign zone boundary 23 Killafaddy Road and 66 - 92 St Leonards Road, St Leonards

REPORT:

1.1 Introduction

The proposal is to correct a zone misalignment in the Launceston Interim Planning Scheme 2015 (the interim scheme).

1.2 Site Context

The site covers two properties; 23 Killafaddy Road and 66 - 92 St Leonards Road.

23 Killafaddy Road is a 5.1ha property with frontage to Killafaddy Road. The site contains a complex of buildings. The existing use is for a meatworks. The land is primarily zoned Light Industrial other than a small portion of the site that is zoned Rural Resource. The existing zoning appears to follow an old fence line rather than the title boundary. This is a translation error since under the Launceston Planning Scheme 1996 it was zoned Particular Use 8.1. Under the Light Industrial zone that applies to the land, the use is a non-conforming existing use.

69-92 St Leonards Road is a 12.85hA title adjoining St Leonards Road and North Esk River. It is presently vacant and used for grazing. The site is hilly with an overall downward slope south westwards to meet the North Esk River on its western boundary. The land is primarily zoned Rural Resource other than a small portion of the site that is zoned Light Industrial in the area adjoining 23 Killafaddy Road. This is a translation error since under the Launceston Planning Scheme 1996 it was zoned Rural.

2 Proposed Change

The proposal is to realign the zone boundaries with the title boundaries so that 23 Killafaddy Road is zoned all Light Industrial and 66-91 St Leonards Road is zoned Rural Resource.

3 Strategic Planning

3.1 Act Requirements

There are various sections of the legislation that are required to be considered in the assessment of a planning scheme amendment. These being:

32. Requirements for preparation of amendments

(1) *A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of Section 20(2A):*

- (a)
 - (b)
 - (c)
 - (d)
-

8.3 Launceston Interim Planning Scheme 2015 amendment 14 - realign zone boundary 23 Killafaddy Road and 66 - 92 St Leonards Road, St Leonards

- (e) *must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
- (ea) *must not conflict with the requirements of Section 30O; and*
- (f) *must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

In regard to (ea), Section 30O is considered in detail below.

30O. Amendments under Divisions 2 and 2A of interim planning schemes

- (1) *An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of Section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.*
 - (2) *An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if:*
 - (a) *the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and*
 - (b) *the amendment does not revoke or amend an overriding local provision; and*
 - (c) *the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.*
 - (3) *Subject to Section 30EA, an amendment may be made to a local provision if:*
 - (a) *the amendment is to the effect that a common provision is not to apply to an area of land; and*
 - (b) *a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.*
 - (4) *An amendment may not be made under Division 2 or 2A to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.*
 - (5) *Subject to section 30EA, an amendment of a planning scheme may be made under Division 2 or 2A if the amendment consists of:*
 - (a) *taking an optional common provision out of the scheme; or*
 - (b) *taking the provision out of the scheme and replacing it with another optional common provision.*
-

8.3 Launceston Interim Planning Scheme 2015 amendment 14 - realign zone boundary 23 Killafaddy Road and 66 - 92 St Leonards Road, St Leonards

The proposed amendment is to correct a zone anomaly. No changes to provisions of the interim scheme are proposed.

And *Schedule 1, Part 1 - Objectives of the Resource Management and Planning System of Tasmania*:

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

The amendment supports this objective by correcting an error to improve the functioning of the interim scheme to achieve this objective.

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

The amendment supports this objective by correcting an error to improve the functioning of the interim scheme to achieve this objective.

- (c) *to encourage public involvement in resource management and planning*

Whilst not part of the statutory process, Council officers have contacted property owners to seek feedback on the amendment proposed and incorporated changes, where appropriate, to align with property owners comments.

In addition, there are statutory public notification requirements that enable public involvement during the assessment process.

- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)*

Removing interim scheme inconsistencies and errors and aligning zones with the intended and future use of land supports the appropriate economic development.

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

Property owners and relevant government authorities have been consulted during the preparation of this amendment.

The amendment is to tidy up a zone boundary anomaly to the interim planning scheme. The Tasmanian Planning Commission (TPC) can exercise discretion under Section 37 of the *Land Use Planning and Approvals Act 1993*, to approve those amendments where the

8.3 Launceston Interim Planning Scheme 2015 amendment 14 - realign zone boundary 23 Killafaddy Road and 66 - 92 St Leonards Road, St Leonards

TPC consider they satisfy that section. By doing so, it enables a more streamlined approval process under the Act.

The relevant considerations under that section of the Act are:

- (a) *the draft amendment is for the purpose of:*
- (i) *the correction of any error in the planning scheme;*
 - (ii) *the removal of any anomaly in the planning scheme;*
 - (iii) *clarifying or simplifying the planning scheme*
-
- (vid) enabling an alteration of the zoning of land to which an interim planning scheme applies, or has applied, so that the zoning that applied to the land before the interim planning scheme applied (the former zoning) may become the zoning that most closely corresponds to the former zoning; or*
-
- And:
- (b) *the public interest will not be prejudiced:*

The amendment meets the relevant criteria of Section 37 of the Act for the following reasons:

- Correction of a zone alignment issue to remove an interim scheme inconsistency;
- Improve interim scheme function with the application of only the most appropriate zone to apply to the land; and
- All property owners have been contacted prior to the preparation of this report. There were no concerns raised by the amendment proposed.

3.1 State Policies

3.1.1 State policy on the Protection of Agricultural Land 2009

The amendment will contain rural resource zoned land to the title boundary. The land has not been classified on The List, probably due to its urban location and that the rural zone is most likely applied not for its agricultural attributes but to limit development of the land due to the site's constraints. The land is not prime agricultural land and given the topography, would likely be within a class 4 to 5 like nearby agricultural land.

The proposal consolidates rural land within the title boundaries. This simplifies the planning process and provides certainty for land owners on what is permissible for use and development.

3.1.2 State Coastal Policy 1996

Addressed by parts of the interim scheme which are not be affected by this amendment.

3.1.3 State Policy on Water Quality Management 1997

Addressed by parts of the interim scheme which are not be affected by this amendment.

8.3 Launceston Interim Planning Scheme 2015 amendment 14 - realign zone boundary 23 Killafaddy Road and 66 - 92 St Leonards Road, St Leonards

3.1.4 National Environmental Protection Measures (NEPMs) - Air Toxins

Addressed by parts of the interim scheme which are not be affected by this amendment.

3.1.5 National Environmental Protection Measures (NEPMs) - Ambient Air Quality

Addressed by parts of the interim scheme which are not be affected by this amendment.

3.1.6 National Environmental Protection Measures (NEPMs) - Assessment of Site Contamination

The Potentially Contaminated Land Code addresses land contamination issues. No modification to that code is proposed.

3.1.7 National Environmental Protection Measures (NEPMs) - Diesel Vehicle Emissions

Not applicable for this amendment.

3.1.8 National Environmental Protection Measures (NEPMs) - Movement of Controlled Waste between States and Territories

Not applicable for this amendment.

3.1.9 National Environmental Protection Measures (NEPMs) - National Pollutant Inventory

Not applicable for this amendment.

3.1.10 National Environmental Protection Measures (NEPMs) - Used Packaging Materials

Not applicable for this amendment.

3.2 Strategies

3.2.1 Northern Regional Land Use Strategy (NRLUS)

The amendment proposed will reflect the prevailing or intended land use on those properties to support the orderly development of that land. The amendment is consistent with the regional strategy.

3.2.2 Greater Launceston Plan

The Greater Launceston Plan (GLP) provides a long term strategy to inform a coordinated approach for land use and development the greater urban area of Launceston. The amendments proposed will reflect the prevailing or intended land use on those properties and orderly development of that land. The amendment is consistent with the GLP objectives.

3.2.3 Launceston Open Space Strategy 2007

Not applicable for this amendment.

8.3 Launceston Interim Planning Scheme 2015 amendment 14 - realign zone boundary 23 Killafaddy Road and 66 - 92 St Leonards Road, St Leonards

3.2.4 Launceston Residential Strategy 2009

Not applicable for this amendment.

3.2.5 Launceston Industrial Strategy 2009 - 2029

The strategy provides a review of Launceston's industrial supply and needs over the next couple of decades. The strategy indicates that the land supply is sufficient to meet demand for medium to long term.

The key relevant policy objectives are:

Industrial Policy 1

Council will encourage industrial development on established, high quality, serviced, vacant industrial sites by prioritising such sites for appropriate new development in the short to mid-term.

Industrial Policy 4

Council will encourage the redevelopment of established, high quality, serviced, brownfield site by prioritising such sites for appropriate new development in the short-term, mid-term and long-term.

The proposed amendment is in effect a zone swap to contain zones within existing titles. It will not increase the available light industrial land supply but will allow for further development or redevelopment of existing industrial land without the complication of dealing with split zonings.

3.2.6 Parking and Sustainable Transport Strategy

Enacted through the application of the Parking and Sustainable Transport code in the interim scheme. No changes are proposed to that code.

3.2.7 Launceston Public Spaces and Public Life 2011

Not relevant for this amendment.

3.2.8 Launceston Retail Audit and Activity Centres Strategy 2011

The site is located outside of the main activity centres. Public sales direct from the abattoir do occur however this is ancillary to the main operation. No conflict is anticipated by the amendment proposal.

3.2.9 Tourism Strategy Plan 2012

Not relevant for this amendment.

3.2.10 Launceston Interim Planning Scheme 2015

The Light Industrial zone and Rural Resource zone have a different focus evident by the zone purpose statements, which are:

8.3 Launceston Interim Planning Scheme 2015 amendment 14 - realign zone boundary 23 Killafaddy Road and 66 - 92 St Leonards Road, St Leonards

Rural Resource zone purpose statements

26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.

26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.

26.1.1.3 To provide for uses that add value to primary industries.

26.1.1.4 To provide for uses that support or service rural communities.

Light Industrial zone purpose statements

24.1.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimize conflict or impact on the amenity of any other uses.

24.1.1.2 To provide for uses that are complementary to and compatible with the above purpose.

Whilst there is a broad overlap of permissible uses within each zone, there are some differences, these being:

Rural Resource zone	Light Industrial zone
No permit required	No permit required
Natural and cultural values management	Natural and cultural values management
Passive recreation	Passive recreation
Resource development if not for: (a) plantation forestry on prime agricultural land; (b) controlled environment agriculture on prime agricultural land, unless dependant on the soil as a growth medium; (c) intensive animal husbandry on prime agricultural land; or (d) a dwelling.	Permitted
Utilities if for existing uses: (a) the gross floor area existing at the effective date does not increase by more than 30%; and (b) the development area existing at the effective date does not increase by more than 30% and (c) not located on prime agricultural land.	Equipment and machinery sales and hire
Permitted	Research and development
Business and professional services if for a veterinary clinic or similar specialist animal breeding or care services and not on prime agricultural land.	Service industry

8.3 Launceston Interim Planning Scheme 2015 amendment 14 - realign zone boundary 23 Killafaddy Road and 66 - 92 St Leonards Road, St Leonards

Community meeting and entertainment if for existing premises used for public purposes.	Storage
Crematoria and cemeteries if for crematoria and not on prime agricultural land.	Transport depot and distribution
Domestic animal breeding, boarding or training if not on prime agricultural land	Utilities if for minor utilities
Extractive industries if not on prime agricultural land	Discretionary
Food services if for existing uses: (a) the gross floor area existing at the effective date does not increase by more than 30% and (b) the development area existing at the effective date does not increase by more than 30%.	Bulky goods if for garden or landscape or hardware supplies
Hotel industry if for existing uses: (a) the gross floor area existing at the effective date does not increase by more than 30% and (b) the development area existing at the effective date does not increase by more than 30%.	Community meeting and entertainment
Residential if for existing uses or if for home-based business in an existing dwelling.	Crematoria and cemeteries
Resource development if not for: (a) plantation forestry on prime agricultural land; or (b) controlled environment agriculture on prime agricultural land; or (c) intensive animal husbandry on prime agricultural land.	Domestic animal breeding, boarding or training
Resource processing if associated with produce from the subject site and not on prime agricultural land	Emergency services
Sports and recreation if for existing uses (a) the gross floor area existing at the effective date does not increase by more than 30% and (b) the development area existing at the effective date does not increase by more than 30%.	Food services if not for a restaurant
Discretionary	Manufacturing and processing
Bulky goods sales if for rural supplies,	Recycling and waste disposal if not for a

8.3 Launceston Interim Planning Scheme 2015 amendment 14 - realign zone boundary 23 Killafaddy Road and 66 - 92 St Leonards Road, St Leonards

landscape supplies and timber yard.	refuse disposal site
Business and professional services if for a combined gross floor area of not more than 250m ²	Resource processing if not for animal saleyards or abattoir
Community meeting and entertainment	Sport and recreation
Domestic animal breeding, boarding or training	Utilities
Education and occasional care	Vehicle fuel sales and service
Emergency services	Vehicle parking
Equipment and machinery sales and hire	Prohibited
Extractive industries	All other uses
Food services	
General retail and hire if for a combined gross floor area of no more than 250m ²	
Hotel industry	
Manufacturing and processing	
Motor racing facility	
Recycling and waste disposal	
Residential if for a single dwelling	
Research and development if associated with a resource development	
Resource development if not for plantation forestry on prime agricultural land	
Resource processing	
Service industry	
Sports and recreation	
Tourist operation	
Utilities	
Vehicle fuel sales and service	
Visitor accommodation	
Prohibited	
All other uses	

Other key differences include the treatment of sensitive uses, setbacks and minimum lot size for subdivision. These differences largely reflect the typical locational characteristics of the land and prevailing uses for the zone.

4 Special Considerations

4.1 Heritage

The sites affected by this amendment are not heritage listed.

4.2 Natural Values

8.3 Launceston Interim Planning Scheme 2015 amendment 14 - realign zone boundary 23 Killafaddy Road and 66 - 92 St Leonards Road, St Leonards

The sites have no known significant natural values although limited remnant native vegetation exists along the river line on 66-92 St Leonards Road.

4.3 Scenic Values

The lower western half of 66-92 St Leonards Road that forms the North Esk Flood plain is also considered to have significant scenic values.

4.4 Other Constraints

The lower western portion of 66-92 St Leonards Road where it adjoins the North Esk River is prone to flooding. The flood prone area is evident by the lay of the land.

4.5 Landslip

The sites are not subject to landslip.

4.7 Contamination

There is potential contamination on the site from the present meat works use. Potential contamination issues are considered under the Potentially Contaminated Land Code in the interim scheme. This amendment does not change the application of that code therefore this issue will be addressed at the time an application is lodged for an applicable change of use or development.

4.8 Infrastructure

The sites are both located within a fully serviced district.

66-92 St Leonards Road has a transmission easement through the middle of the property and running approximately in north to north west alignment. There is also a sewer line along the lower western section of the property.

The transmission easement affects only south eastern corner of 23 Killafaddy Road.

5 Notification

All property owners were notified of the proposed amendments in the first week of November and were given until the 13 November 2015 to comment. No concerns were raised by the property owners.

8.3 Launceston Interim Planning Scheme 2015 amendment 14 - realign zone boundary 23 Killafaddy Road and 66 - 92 St Leonards Road, St Leonards

6 Conclusion

The proposal will fix a zone boundary anomaly to improve the function and operation of the interim scheme. The amendment is consistent with the relevant act, strategies and interim scheme objectives. Initiation is recommended.

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The amendment proposed has taken into account the relevant economic impacts.

ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The amendment proposed allows for relevant environmental impacts to be taken into account to facilitate the management of natural and landscape values and amenity for sensitive uses.

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The amendment proposed has taken into account the relevant social impacts.

STRATEGIC DOCUMENT REFERENCE:

- *Land Use and Planning Approvals Act 1993*
 - Launceston Interim Planning Scheme 2015
 - Protection of Agricultural Land Policy 2009
 - State Coastal Policy 1996
 - State Policy on Water Quality Management 1997
 - National Environmental Protection Measures (NEPMs)
 - Launceston Interim Planning Scheme 2012
 - Regional Land Use Strategy of Northern Tasmania 2013
 - North Bank Draft Master Plan
 - North Bank Draft Land Use Study
 - Launceston Strategic Tourism Plan
 - Open Space Strategy 2007
 - Launceston Planning Scheme 1996
 - Great Launceston Plan
 - Launceston Flood Risk Management Deed 2008
-

8.3 Launceston Interim Planning Scheme 2015 amendment 14 - realign zone boundary 23 Killafaddy Road and 66 - 92 St Leonards Road, St Leonards

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to 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.



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Location Map (distributed electronically)
 2. Amendment 14 (distributed electronically)
-

8.4 Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards

FILE NO: SF6391

AUTHOR: Julia Allen (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider and decide whether to initiate the following amendments to the Launceston Interim Planning Scheme 2015:

- Amendment 12 - 35B Castlemain Road, Ravenswood rezone to Utilities.
- Amendment 19 - 366 Russells Plains Road, Rocherlea - rezone to Utilities zone.
- Amendment 21 - 40635 Tasman Highway, St Leonards - rezone to Utilities zone.

RECOMMENDATION:

Note:

Schedule 6 - Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015* - Parts 2A and 3 of the **former provisions** remain in force until a Local Planning Schedule comes into effect for the municipal area.

1. That Council, pursuant to former Section 34(1) of the *Land Use Planning and Approvals Act 1993* (the Act) initiates Amendments 12, 19 and 21 to the Launceston Interim Planning Scheme 2015 to enable rezoning and text amendments, as described in Appendix 2. (ECM Document Number 3659348).
 2. That Officers prepare draft Amendments 12, 19 and 21.
 3. That Council, in accordance with Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Director of Development Services its functions under former Section 35(1) of the Act.
 4. That Council, request the Tasmanian Planning Commission to exercise their power to dispense with certain requirements in accordance with former Section 37 of the *Land Use Planning and Approvals Act 1993* to approve Amendments 12, 19 and 21.
 5. Where the Tasmanian Planning Commission do not exercise their powers in accordance with former Section 37 of the *Land Use Planning and Approvals Act 1993*, that Council, in accordance with former Section 38(a) of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.
-
-

8.4 Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards...(Cont'd)

REPORT:

1.1 Introduction

These amendments seek to improve the function and consistency of the Launceston Interim Planning Scheme 2015 (the interim scheme) by location land in the most appropriate zone for the use of that land.

1.2 Site Context

35B Castlemain Road, Ravenswood

35B Castlemain Road is an 8149m² title with a right of way over adjacent land to a public reserve off Castlemain Road and Dromana Court. The site contains a TasWater reservoir.

The land is surrounded by 49 Castlemain Road, a rural property containing a dwelling and sheds. The land is largely covered in native vegetation.

Further west is the suburb of Ravenswood.

The site is zoned Rural Resource, as is surrounding land.

366 Russells Plains Road, Rocherlea

366 Russells Plains Road is a 1459m² title that is the site of a Telstra telecommunications tower constructed about 1993. Access to the site is gained via Russells Plains Road and private property.

The land is surrounded by native vegetation.

The property is zoned Rural Resource. Adjoining land is zoned Utilities and is associated with the Launceston tip.

40635 Tasman Highway, St Leonards

40635 Tasman highway, is a 1600m² title that is the site for telecommunications towers on Abels Hill. It is one of two main sites located on Abels Hill that contains telecommunications infrastructure for Transend Networks.

Surrounding land is grazing land.

The property is zoned Rural Resource. Surrounding land is also zoned Rural Resource.

2 Amendments

2.1 Proposed Changes

Amendment 12: 35B Castlemain Road, Ravenswood - rezone to the Utilities zone to reflect the site's specific use for a reservoir.

8.4 Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards...(Cont'd)

Amendment 19: 366 Russells Plains Road, Rocherlea - rezone to Utilities to reflect the sites specific use for telecommunications.

Amendment 21: 40635 Tasman Highway - rezone to Utilities to reflect the sites specific use for telecommunications.

The zoning convention used for major utilities is to zone them Utilities in the interim scheme. To be consistent with this approach, these sites that are dedicated for a utilities use is recommended to be incorporated within the most appropriate zone which is the Utilities zone.

3 Strategic Planning

3.1 Act Requirements

There are various sections of the legislation that are required to be considered in the assessment of a planning scheme amendment. These being:

32. Requirements for preparation of amendments

(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of Section 20(2A):

(a)

(b)

(c)

(d)

(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and

(ea) must not conflict with the requirements of Section 300; and

(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

In regard to (ea), Section 300 is considered in detail below.

300. Amendments under Divisions 2 and 2A of interim planning schemes

(1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of Section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.

8.4 Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards...(Cont'd)

- (2) *An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if:*
 - (a) *the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with Section 30EA, or an overriding local provision; and*
 - (b) *the amendment does not revoke or amend an overriding local provision; and*
 - (c) *the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.*
- (3) *Subject to section 30EA, an amendment may be made to a local provision if:*
 - (a) *the amendment is to the effect that a common provision is not to apply to an area of land; and*
 - (b) *a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.*
- (4) *An amendment may not be made under Division 2 or 2A to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.*
- (5) *Subject to Section 30EA, an amendment of a planning scheme may be made under Division 2 or 2A if the amendment consists of:*
 - (a) *taking an optional common provision out of the scheme; or*
 - (b) *taking the provision out of the scheme and replacing it with another optional common provision.*

The proposed amendments are to improve the consistency of the interim planning scheme.

And Schedule 1, Part 1 - Objectives of the Resource Management and Planning System of Tasmania:

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

The amendments support this objective by correcting anomalies to improve the consistency and functioning of the interim scheme to achieve this objective.

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

The amendments support this objective by correcting errors, omissions and anomalies to enable fair and orderly development to occur.

8.4 Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards...(Cont'd)

Major utilities investment represents a significant capital investment for an asset that typically has a long operational lifespan. Utilising the correct zone, recognises that use and investment and supports long term planning and management of that asset.

(c) to encourage public involvement in resource management and planning

Whilst not part of the statutory process, Council officers have contacted all property owners to seek feedback on the amendments proposed. No objections were raised by the amendments proposed.

In addition, there is a statutory public notification period which enables public involvement during the process.

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)

Removing interim scheme zoning inconsistencies with intended and future use of land supports appropriate economic development.

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

Property owners, TasWater, Environmental Protection Authority, and Tasmanian Planning Commission have been consulted during the preparation of these amendments.

The proposed amendments concern correction of anomalies and improving the consistency of the interim planning scheme. The Tasmanian Planning Commission (TPC) is able to exercise their discretion under Section 37 of *Land Use Planning and Approvals Act 1993* (LUPPA), to approve those amendments where the TPC consider they satisfy that section of the act. By doing so, it enables a more streamlined approval process under the act.

The relevant considerations under that section of the Act are:

(a) the draft amendment is for the purpose of:

- (i) the correction of any error in the planning scheme;*
- (ii) the removal of any anomaly in the planning scheme;*
- (iii) clarifying or simplifying the planning scheme*

.....

(vid) enabling an alteration of the zoning of land to which an interim planning scheme applies, or has applied, so that the zoning that applied to the land before the interim planning scheme applied (the former zoning) may become the zoning that most closely corresponds to the former zoning; or

8.4 Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards...(Cont'd)

.....
And:

(b) the public interest will not be prejudiced –

The amendments proposed to meet the relevant criteria of Section 37 of the Act, for the following reasons:

- The zoning convention used for major utilities sites around the municipality is to use the Utilities zone to recognise that use. Rezoning those properties aligns with that zoning convention;
- The uses of those lands for utilities infrastructure has occurred for years and will remain so. The zone change will recognise those long standing utilities assets;
- Major utilities represent a significant capital investment for the utility provider. They provide key services for the benefit of the community. Their location is usually restricted due to essential operational requirements to be able to provide the services offered. The Utilities zone will provide greater certainty for Utility providers, since the zone is designed specifically cater for their uses;
- The Utilities zone identifies helps to identify key utility sites, which may not be apparent from a ground inspection. Their identification on the zone maps in the interim scheme assists developers, owners and planning officers towards more appropriate development choices of adjacent and nearby sites.
- The owners of the properties were notified and there were no concerns raised by the zone change.

3.1 State Policies

3.1.1 State policy on the Protection of Agricultural Land 2009

The properties are not located on prime agricultural land. 35B Castlemain Road is located on class 6 land; that is marginally suitable for grazing due to severe limitations. 366 Russells Plains Road has not been classified on The List since it is surrounded by the Launceston tip land and the land associated with the site is too small to conduct a viable primary industry operation. 40635 Tasman Highway is located on class 5 land; land unsuited to cropping and with slight to moderate limitations for pastoral use.

Those sites are already removed from agricultural use and a change to a more suitable zone will better reflect existing uses of those lands without conflicting with the state policy.

3.1.2 State Coastal Policy 1996

Not applicable to these amendments.

3.1.3 State Policy on Water Quality Management 1997

Addressed by parts of the interim scheme which are not be affected by these amendments.

8.4 Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards...(Cont'd)

3.1.4 National Environmental Protection Measures (NEPMs) - Air Toxins

Addressed by parts of the interim scheme which are not be affected by these amendments.

3.1.5 National Environmental Protection Measures (NEPMs) - Ambient Air Quality

Addressed by parts of the interim scheme which are not be affected by these amendments.

3.1.6 National Environmental Protection Measures (NEPMs) - Assessment of Site Contamination

The Potentially Contaminated Land Code addresses land contamination issues. No modification to that code is proposed.

3.1.7 National Environmental Protection Measures (NEPMs) - Diesel Vehicle Emissions

Not applicable for these amendments.

3.1.8 National Environmental Protection Measures (NEPMs) - Movement of Controlled Waste between States and Territories

Not applicable for these amendments.

3.1.9 National Environmental Protection Measures (NEPMs) - National Pollutant Inventory

Not applicable for these amendments.

3.1.10 National Environmental Protection Measures (NEPMs) - Used Packaging Materials

Not applicable for these amendments.

3.2 Strategies

3.2.1 Northern Regional Land Use Strategy (NRLUS)

The zone amendments proposed will reflect the prevailing or intended land use on those properties to support the orderly development of that land.

3.2.2 Greater Launceston Plan

The Greater Launceston Plan (GLP) provides a long term strategy to inform a coordinated approach for land use and development the greater urban area of Launceston. The amendments proposed will reflect the prevailing or intended land use on those properties and orderly development of that land.

3.2.3 Launceston Open Space Strategy 2007

Not applicable.

8.4 Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards...(Cont'd)

3.2.4 Launceston Interim Planning Scheme 2015

For Amendments 12, 19, and 21 involves rezoning existing telecommunications and water infrastructure from Rural Resource to Utilities to acknowledge the primary and strategically important use of that land.

The two zones have a significantly different focus, reflected by their zone purposes being:
Rural Resource zone purpose statements

26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.

26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.

26.1.1.3 To provide for uses that adds value to primary industries.

26.1.1.4 To provide for uses that support or service rural communities.

And the Utilities zone purpose statements

28.1.1.1 To provide land for major utilities installations and corridors.

28.1.1.2 To provide for other compatible uses where they do not adversely impact on the above purpose.

And by the permissible uses:

Rural Resource Zone	Utilities Zone
No permit required	No permit required
Passive recreation	Natural and cultural values management
Natural and cultural values management	Passive recreation
Resource development if it is not for: (a) plantation forestry on prime agricultural land; (b) controlled environment agriculture on prime agricultural land, unless dependant on the soil as a growth medium; (c) intensive animal husbandry on prime agricultural land; or (d) a dwelling	Utilities if for minor utilities
Utilities if for existing uses: (a) the gross floor area existing at the effective date does not increase by more than 30%; and (b) the development area existing at the effective date does not increase by more than 30%; and (c) no located on prime agricultural land.	Permitted

8.4 Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards...(Cont'd)

Permitted	Recycling and waste disposal
Business and professional services if for a veterinary centre or specialist animal breeding or car services and not on prime agricultural land.	Transport depot and distribution if for a bus terminal or taxi depot or stand, railway station or airport
Community meeting and entertainment if for existing premises used for public purposes.	Utilities
Domestic animal breeding, boarding or training if not on prime agricultural land.	Discretionary
Extractive industries if not on prime agricultural land.	Extractive industries
Food services if for existing uses: (a) the gross floor area existing at the effective date does not increase by more than 30%; and (b) the development area existing at the effective date does not increase by more than 30%.	Sports and recreation
Hotel industry if for existing uses: (a) the gross floor area existing at the effective date does not increase by more than 30%; and (b) the development area existing at the effective date does not increase by more than 30%.	Vehicle parking
Residential if for existing uses or if for a home-based business in an existing dwelling.	Prohibited
Resource development if not for: (a) plantation forestry on prime agricultural land; or (b) controlled environment agricultural on prime agricultural land; or (c) intensive animal husbandry on prime agricultural land.	All other uses
Resource processing if associated with produce from the subject site and not on prime agricultural land.	
Sports and recreation if for existing uses: (a) the gross floor area existing at the effective date does not increase by more than 30%; and (b) the development area existing at the effective date does not increase by more than 30%.	

8.4 Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards...(Cont'd)

Visitor accommodation if for existing uses: (a) the gross floor area existing at the effective date does not increase by more than 30%; and (b) the development area existing at the effective date does not increase by more than 30%.	
Discretionary	
Bulky goods sales if for rural supplies, landscape supplies and timber yard.	
Business and professional services if for a combined floor area of no more than 250m ² .	
Community meeting and entertainment	
Domestic animal breeding, boarding or training	
Education and occasional care	
Equipment and machinery sales and hire	
Food services	
General retail and hire	
Hotel industry	
Manufacturing and processing	
Motor racing facility	
Recycling and waste disposal	
Residential if for a single dwelling	
Research and development if associated with resource development	
Resource development if not for plantation forestry on prime agricultural land	
Resource processing	
Service industry	
Sports and recreation	
Tourist operation	
Transport depot	
Utilities	
Vehicle fuels sales and service	
Visitor accommodation	
Prohibited	
All other uses	

The Utilities zone largely restricts uses to utilities related uses only thereby providing certainty for utilities uses by providing utilities uses with a no permit required and permitted use pathway compared to the Rural Resource zone, thereby streamlining the process for those uses.

8.4 Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards...(Cont'd)

By contrast, it is a discretionary use in the Rural Resource zone unless the qualifications can be met. The Rural Resource zone permits many more uses associated with or supporting primary industries.

The use standards are reflective of those different purposes. And the development standards are also different with the Utilities zone only containing standards for height, setbacks and subdivision.

The benefit of locating those utilities sites within the Utilities zone are:

- Interim planning scheme zone consistency; and
- Recognition of primary strategic use that is easily identifiable on the zone maps;
- Supporting those utility uses by application of the appropriate zone which streamlines the permit process for development of that land for that purpose.

4 Special Considerations

4.1 Infrastructure

35B Castlemain Road - the site contains a water reservoir.

366 Russells Plains Road - the site is not serviced nor is it required for the use.

40635 Tasman Highway - the site is not serviced nor is it required for the use.

4.2 Natural Values

35B Castlemain Road - there are no threatened species or communities known to exist on the site.

366 Russells Plains Road - there are not threatened species or communities known to exist on the site.

40635 Tasman Highway - there are not threatened species or communities known to exist on the site.

4.3 Landslip

35B Castlemain Road - the site is not located within an active landslip area.

366 Russells Plains Road - the site is not located within an active landslip area.

40635 Tasman Highway - the site is not located within an active landslip area.

4.4 Scenic Values

35B Castlemain Road - there are no significant scenic values.

366 Russells Plains Road - there are no significant scenic values.

8.4 Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards...(Cont'd)

40635 Tasman Highway - the site is located on Abels Hill where other telecommunications infrastructure is located. The hillside forms the backdrop for the St Leonards and contributes to the scenic qualities of that area. The site is subject to the Scenic Management code provisions for the Eastern Hillsides Precinct under the interim scheme.

4.5 Heritage Values

35B Castlemain Road - no known heritage values exist on the land.

366 Russells Plains Road - no known heritage values exist on the land.

40635 Tasman Highway - no known heritage values exist on the land.

4.6 Other values

366 Russells Plains Road - the site is located within the attenuation area for the Launceston refuse site and adjacent quarry however the telecommunications use exists with no known conflict having occurred with those adjacent uses.

5 Notification

All property owners were notified of the proposed amendments in the first week of November and were given until the 13 November 2015 to comment. No concerns were raised by the proposed amendments.

6 Conclusion

Rezoning 35B Castlemain Road, 366 Russells Plains Road and 40635 Tasman Highway to Utilities zone will:

- reflect the existing use of that land for utilities infrastructure,
- recognise their strategic importance for the delivery of those services,
- improve the consistency and function of the interim scheme; and
- provides greater certainty for development of that land for utilities infrastructure.

The proposal is considered to be consistent with the Act's objectives, relevant state policies and strategies and interim scheme requirements and therefore initiation of the amendments is recommended.

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. Incorporating the amendments proposed will reflect prior decisions that will facilitate the development of those lots for tourism, business and residential development. Employment opportunities will follow in the construction phase as well as on-going long term employment for those sectors.

8.4 Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards...(Cont'd)

The amendments proposed provide opportunities for those sites that optimise development opportunities for those sites. Those changes will facilitate the development of uses that will have a positive impact by improving the clarity of the interim scheme to residents and businesses of the opportunities that exist for their land.

ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The zoning amendments proposed have taken into account the underlying environmental values and will facilitate the management of natural and landscape values on the land.

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The amendments have been assessed against those provisions and as such social impacts have been considered. The zone change will provide greater certainty to Utility providers and a more streamlined permit process that will support improvements to services for the benefit of the community.

STRATEGIC DOCUMENT REFERENCE:

- *Land Use and Planning Approvals Act 1993*
 - Launceston Interim Planning Scheme 2015
 - Protection of Agricultural Land Policy 2009
 - State Coastal Policy 1996
 - State Policy on Water Quality Management 1997
 - National Environmental Protection Measures (NEPMs)
 - Launceston Interim Planning Scheme 2012
 - Regional Land Use Strategy of Northern Tasmania 2013
 - North Bank Draft Master Plan
 - North Bank Draft Land Use Study
 - Launceston Strategic Tourism Plan and
 - Open Space Strategy 2007
 - Launceston Planning Scheme 1996
 - Great Launceston Plan
 - Launceston Flood Risk Management Deed 2008
-

- 8.4 Amendments 12, 19 and 21 - Rezone to Utilities zone - 35B Castlemain Road, Ravenswood, 366 Russells Plains Road, Rocherlea and 40635 Tasman Highway, St Leonards...(Cont'd)**
-

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to 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.



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Location Maps (distributed electronically)
 2. Amendments 12, 19 and 21 (distributed electronically)
-

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings**FILE NO:** DA0072/2016**AUTHOR:** Jacqui Tyson (Town 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:	MZSR Developments
Property:	5 Legges Crescent, Prospect
Zoning:	General Residential
Receipt Date:	22/02/2016
Validity Date:	23/02/2016
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	11/04/2016
Representations:	5

RECOMMENDATION:

That in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted, for DA0072/2016 Residential - multiple dwellings; construction and use of two dwellings at 5 Legges Crescent, Prospect subject to the following conditions:

1. ENDORSED PLANS

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

- a. Site plan, Prepared by Urban Design Solutions, Drawing No. 6106, Proposed unit development - 5 Legges Crescent, Prospect, Sheet 03 of 29, Dated 26 February 2016.
 - b. Planning compliance, Prepared by Urban Design Solutions, Drawing No. 6106, Proposed unit development - 5 Legges Crescent, Prospect, Sheet 04 of 29, Dated 26 February 2016.
 - c. Unit 1 floor plan, Prepared by Urban Design Solutions, Drawing No. 6106, Proposed unit development - 5 Legges Crescent, Prospect, Sheet 07 of 29, Dated 26 February 2016.
-

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

- d. Unit 1 North and East elevations, Prepared by Urban Design Solutions, Drawing No. 6106, Proposed unit development - 5 Legges Crescent, Prospect, Sheet 08 of 29, Dated 26 February 2016.
- e. Unit 1 South and West elevations, Prepared by Urban Design Solutions, Drawing No. 6106, Proposed unit development - 5 Legges Crescent, Prospect, Sheet 09 of 29, Dated 26 February 2016.
- f. Unit 2 floor plan, Prepared by Urban Design Solutions, Drawing No. 6106, Proposed unit development - 5 Legges Crescent, Prospect, Sheet 17 of 29, Dated 26 February 2016.
- g. Unit 2 North and East elevations, Prepared by Urban Design Solutions, Drawing No. 6106, Proposed unit development - 5 Legges Crescent, Prospect, Sheet 18 of 29, Dated 26 February 2016.
- h. Unit 1 South and West elevations, Prepared by Urban Design Solutions, Drawing No. 6106, Proposed unit development - 5 Legges Crescent, Prospect, Sheet 19 of 29, Dated 26 February 2016.

2. LEGAL TITLE

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

3. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 5.00pm Saturday and no works on Sunday or Public Holidays.

4. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2016/00218-LCC) (attached).

5. SITE LANDSCAPING

The landscaping must be:

- a. Installed in accordance with the endorsed plan; and
- b. Completed prior to the issue of the strata title; and
- c. Maintained as part of the development. It must not be removed, destroyed or lopped without the written consent of the Council.

6. FENCING

Prior to the commencement of the use, all side and rear boundaries must be provided with a solid (i.e. no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed at the developer's cost and to a height of at least:

- a. 1.2m within 4.5m of the frontage; and
 - b. 1.8m elsewhere when measured from the highest finished level on either side of the common boundaries.
-

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

7. DRIVEWAY CONSTRUCTION

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

- a) Be properly constructed to such levels that they can be used in accordance with the plans,
- b) Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers,
- c) Be drained to the existing internal drainage system for the property,
- d) Be line-marked or otherwise delineated to indicate each car space and access lanes,

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

8. 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.

9. VEHICULAR CROSSINGS - WIDENING OF EXISTING CROSSING

No new vehicular crossing shall be installed, or any existing crossing removed or altered (including but not limited to the alteration of the kerb and channel or the placement of additional concrete segments against the existing apron) without the prior approval of the Council's Roads and Hydraulics Department. An application for such work must be lodged electronically via the Council's eServices web portal or on the approved hard copy form.

The existing transition wing of the kerb layback is to be removed and the layback width increased to 4500mm and a new wing installed. The existing driveway apron can be retained provided that the new section apron is dowelled into the existing slab to prevent differential settlement.

All new works must be constructed to Council and include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra, and TasNetworks etc). The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense.

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

10. AMENITY

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

11. NO BURNING OF WASTE

No burning of any waste materials generated by the construction process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (e.g. Launceston Waste Centre).

Notes**A. 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.

B. Occupancy Permit Required

Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2000, Section 93. A copy of this planning permit should be given to your Building Surveyor.

C. Plumbing Permit Required

Prior to the commencement of any construction the applicant is required to attain a Plumbing 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.

D. General

This permit was issued based on the proposal documents submitted for DA0072/2016. 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.*
-

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

- 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 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.

E. Restrictive Covenants

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

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

F. Appeal Provisions

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

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

For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au<<http://www.rmpat.tas.gov.au>>

G. Strata Title Approval

The proposal may be Strata titled. If this is to be staged the Strata plan must be accompanied by a Disclosure Statement for a Staged Development Scheme.

H. Street addresses for Multiple Dwellings

Residential addressing is undertaken in accordance with Australian Standard AS4819. The development has been assessed according to the standard and the following addresses allocated:

<i>Dwelling No</i>	<i>Street Address</i>
<i>Proposed Unit 1</i>	<i>1/5 Legges Crescent</i>
<i>Proposed Unit 2</i>	<i>2/5 Legges Crescent</i>

The above addresses are to be adhered to when identifying the dwellings and their associated letterboxes.

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

REPORT:**1. THE PROPOSAL**

The application proposes two single storey dwellings on a vacant lot at 5 Legges Crescent, Prospect. The site is part of a relatively recent staged residential subdivision. The parent title was previously developed with a timber yard.

The first dwelling, identified as Unit 1, is located closest to the frontage and will have a front door with a porch facing the street. The dwelling will have an open plan living, dining and kitchen area and there will be two bedrooms, one bathroom, a separate toilet and linen storage in the hallway. A single internal garage will be located at the rear of the dwelling and incorporates storage and the laundry. A second uncovered parking space will be provided for Unit 1. A private open space area will be provided in the frontage on the northern side of the dwelling with access from the living room. A utilities area including bin storage and clothes drying space will also be provided within the curtilage of the dwelling. A mailbox will be provided at the frontage beside the path to the front door. The dwelling will be sited between 4.6m and 5.3m from the frontage to Legges Crescent, 1.5m from the eastern side boundary and 3.7m from the western side boundary.

The rear dwelling, identified as Unit 2, is located towards the rear of the site. It will contain three bedrooms including a master with ensuite and walk in robe, a family bathroom with separate toilet and an open plan living, dining and kitchen area. The dwelling will also have an internal double garage incorporating storage and a laundry. The site is subject to a 4m wide drainage easement along the rear (southern) boundary and Unit 2 is sited between 4.5m and 4.7m from the rear boundary in consideration of this. The dwelling will be sited 1.5m from the eastern side boundary and 0.5m from the western side. Private open space will be provided on the northern side of the dwelling, accessed from the living area. A bin storage space will be provided on the eastern side of the dwelling and a clothes line is provided in the larger yard behind the dwelling adjacent to the rear boundary.

Both dwellings are to be clad in face brickwork with aluminium framed windows. The dwellings will have pitched roofs clad in Colorbond sheet steel.

The site is to be accessed via a shared driveway off Legges Crescent and the existing crossover will be widened to accommodate this. Consent from Council to lodge the application as owner of the road has been provided. Some landscaping is proposed within the frontage of Unit 1, along part of the driveway and in the rear yards of both dwellings.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located on the southern and lower side of Legges Crescent, around 45m from the northern intersection with Palmerston Avenue. Legges Crescent is accessed off the

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

south eastern side of Peel Street West, just west of the intersection with Prospect Street, and extends around in a crescent shape to the west and intersects twice with Palmerston Avenue. The crescent can also be accessed from the south west off Westbury Road, via Bertha Street.

The subject site and surrounding area is zoned General Residential other than a Light Industrial spot zoning of the Dunn Stone Masonry business which is around 230m south east of the site and has access and frontage off Westbury Road. Lower density zoning is located along the frontage to Peel Street West and to the north surrounding Granville Street. The neighbouring properties are primarily developed and used for residential purposes and contain a mix of single and multiple dwellings. Architectural styles and building forms vary throughout the subdivision and surrounding area. Land surrounding the subdivision has been continually developed over the last 80 years which has resulted in a variety of home designs. Most of the lots in the immediate area have been developed in the last few years. The site is adjoined by single dwellings to the west and south (7 and 9 Legges Crescent) and two multiple dwellings to the east (3 Legges Crescent).

The subject site is rectangular in shape with frontage and access to Legges Crescent. The title occupies an area of 748m² and is formally described in Certificate of Title Volume 161556 Folio 20. The site is subject to a drainage easement that runs parallel to the southern (rear) boundary.

The site has a gentle slope of approximately 3% falling towards the south east from the street. The site is not located within an identified landslide risk area. The site is cleared of vegetation and is not within 100m of bushfire prone vegetation.

The site is accessed directly from Legges Crescent. There is an existing concrete vehicular crossover at the western end of the frontage that will be widened to accommodate the proposed driveway. Legges Crescent is owned and maintained by the Council and is sealed and drained to the current standard. The site is able to be connected to all reticulated services.

3. PLANNING SCHEME REQUIREMENTS**3.1 Zone Purpose****10.0 General Residential Zone****10.1.1 Zone Purpose Statements**

10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.

10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.

10.1.1.3 Non-residential uses are not to adversely affect residential amenity, through noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.
 10.1.1.5 To encourage residential use and development that facilitates solar access, integrated urban landscapes, and utilisation of public transport, walking and cycling networks.

Consistent
 The proposal is for two new multiple dwellings on a currently vacant lot in Legges Crescent. The existing service infrastructure in this area can accommodate medium density development including multiple dwellings. The design of the dwellings is of similar character to the existing dwellings in the surrounding area and will contribute to the high standard of residential amenity in the area. While there are a number of multiple dwellings in the area the proposal is not considered to be out of character with the wider neighbourhood and is responsive to the demand for a range of dwelling types in suburban areas. The proposal is considered to be consistent with the purpose statements of the zone.

10.4 Development Standards

10.4.1 Residential density for multiple dwellings

Objective:
 To provide for suburban densities for multiple dwellings that:
 (a) make efficient use of suburban land for housing; and
 (b) optimise the use of infrastructure and community services.

Consistent
 The acceptable solution is satisfied.

A1 Multiple dwellings must have a site area per dwelling of not less than:
 (a) 325m² or
 (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.

Complies
 The subject site has a title area of 748m² so the site area per dwelling is 374m². The proposal therefore easily complies the acceptable solution.

10.4.2 Setbacks and building envelope for all dwellings

Objective:
 To control the siting and scale of dwellings to:
 (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
 (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and
 (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
 (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

<p>Consistent The proposal demonstrates compliance with the applicable standards.</p>
<p>A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>
<p>Relies on Performance Criteria The vacant site is located between two developed properties, so clause (c) applies. The single dwelling at Number 7 and the front dwelling at Number 3 are both setback 4.5m from the frontage to Legges Crescent. Under the proposal, Unit 1 will be located a minimum of 4.6m from the frontage to Legges Crescent. As this is further than the setback of the two adjoining properties the acceptable solution is not satisfied and assessment against the performance criteria is required.</p>
<p>P1 A dwelling must: (a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.</p>
<p>Complies The proposed frontage setback is only 0.1m further than the adjoining properties and will have a similar appearance and relationship to the street. The proposal is considered to be consistent with the existing pattern of development in compliance with (a).</p>
<p>A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5m, or alternatively 1m behind the facade of the dwelling; or (b) the same as the dwelling facade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>
<p>Complies Proposed Unit 1 is located closest to the frontage and the garage for this dwelling is located towards the rear of the site and is accessed from the internal driveway. The garage is behind the facade of the dwelling and does not face Legges Crescent.</p>

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:

- (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:
 - (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and
 - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5m above natural ground level; and
- (b) only have a setback within 1.5m of a side boundary if the dwelling:
 - (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or
 - (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).

Complies

The proposed dwellings are located within the applicable building envelope as described in Diagram 10.4.2A. The garage of Unit 2 is located within 1.5m of the western side boundary, but as the wall is less than 9m long (7.08m) it complies with (b).

10.4.3 Site coverage and private open space for all dwellings

Objective:

To provide:

- (a) for outdoor recreation and the operational needs of the residents; and
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is integrated with the living areas of the dwelling; and
- (d) private open space that has access to sunlight.

Consistent

The acceptable solutions are satisfied.

A1 Dwellings must have:

- (a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and
- (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and
- (c) a site area of which at least 25% of the site area is free from impervious surfaces.

Complies

Unit 1 has a roofed area of approximately 149m² and Unit 2 a roofed area of approximately 147m², equating to a total site coverage of 296m². The site has an area of 748m² so the site coverage is approximately 39.5%. This complies with clause (a).

Unit 1 will be provided with a private open space area in the frontage to the north of the dwelling that connects along the eastern side to a courtyard at the back of the dwelling

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

that will be fenced for the exclusive use of the occupants. The total area of this space is approximately 62m² and complies with clause (b).

Unit 2 will have an area of private open space on the northern side that is directly accessible from the living room and has an area of approximately 32m². The dwelling will also have private open space along the rear boundary with an area of approximately 92m². The total private open space area for this dwelling is 124m², easily complying with (b).

The site will have an area which is free from impervious surfaces totalling approximately 438m² (42%) which complies with clause (c).

A2 A dwelling must have an area of private open space that:

- (a) is in one location and is at least:
 - (i) 24m²; or
 - (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and
- (b) has a minimum horizontal dimension of:
 - (i) 4m; or
 - (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and
- (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and
- (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and
- (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and
- (f) has a gradient not steeper than 1 in 10; and
- (g) is not used for vehicle access or parking.

Complies

Unit 1 will be provided with a private open space area to the north of the dwelling that is directly accessible from the living space and exceeds 24m² in area. This space has a minimum dimension of more than 4m and a gradient of less than 1 in 10. The private open space is located within the frontage as it is on the northern side of the dwelling in compliance with (e).

Unit 2 will have an area of private open space on the northern side that is directly accessible from the living room and has an area of at least 32m². This area has a minimum dimension of more than 4m and a gradient of less than 1 in 10.

Both of the proposed dwellings meet the requirements for private open space.

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

10.4.4 Sunlight and overshadowing for all dwellings

Objective:
To provide:
(a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and
(b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Consistent
The acceptable solutions are satisfied.

A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).

Complies
The living spaces of both dwellings will have windows or glazed doors that face within 30 degrees of north in compliance with this requirement.

A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):
(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):
 (i) at a distance of 3m from the window; and
 (ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal.
(b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.
(c) That part, of a multiple dwelling, consisting of:
 (i) an outbuilding with a building height no more than 2.4m; or
 (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.

Complies
Unit 1 is located to the north west of Unit 2. The dwellings are separated by more than 3m so the north western facing glazed door of Unit 2 will not be unreasonably overshadowed by Unit 1 and the windows to the kitchen and dining room in the north eastern elevation will not be impacted at all. This complies with clause (a).

A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):
(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):
 (i) at a distance of 3m from the northern edge of the private open space; and
 (ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal.
(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.
(c) That part, of a multiple dwelling, consisting of:
 (i) an outbuilding with a building height no more than 2.4m; or
 (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

Complies

Unit 1 is located to the north west of the designated private open space of Unit 2. The dwellings are separated by more than 3m so that a reasonable amount of sunlight will be maintained for the private open space in compliance with Diagram 10.4.4C and clause (a).

10.4.5 Width of openings for garages and carports for all dwellings

Objective:

To reduce the potential for garage or carport openings to dominate the primary frontage.

Consistent

The garage of Unit 1 will not face the frontage and the garage of Unit 2 is located more than 12m from the frontage.

10.4.6 Privacy for all dwellings

Objective:

To provide reasonable opportunity for privacy for dwellings.

Consistent

The applicable standard is satisfied.

A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:

(a) 2.5m; or

(b) 1m if:

(i) it is separated by a screen of at least 1.7m in height; or

(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.

Complies

Unit 1 has a bathroom window in the western elevation facing the shared driveway, but this is not defined as a habitable room. All habitable room windows of this dwelling are adequately separated from the driveway to meet the standard.

Bedroom 1 of Unit 2 is located on the western side, adjacent to the driveway and parking area. The window to this bedroom faces the portico over the main entrance and is adequately separated from the shared parking area in accordance with (a).

10.4.7 Frontage fences for all dwellings

Objective:

To control the height and transparency of frontage fences to:

(a) provide adequate privacy and security for residents; and

(b) allow the potential for mutual passive surveillance between the road and the dwelling; and

(c) provide reasonably consistent height and transparency.

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

<p>Consistent The acceptable solution is satisfied.</p>
<p>A1 A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than: (a) 1.2m if the fence is solid; or (b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).</p>
<p>Complies The private open space of Unit 1 is located within the frontage. The frontage and sides of the private open space will be fenced with a 1.8m high fence that will be solid brick to a height of 1.2m and have horizontal slatted screening of no less than 30% transparency in the upper 600mm (other than uprights). This complies with the above standard.</p>

10.4.8 Waste storage for multiple dwellings

<p>Objective: To provide for the storage of waste and recycling bins for multiple dwellings.</p>
<p>Consistent The acceptable solution is satisfied.</p>
<p>A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5m from a frontage; and (ii) is at least 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>
<p>Complies Each of the proposed dwellings will be provided with an area of at least 1.5m² for bin storage.</p>

10.4.9 Site facilities for multiple dwellings

<p>Objective: To provide adequate site and storage facilities for multiple dwellings.</p>
<p>Consistent The acceptable solution is satisfied.</p>
<p>A1 Each multiple dwelling must have access to 6 cubic metres of secure storage space not located between the primary frontage and the facade of a dwelling.</p>
<p>Complies Each of the dwellings will be supplied with at least 6 cubic metres of secure storage space within their internal garages.</p>
<p>A2 Mailboxes must be provided at the frontage.</p>

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

<p>Complies Unit 1 will be provided with a mailbox beside the front path. Unit 2 will be provided with a mailbox beside the shared driveway. This arrangement complies with the standard.</p>
--

10.4.10 Common property for multiple dwellings

<p>Objective: To ensure that common areas are easily identified.</p>
<p>Consistent The acceptable solution is satisfied.</p>
<p>A1 Site drawings must clearly delineate private and common areas, including: (a) driveways; (b) parking spaces, including visitor parking spaces; (c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.</p>
<p>Complies The common and private areas are clearly delineated on the proposal plans.</p>

10.4.13 Location of car parking

<p>Objective: To: (a) provide convenient car parking for residents and visitors; (b) protect residents from vehicular noise within sites; and (c) minimise visual impact on the streetscape.</p>
<p>Consistent The acceptable solutions are satisfied.</p>
<p>A1 Shared driveways or car parks of residential buildings (other than for single dwellings) must be located no less than 1.5m from the windows of habitable rooms.</p>
<p>Complies The shared driveway is more than 1.5m from the windows of habitable rooms. No shared parking spaces are proposed.</p>
<p>A2.1 Car parking must not be located in the primary front setback, unless it is a tandem car parking space in a driveway located within the setback from the frontage. A2.2 Turning areas for vehicles must not be located within the primary front setback.</p>
<p>Complies No parking is proposed within the front setback.</p>

E6.0 Parking and Sustainable Transport Code

<p>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;</p>

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

(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.

Consistent

The access and parking arrangements are considered appropriate for the site and the proposal.

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

An appropriate level of on-site car parking can be achieved to service the proposed multiple dwelling use.

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 two 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

The site is located within the General Residential Zone. The number of spaces required in Table E6.1 is two dedicated spaces per two or more bedroom dwelling (including any room capable of being used as a bedroom) plus one visitor space per four dwellings (rounded up to the nearest whole number). A total of five spaces are therefore required to satisfy the requirements of Table E6.1.

The proposal includes two dedicated spaces for each of the proposed dwellings. Unit 1 will have one space in the internal garage and one uncovered space next to the dwelling. Unit 2 will have two spaces in the internal garage. The proposal does not include a formal visitor parking space and therefore does not meet the acceptable solution. Further assessment against the performance criteria is necessary.

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;

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

(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.

Complies

P1.2 applies to car parking for residential uses.

The proposal seeks approval of two multiple dwellings with a total of five bedrooms between them. Each of the dwellings will be provided with two dedicated parking spaces. This is expected to meet the needs of the occupants.

The proposal does not include a formal visitor parking space; however, there is a sealed area between Unit 2 and the uncovered parking space for Unit 1 that is of sufficient size to accommodate a car. This area is not designated as a visitor space on the plans as it is needed for cars leaving the garage of Unit 2 to turn in a single movement. If a car was to park in this area it would still be possible for cars to leave the garage, however they would require multiple movements to turn onsite. While it is not considered ideal to mark a visitor space that would reduce the ease of entry and exit of the residents of Unit 2, in practice it is likely that this space will be used for parking when additional space is required. The frontage of the property is also long enough to accommodate parking for at least two cars in the street which can also contribute to visitor parking needs.

It is acknowledged that the density of development in the immediate area with a mix of single and multiple dwellings has resulted in a reasonably high demand for on-street parking, which is of concern to some residents. This site is one of the last to be developed in the north western portion of the subdivision and it is expected that the demand for parking will now stabilise as development is completed. Overall it is considered that there is sufficient capacity for parking of this development to be accommodated safely.

It is also noted that use of alternative forms of transport including public transport, walking and cycling is possible and relatively convenient from this location. The site is located less than 200m from a metro bus stop on Peel Street West and approximately 700m from Summerdale Primary School to the west and the Prospect shopping precinct to the south.

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective: To ensure that parking areas are constructed to an appropriate standard.
Consistent The acceptable solution is satisfied.
A1 All parking, access ways, manoeuvring and circulation spaces must: (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.
Complies The proposed driveway including all parking, access ways, manoeuvring and circulation spaces will have a gradient of equal to or less than 10%, will be formed and paved with an impervious all weather seal and will be clearly delineated in accordance with the acceptable solution.

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 acceptable solution is satisfied.
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 four 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 three or more car parking spaces; and (e) have a vertical clearance of not less than 2.1m 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 six 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.

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

Complies
 Space is provided for vehicles to turn onsite so that they can enter and exit in a forward direction.

The proposed internal driveway including all parking, access ways, manoeuvring and circulation spaces will be designed to comply with the requirements of Tables E6.2 and E6.3 and will have a vertical clearance of not less than 2.1m.

A1.2, A1.3 and A1.4 do not apply as no accessible car parking spaces are required for the proposal.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Roads and Hydraulics	Conditional consent provided.
Environmental Health	Conditional consent provided.
Parks and Recreation	N/A
Heritage/Urban Design	N/A
Building and Plumbing	N/A
EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2016/00218-LCC.
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

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 5 March 2016 to 21 March 2016. Four representations were received.

The representors were contacted by telephone to discuss the matters of concern. 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.

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

ISSUE	COMMENTS
<p>How many units are going to be approved in this subdivision, it is getting beyond a joke. I want to know how all these units can be approved as there are more units in this subdivision than half of Prospect.</p>	<p>The current Launceston Interim Planning Scheme 2015 has no limit to the number of properties that can be developed with multiple dwellings in a street or broader area. A standard of this kind existed in the Launceston Interim Planning Scheme 2012 but it was removed as the standards for the General Residential zone have been standardised across Tasmania by the state government. There is, however, density and site coverage controls among the development standards that apply to manage development in the zone. On average the population of Tasmania is aging and the size of households is decreasing. There has been an increased amount of multiple dwelling developments in recent times in response to the demand this generates for a greater diversity of housing options at a variety of price points.</p>
<p>The number of residences in this development has been maximised beyond expectations.</p>	<p>As mentioned above, the planning scheme has changed since the initial approval of this subdivision and previous standards limiting the density of multiple dwelling developments in an area no longer apply. Under the current standards it can be expected that any lot in the General Residential zone that is over 650m² can be developed with multiple dwellings.</p>
<p>A continuing serious problem is Launceston's lack of requirement for 'green space' in new developments. There are no rules for the maximum percentage of a plot of land that can be built on. As long as height restrictions and perimeter distance-from-neighbour rules are followed, nothing else is required. There appears to be no council interest in incorporating helpful, healthy 'green spaces' into each and every new housing approval. The result is a neighbourhood that looks sadly crowded.</p>	<p>The development standards for the General Residential zone do include site coverage and private open space requirements. To comply with the acceptable solutions of 10.4.3 site coverage cannot exceed 50%, multiple dwellings require 60m² of private open space and at least 25% of the site must remain free of impervious surfaces. The proposed development complies with these standards. As for public open space, up to 5% of land can be acquired during subdivision. In this case the site is less than 250m from Pamela Court Reserve which can be accessed from Bertha Street via an extension of the reserve that was created during an early stage of the</p>

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

	<p>subdivision. There are several other parks and reserves within 1km of the site including Springvale Place Park, Clinton Court Play Park, West Launceston Community Park and Ingamells Street Reserve.</p>
<p>The application is not compliant in relation to car parking numbers; namely they cannot provide for an acceptable solution for a fifth car parking space for visitor parking. The application states that 'due to the straight nature of the street, we believe there is sufficient visitor car parking space within the street reserve without hindering neighbours'. The street is not straight as the site is located between Palmerston Avenue and a tight corner. Parking is restricted near the corner and within 10m of an intersection without traffic lights, so street parking is limited.</p>	<p>It is acknowledged that there are some limitations to on-street parking in the area, including the corner, intersection and driveways. There is space on the frontage of 5 Legges Crescent for at least two cars to park on the street.</p>
<p>A particular area of concerns relates to one of the units being three bedroom (the second being two bedroom) which has a high potential to be rented to three individuals all with vehicles, therefore creating a 5th residential car in a four space complex. This example is seen in existing houses and units in the immediate area with many having more vehicles then allocated spaces, thus already congesting the street. The issue of rental units and houses congesting the street with residential cars being the main cause, therefore this application having the same issue would further congest the street regardless of visitor parking.</p>	<p>Two dedicated parking spaces are required for two or three bedroom dwellings in the General Residential zone. It is possible for a three bedroom dwelling to be occupied by more than two people with cars this cannot be controlled by the planning system or Council in general. In this case the parking deficiency is one visitor space. As discussed in the assessment of E6.5.1, there is a space on the site that can accommodate a fifth car, however part of this area is designated for the turning space of vehicles leaving the garage of Unit 2. Advice has been sought from engineering staff and it would be possible to designate this area as an official visitor parking space but to do so would decrease the amenity of residents of Unit 2 as multiple turning movements would be required to enter and leave the site in a forward direction. While in practice this space is likely to be used for parking by visitors or residents regardless, it was considered inappropriate to require it to be marked for this reason.</p>

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

<p>It has been my observation that there is not ample on-street parking as stated by the applicant. There are often a large number of vehicles parked both on the street and also in vacant blocks (due to the nature of the street).</p>	<p>It is acknowledged that there is a relatively high level of on-street parking demand in the area, partly caused by the overall density of development in the subdivision which is higher than that of older suburban areas. Legges Crescent is a local road and does not carry a high volume or high speed traffic. A high occupation of on-street parking should not decrease the safety of traffic or pedestrians in the street and in fact is likely to slow traffic speeds. The immediate area is nearing full development with 5 Legges Crescent being one of the last blocks to be developed in this section of the subdivision. The current demand for parking is therefore close to the expected maximum and parking demand generated by construction works will reduce once the area is fully developed.</p>
<p>These matters raised above are all valid and serious concerns shared by myself and other members of the street who fear the increase of vehicles regularly parked on the street will diminish the appeal of the area (including house values) and substantially limit visitor parking to other residences.</p>	<p>A higher demand for on-street parking is expected in an area with a higher density of dwellings due to greater numbers of residents and visitors. Most single dwellings in the area can accommodate some visitor/additional parking in driveways and most multiple dwellings developments have at least one visitor space. Overall, while on-street parking in Legges Crescent is well utilised, advice has been provided by the engineering staff to indicate that parking for the proposed development can be accommodated without impacting the efficiency and safety of the road.</p>
<p>The parking availability in this area of Legges Crescent is impacted by the number of rental properties with additional vehicles that park on the road.</p>	<p>The nature of occupancy of dwellings is not regulated by the Council. Residents and visitors are able to park on the street where it is legal to do so.</p>
<p>No parking lines around the Legges Crescent corner have also reduced the amount of on-street parking available. Our concerns are the roadside is going to be dangerous due to parking on the kerbside approaching the bend where the yellow no parking lines are – an accident waiting to happen if too</p>	<p>Legges Crescent is a local street with a low speed environment and on-street parking is likely to further reduce average speeds. Council introduced the no parking lines on the corner of Legges Crescent to ensure vehicles are able to negotiate the corner safely.</p>

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(Cont'd)

congested due to lack of vision approaching the bend from both sides with 7 Legges Crescent having a high fence on the bend.	
--	--

6. CONCLUSION

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

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.

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:

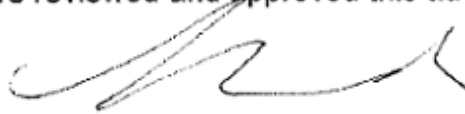
Not relevant to this report.

8.5 5 Legges Crescent, Prospect - Residential - multiple dwellings; construction and use of two dwellings...(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.



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Locality Plan (distributed electronically)
 2. Plans of Proposal (distributed electronically)
 3. Representations (distributed electronically)
-

9 ANNOUNCEMENTS BY THE MAYOR**9.1 Mayor's Announcements****FILE NO:** SF2375

Wednesday 30 March 2016

- Attended the Top of the Tamar mid-week Yacht Race

Thursday 31 March 2016

- Attended the launch of the 2016 B & E Tasmanian Running Festival at B & E Personal Banking in Brisbane Street
- Attended the North Launceston Bowls Club Lady President's Afternoon Tea to celebrate Ladies Friendship Day at the North Launceston Bowls Club

Friday 1 April 2016

- Attended the Trevallyn Bowls Club Presentation Night Dinner at the Trevallyn Bowls Club

Saturday 2 April 2016

- Officiated at the 2016 Relay for Life at St Leonards Sports Oval
- Attended the Northern Tasmanian Junior Soccer Association's Season Opening at the Churchill Park Function Rooms
- Attended the Mowbray Cricket Club Annual Dinner and Trophy Presentation Night at Aurora Stadium

Monday 4 April 2016

- Officiated at The Theatre North "Name a Seat" at the Grand Reveal at the Princess Theatre

Tuesday 5 April 2016

- Officiated at the Heritage Forrest Community Garden Opening at Heritage Forest

Thursday 7 April 2016

- Officiated at the 2016 Senior's Morning Tea at the Town Hall
 - Attended the Opening of the first stage of the Peter Underwood Peace Garden at Kings Park
-

9.1 Mayor's Announcements...(Cont'd)

Friday 8 April 2016

- Presented at the Tasmanian Community Fund Board Presentation at the Launceston Silverdome
 - Attended the Cricket North End of Season Presentation Dinner at the Tailrace Centre
-

10 ALDERMEN'S REPORTS

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

11 QUESTIONS BY ALDERMEN**11.1 Questions on Notice**

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

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

No Questions on Notice have been identified as part of this Agenda

11.2 Questions without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

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

12 COMMITTEE REPORTS**12.1 Tender Review Committee - 29 February and 21 March 2016****FILE NO:** SF0100**AUTHOR:** Raj Pakiarajah (Projects Manager)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

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

RECOMMENDATION:

That Council receives the reports from the Tender Review Committee Meetings held on 29 February and 21 March 2016.

REPORT:

The Tender Review Committee Meetings held on 29 February and 21 March 2016 determined the following:

29 February 2016**Quadrant Mall - Supply of Pavers (Re-advertised) - CD.064/2015**

The Tender Review Committee accepted the schedule of rates tender submitted by Island Block and Paving Pty Ltd and UrbanStone Pty Ltd for the Quadrant Mall on a 30:70 split respectively - Supply of Pavers (Re-advertised), (based on 100 grit polish for Island Block and Paving and milled finish for UrbanStone).

Note that Island Block and Paving subsequently withdrew.

21 March 2016**Multi-storey Carpark Operating System Upgrade - CD.010/2015**

The Tender Review Committee accepted the tender submitted by APS AMANO for the Multi-storey Carpark Operating System Upgrade, at a cost of \$492,355.00 (excl. GST).

12.1 Tender Review Committee - 29 February and 21 March 2016...(Cont'd)

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 Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goal - To ensure decisions are made in a transparent and accountable way and

To continue to ensure the long-term sustainability of our Organisation

Key Directions -

1. To develop and consistently use community engagement processes
2. To lead the implementation of the Greater Launceston Plan by collaborating on relevant initiatives

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

13 COUNCIL WORKSHOPS

Council Workshops conducted on 4 April 2016 were:

- Amalgamation Discussions
- Innovation Initiatives
- Swim Lane Hire at Leisure & Aquatic Centre
- Andrew Nikolic Presentation
- Northern Tasmania Development Plan
- Rate Modelling

14 NOTICES OF MOTION

Local Government (Meeting Procedures) Regulations 2015 - Regulation 16(5)

No Notices of Motion have been identified as part of this Agenda

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**15.1 City Centre Smokefree Zones****FILE NO:** SF3221**AUTHOR:** Debbie Fortuin (Manager Environmental Services)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider the proposed expansion of the smokefree zones in the Launceston Central Business District (CBD).

PREVIOUS COUNCIL CONSIDERATION:

Council - 20 September 2010 - Agenda Item 12.6 - Council considered a Notice of Motion in relation to the State's proposed new smoking bans.

Council - 13 December 2010 - Agenda Item 12.5 - Considered a Notice of Motion that Council "determines as a matter of principle, to declare smokefree areas in the following locations of the Launceston municipal area:

- Brisbane Street Mall.
- Quadrant Mall.
- Two bus interchange areas in St John Street.
- Requests the General Manager to provide a report, at the earliest opportunity, on the means by which the Council should proceed to implement its position and the manner in which such a declaration would be administered, with the report to investigate the use of the provisions of the *Public Health Act 1997*, as recently used by Hobart City Council to ban smoking within locations in the City of Hobart.
- Agrees to implement these smoking restrictions commencing at the earliest opportunity.

Council - 31 January 2011 - Agenda Item 3.1 - A further report was presented to Council. The decision was that Council proceed with implementing the ban on smoking in the Brisbane Street Mall, Quadrant Street Mall and two bus interchanges as outlined.

RECOMMENDATION:

That the Proposed extension of the ban on smoking in the Launceston CBD as illustrated in Attachment 1 - ECM reference 3735352 - be submitted for public consultation.

15.1 City Centre Smokefree Zones...(Cont'd)

REPORT:

Currently there are four main areas designated as smokefree areas in the Launceston CBD. These areas are the Civic Square, the Bus Shelters in St John Street, the Quadrant Mall and the Brisbane Street Mall. Footpath signage has been placed at the entrances to these areas to demarcate the smokefree areas.

Anecdotal evidence suggests that smokefree areas largely become self-regulating once it has been implemented following a robust public awareness and educational campaign. Currently, staff undertake regular monthly patrols of the smokefree areas to ensure compliance and respond to any complaints received. The Department Health and Human Services (DHHS) also assist in the following-up of smoking relating complaints.

The current City of Launceston Annual Plan states the following with respect to the Smoke Free Area in Launceston:

"Review the Smoke-free area in the Launceston CBD - Facilitate the expansion of the smoke-free area in the Launceston CBD and review regulatory processes

MEASURES OF SUCCESS

- Smoke-free area in CBD reviewed and expansion implemented if determined necessary"

The *Public Health Act 1997*, Section 67B states the following:

"(1) A smoke-free area is any of the following:

(c) any area, including, but not limited to including, a public street, that is not within private premises and is designated by the occupier of the area as a smoke-free area; "

This means that Council has the ability to designate any public area as a smokefree area. Given that the Annual Plan outlines that Council would review the smokefree area in Launceston CBD, the DHHS's Tobacco Control Officer was consulted with regards to the process and the possible viable options that may be able to be implemented.

The recommended process involves Council consideration of options, consulting the community and liaising with the DHHS on possible options. Once the proposed option has been decided upon, Council then is able to resolve to declare the nominated area as smokefree and advise the DHHS of such and provides the accompanying maps and descriptions of smokefree areas. Council is then required to advertise the new smokefree areas; educate the public and demarcate the areas with signage and then enforce the ban.

It is important to note that it is not illegal to smoke and for that reason, we also need to consider where we would send smokers should further areas be declared smokefree. Smoking areas should be demarcated as such and butt bins and benches provided. This would discourage littering and provide a form of amenity for smokers.

15.1 City Centre Smokefree Zones...(Cont'd)

The location of smoking areas, may potentially impact negatively on business owners as their staff may have to walk a significant distance to have a smoke break, which could impact on time out of the office, thereby translating to lost productivity.

Attachment 1 depicts a map outlining the proposed expansion to the smokefree zones and the potential areas that smokers may congregate. This expansion provides a seamless link to current smokefree areas thereby minimising confusion as to where the smokefree areas start and stop. The proposed expansion also takes into account Council owned lanes that provide relatively high walk through traffic. These lanes include Brisbane Court (unofficially already being treated as smokefree), Centre Way Lane, Claytons Lane, part of Dicky Whites Lane and Ingles Lane. It is further proposed that butt bins be placed at the entrances to the smokefree zones, as indicated on the map.

Staff will be consulting business owners currently in the smokefree areas to determine the effect of the ban in the area and will also be consulting the wider community on the proposal to expand the Smokefree Zones. Once consultation has been completed, the results will be made available to Aldermen in order that a determination as to the extent of the expansion of the ban can be made. Should the Council determine to expand the smokefree area, it is recommended that the implementation would be rolled out in conjunction with the Launceston City Heart Project Stage 2 (streetscapes) design phase.

How does Launceston Compare around Australia?

Below is a snapshot of what is happening around Australia in the area of smokefree, which is not dissimilar to that which has been undertaken in Launceston:

1.	NSW	Jan 2015 - smoking banned in outdoor dining areas and at Correctional Facilities. May 2015 - 12 month smoking ban in Martin's Place, Sydney.
2.	VIC	Aug 2017 - smoking ban in outdoor dining areas to come into effect.
3.	SA	2012 - Ban on smoking in Rundle Mall in Adelaide. March 2016 - Smoking banned at Adelaide Remand Centre.
4.	WA	Dec 2013 - Smoking banned in Forrest Place, Hay Street Mall and Murray Street Mall in Perth CBD
5.	TAS	Hobart City Council - Smoking banned in Pedestrian Malls, Elizabeth Mall, Wellington Court, Hobart Bus Mall, Mathers Lane, Collins Court, Salamanca Square, outdoor dining areas, Council owned carparks and Council owned playgrounds.

ECONOMIC IMPACT:

With previous introduction of smoking bans there have been concerns that there will be negative impacts on businesses. However, this would be offset by businesses and other related areas being more attractive places for people to gather as the threat of involuntarily inhaling smoke will be minimised.

15.1 City Centre Smokefree Zones...(Cont'd)

Should insufficient strategically placed smoking zones be demarcated for smokers, this may have a lowered productivity effect due to smokers having to take longer breaks from work to access smoking areas.

ENVIRONMENTAL IMPACT:

Littering of butts (by some smokers) is a serious environmental issue. In many cases these butts find their way to our waterways and take years to break down. Increasing the number of strategically placed butt bins will help alleviate the butt littering problem.

SOCIAL IMPACT:

Smoking can have serious health risks. The extension of a ban on smoking within the CBD will further help to educate the community on the effects of smoking and may help to incentivise individuals to give up the habit.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 2 - A city where people choose to live.

Ten-year goal - to promote Launceston as a unique place to live, work, study and play.

Key Direction -

1. To contribute to enhanced public health and amenity to promote a safe and secure environment.

BUDGET & FINANCIAL ASPECTS:

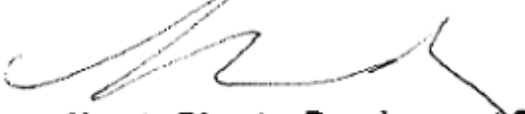
Environmental Services will continue to commit the current level of resources to the issue, however any requirements to increase enforcement would require additional resourcing. Increasing the number of butt bins will increase the servicing requirements of cleansing staff but this will be offset by less littering on footpaths and in the streets.

15.1 City Centre Smokefree Zones...(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.



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Attachment 1 - Proposed extension of the ban on smoking in the Launceston CBD
-

APPENDIX 1 - Proposed City Centre Smoking and Non-smoking Areas



16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

17 QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS**18.1 Quarantine Road Highway Closure (Verge Section Adjacent to 241-247 Hobart Road)****FILE NO:** SF1895, 62560, DA0463/2015**AUTHOR:** Robert Holmes (Property Coordinator)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To determine Council's view in relation to the proposal to close part of Quarantine Road.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting - Agenda Item 18.1 - 18 February 2016

The Council authorised to proceed with closure of a portion of Quarantine Road.

RECOMMENDATION:

1. In response to advertising of the proposal to close part (100m²) of Quarantine Road adjacent to the south western boundary of 241-247 Hobart Road, pursuant to Section 14 of the *Local Government (Highways) Act 1982*, Council:
 - acknowledges receipt of two representations.
 - authorises the General Manager to refer the objection by an interested person to the Magistrates Court (Administrative Appeals Division) for determination.
 2. The highway closure applicant is to pay Council's legal and any other Council out-of-pocket expenses arising from the referral to the Magistrates Court (Administrative Appeals Division).
-

REPORT:

At the Council Meeting of 18 February 2016 a majority decision authorised the commencement of proceedings under Section 14 of the *Local Government (Highways) Act 1982 (the Act)*.

The Act provides as follows:

14. Closure and diversion of highways

(1) *If, in the opinion of the corporation, a local highway or part of a local highway should be diverted or closed for the public benefit, in the interests of public safety or because of lack of use, it may:*

(a) *if it is satisfied, in the case of a diversion of a highway, that standard requirements, if applicable, have been complied with; and*

18.1 Quarantine Road Highway Closure (Verge Section Adjacent to 241-247 Hobart Road)...(Cont'd)

- (b) not less than 28 days after a written notice of its intention to do so:*
- (i) has been served on each of the owners and occupiers affected;*
 - (ii) has been served on the Transport Commission;*
 - (iii) has been displayed in a prominent position at each end of the highway;*
- and*
- (iv) has been published twice in separate issues of a local newspaper circulating in the municipality in which the highway is situated:*

close or divert the highway in respect of all traffic or particular types of traffic...

(5) An interested person may, before the expiration of a notice under subsection (1), give written notice to the corporation of his objection to the proposed closure or diversion.

(6) The corporation is to refer each objection that it is notified of under subsection (5) to the Magistrates Court (Administrative Appeals Division).

In the course of the 28 day advertising period two representations have been received. One representation is from the Commissioner for Transport advising that the Transport Commission has "no objection" to the proposed part highway closure. A copy of that representation is attached marked Attachment 1. The second representation is an objection to the highway closure proposal and a copy of that representation is attached marked Attachment 2 and Attachment 3.

A summary of the objection to the highway closure is:

- Officers should have made available a copy of plans advertised as part of DA0463/2015 because there appears to be adequate room within the site to allow for traffic circulation without the need for highway closure.
- The area is currently a nature strip adjacent to a formed highway.

At the time of writing the original Agenda Item, officers believed that a majority of Aldermen were aware of the bottle shop proposal because it had recently been advertised under the development application process. The approval of the bottle shop development application contained conditions relating to the requirement to obtain consent to the highway closure.

While many Aldermen appeared to be familiar with the proposal, in the absence of a copy of the actual proposal, it was agreed that alternate access solutions might be possible. It was also officer's understanding that further development of the site is proposed and this will become more difficult in the event that more of the site is consumed because of traffic circulation requirements.

Officer assessment was that the nature strip area of Quarantine Road was not required for traffic or pedestrian purposes given there was adequate width remaining for future highway needs, the area in question could potentially be made redundant.

The objector has stated that they do not object the development approval for the use of the adjacent land as a bottle shop.

18.1 Quarantine Road Highway Closure (Verge Section Adjacent to 241-247 Hobart Road)...(Cont'd)

The highway closure applicant has been advised that there is an objection to the highway closure and the matter will need to be referred to the Magistrates Court (Administrative Appeals Division). The highway closure applicant has confirmed that they are prepared to meet Council's legal and out of pocket expenses associated with this process.

Referral of the highway closure to the Magistrates Court (Administrative Appeals Division) means that the magistrate becomes the decision maker and after hearing evidence will determine if the objection should be upheld or alternately order that part of the highway should be closed.

As an interim measure the Developer has advised that they intend to submit a request for an amendment to the current proposal to permit on temporary basis traffic to circulate around the site. The highway closure applicant has requested that Council proceed with the highway closure request.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 3 - A city in touch with its region

Ten-year goal - To ensure Launceston is accessible and connected through efficient transport and digital networks

Key Direction -

2. To improve and maintain accessibility within the City of Launceston area, including its rural areas

BUDGET & FINANCIAL ASPECTS:

The highway closure applicant has provided written confirmation that they will meet Council's legal and any other Council out-of-pocket expenses arising from the referral to the Magistrates Court (Administrative Appeals Division).

18.1 Quarantine Road Highway Closure (Verge Section Adjacent to 241-247 Hobart Road)...(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. Representation by Transport Commission dated 19 February 2016
 2. Representation by Mr Jim Dickenson dated 4 March 2016
 3. Representation by Mr Jim Dickenson dated 6 March 2016
 4. Quarantine Road with amended plan
-

Transport Commission
10 Murray Street, Hobart TAS 7000
GPO Box 536, Hobart TAS 7001 Australia
Email: transportcommission@stategrowth.tas.gov.au

Enquiries: Sandessa Foster
Ph: 03 6166 3356
Email: transportcommission@stategrowth.tas.gov.au
Our Ref: D16/24210

Attachment 1



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

FILE No.	SF1895		
EO	<input checked="" type="checkbox"/>	OD	Box <input checked="" type="checkbox"/>
RCV'D		23 FEB 2016	LCC
Doc No.			
Action Officer	Noted	Replied	
H GALEA			

E-COPY R. DOBRZYNSKI

Dear Robert,

Thank you for your letter of 10 February 2016 from Mr Robert Holmes regarding the Closure of part of Quarantine Road, Kings Meadows and Council's requirement under section 14(b)(ii) of the *Local Government (Highways) Act 1982* to provide notification to the Transport Commission.

Your advice is noted. The Transport Commission has no objection to your intention to close part of Quarantine Road, Kings Meadows as illustrated in the plan provided.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Shane Gregory".

Shane Gregory
Commissioner for Transport

19 February 2016

Attachment 2

From: [REDACTED]
Date: 4 March 2016 3:17:03 pm AEDT
To: Robert <robert.dobrzynski@launceston.tas.gov.au>
Subject: Notice of Intention to Close part of Quarantine Road

General Manager
City of Launceston.

Dear Sir,

Briefly, to advise I object to the above.

The procedure to approve/not approve application DA0463/2015 seems to me unnecessarily convoluted. That is, original approval by delegated authority, subject to approval by aldermen in Council, subject to objection by public notice, subject to being again considered by aldermen in Council

I am at a loss to understand why the initial application did not show vehicular access in/out from 'little' Quarantine Rd, [to the north of the site], connecting to readily available car parking in the south corner. This should at least be revisited.

The argument in favour of partial closure, first paragraph of Report, concluding.....to facilitate improved access to the rear of the site, is not really valid. Refer my paragraph above.

The proposed removal of part of an existing nature strip for this unnecessary driveway is unacceptable. That 'lack of use' be cited as reason for closure is thin argument. For one, it is an attractive landscaped verge, with mature plantings, to a local highway, continuing for it's full length.

I am struggling to understand the arguments put forward relating to the 'Strategic Document Reference'.

Regards,
Jim Dickenson.

[REDACTED]

Attachment 3

From: [REDACTED]
Sent: Sunday, March 6, 2016 9:38 AM
To: Robert <robert.dobrzynski@launceston.tas.gov.au>
Subject: Notice of Intention to Close part of Quarantine Road. [Email 2].

General Manager
City of Launceston

Dear Sir,

Further to email of 4 March 2016, if I may make additional comments

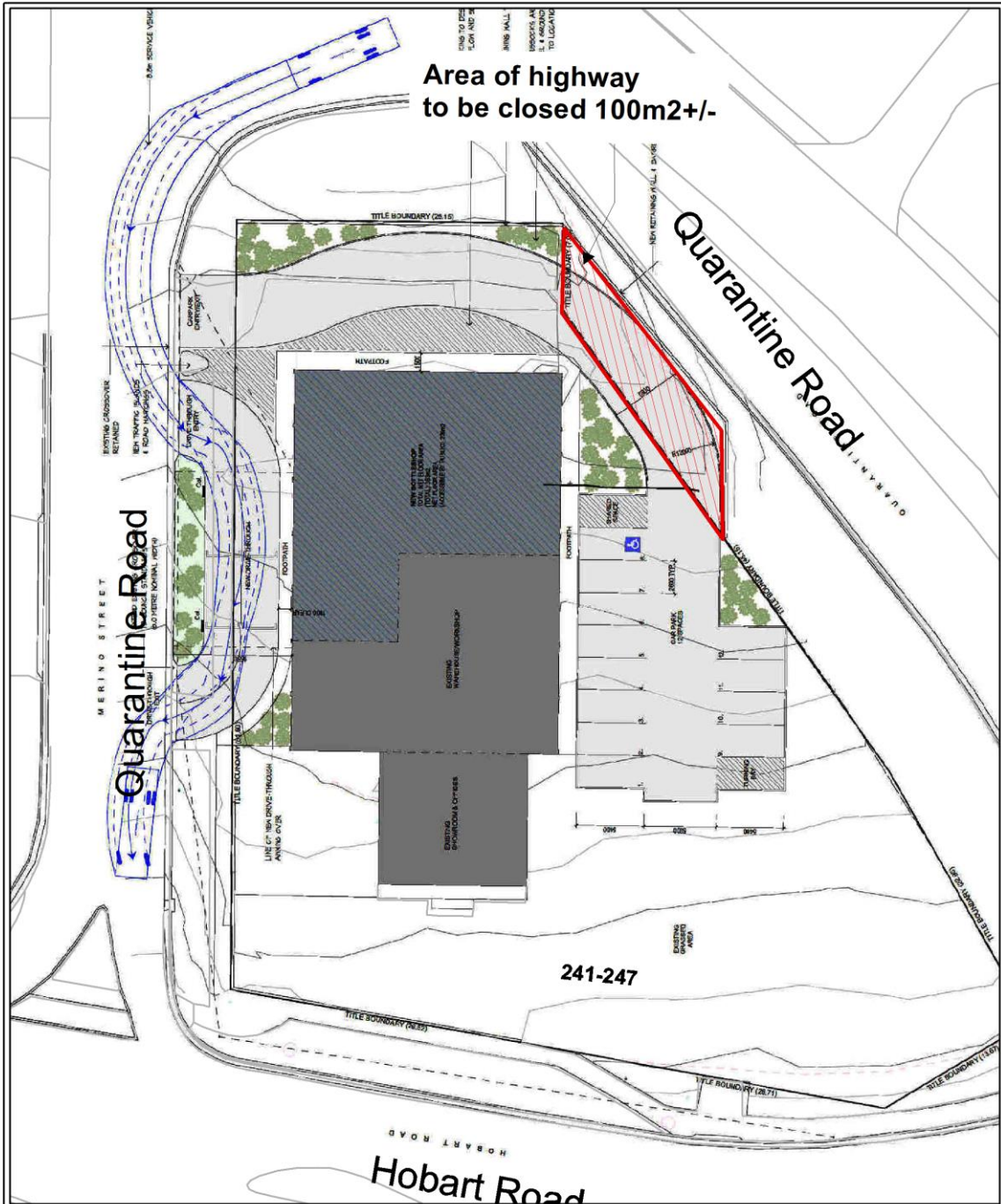
Upon further reflection, Agenda 18.1 was very thin on detail in providing to aldermen reasons to consider a yes/no vote. All that was provided was a Site Plan, [Attachment 1], a scant one sentence reference to "a bottle shop under DA 0463/2015", and that a part road closure was requested " to facilitate improved access to the rear of the site". That's about it.

I have been able to inspect the bottle shop documents at the Service Centre, see the proposed driveway and parking and realise, as stated in the second paragraph of my previous email, that good access was readily available to the rear of the site without the need for the proposed closure.

Hence Council's deliberation was based on incomplete information nevertheless proposing that improved access to the rear of the site was needed, without being made aware that an alternate option was available. The decision may well have been different had Agenda 18.1 included at least some application documents.

I think I should state that I am not against, nor trying to block development application DA0463/2015 for a bottle shop.

Regards,
Jim Dickenson.



**Quarantine Road
Proposed highway closure**



19 CORPORATE SERVICES DIRECTORATE ITEMS**19.1 Call for Submission of Motions - Local Government Association of Tasmania****FILE NO:** SF2217**AUTHOR:** John Davis (Manager Corporate Strategy)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider any motions for submission to the Local Government Association of Tasmania (LGAT) General Meeting to be held on 20 July 2016.

PREVIOUS COUNCIL CONSIDERATION:

4 April 2016 - Strategic Planning and Policy Committee Meeting - Item 4.2

RECOMMENDATION:

That Council:

- (i) determines the motions to be submitted to the Local Government Association of Tasmania General Meeting to be held on 20 July 2016; or
 - (ii) in the alternative, determines no action is to be taken on this matter.
-

REPORT:

LGAT has invited councils to submit motions on matters connected with the objectives of the Association or of common concern to members for inclusion in the agenda of their General Meeting to be held on 20 July 2016 (Attachment 1).

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

19.1 Call for Submission of Motions - Local Government Association of Tasmania...(Cont'd)

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goal - To communicate and engage consistently and effectively with our community and stakeholders

Key Direction -

3. To ensure decisions are made on the basis of accurate and relevant information

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to 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.


Michael Tidey; Director Corporate Services

ATTACHMENTS:

1. LGAT Correspondence - Call for Motions to the General Meeting on 20 July 2016



Local Government Association Tasmania

Our Ref:KS/CA
File No.:

10 February 2016

Mr Robert Dobrzynski
City of Launceston
PO Box 396
LAUNCESTON TAS 7250

FILE No.	SF2217 / SF2218		
EO	<input checked="" type="checkbox"/>	OD	Box <input checked="" type="checkbox"/>
RCVD 12 FEB 2016 LCC			
Doc No.			
Action Officer	Noted	Replied	
R DOBRZYNSKI			

Dear Robert

**Annual General Meeting and General Meeting
20 July 2016**

In accordance with the Rules of the Association, I give formal notice of the Annual General Meeting and the General Meeting of the Association to be held at the C₃ Convention Centre, South Hobart, commencing at 11.00am on Wednesday 20 July, 2016.

Councils are invited to submit motions on matters connected with the objectives of the Association or of common concern to members for inclusion in the agenda of the General Meeting.

It is planned to distribute the agenda on Wednesday 22 June 2016 and motions will need to be received at the Association's offices by no later than close of business, Friday 29 April, 2016. This lead time will ensure relevant matters can be forwarded to the State Government for comment in accordance with the Communication and Consultation Protocol Agreement. The responses from State Government will then be included with the agenda to provide councils with a full briefing of the issues to be considered.

Councils are reminded that opportunities are available at every General Meeting of the Association to submit motions for deliberation and do not have to be restricted to the General Meeting attached to the AGM. Councils are encouraged to consider this matter in terms of ensuring more robust and broader debate across all General Meetings in the year but note that State Government comment is not sought in advance for other meetings. Additionally, for any meeting, Members may submit items for Topical Discussion.

If councils consider a matter is of significant concern but may struggle to be supported it is suggested that conversations ensue with potential like minded councils to ensure procedural issues such as having a motion seconded can occur. This assists both the council/community where the issue exists and provides the opportunity for more rigorous debate and points of contention to be canvassed.

A standard template is attached but electronic versions are available on our website or will be forwarded by email upon request. Please note that detailed background comments are important in terms of ensuring there is an understanding by the reader of what is being sought. If possible, the motion should make clear either the action being asked of the Association or the policy position that the mover would like the sector to take. Where possible there should be consideration of how the motion aligns with the Association's strategic plan.

Please note, the Rules of the Association do not provide for the preparation of a Supplementary Agenda.

Should you require any assistance or advice on the background to issues of concern to your Council, the procedures to bring them forward or the wording of motions, Association staff would be only too pleased to assist. There are likely many matters that have previously been addressed or others that might be able to be dealt with administratively. Please keep this in mind and take advantage of the opportunity to discuss with the Association.

Yours sincerely



Katrena Stephenson
Chief Executive Officer



Call for Submission of Motions
To be Included in the
General Meeting Agenda papers
Wednesday 20 July, 2016

Councils are invited to submit motions for debate.

Motions can:

- address the objectives of the Association
- relate to matters of common concern to Councils
- recommend priorities to be followed by LGAT in pursuit of the State Agenda
- direct LGAT to undertake certain priorities
- refer to public policy generally.

*LGAT staff are happy to assist you in developing your motion.
 Please phone 03 6233 5964 in the first instance.*

Name of Council :

Contact person (name, title)

Phone: **Fax:** **Email:**

Motion: (should clearly articulate the action required of LGAT or the policy position for the sector)

.....

Background Comments:

.....

For Information Only:

Has a similar motion been considered by the General Meeting in the last 12 months?

Yes/No

Does the motion align with LGAT's strategic plan? Yes/No

If Yes – which Strategic Priority Area?

A copy of the LGAT Strategic Plan is available at - <http://www.lgat.tas.gov.au/page.aspx?u=751>

Post or Email by no later than close of business, Friday 29 April, 2016

19.2 Call for Submission of Motions - 2016 National General Assembly of Local Government**FILE NO:** SF0325/SF2217**AUTHOR:** John Davis (Manager Corporate Strategy)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider submitting any motions to the 2016 National General Assembly of Local Government to be held between 19 and 22 June 2016.

PREVIOUS COUNCIL CONSIDERATION:

SPPC Meeting 4 April 2016 - Item 4.1

RECOMMENDATION:

That Council:

- (i) determines the motions to be submitted to the 2016 National General Assembly of Local Government to be held between 19 and 22 June 2016; or
 - (ii) in the alternative, determines no action is to be taken on this matter.
-

REPORT:

The Australian Local Government Association (ALGA) has invited councils to submit motions for the 2016 National General Assembly (NGA) under the theme of *'Partners in an Innovative and Prosperous Australia'* (Attachment 1).

The eligibility criteria as outlined in the correspondence include:

- Be relevant to the work of local government nationally
- Be consistent with the theme of the NGA
- Complement or build on the policy objectives of LGAT, and
- Propose a clear action and outcome.

A Discussion Paper providing guidance for the submission of motions is included in the attachment and the format for the electronic submission of motions is on the ALGA website at <http://alga.h3consulting.net/motions/#>. Prior to submitting any motions Aldermen are encouraged to consider the eligibility of the proposed motions against the criteria outlined by ALGA.

Submissions need to be made online by 22 April 2016.

19.2 Call for Submission of Motions - 2016 National General Assembly of Local Government...(Cont'd)

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 8 - A secure, accountable and responsive Organisation
Ten-year goal - To communicate and engage consistently and effectively with our community and stakeholders
Key Direction -
3. To ensure decisions are made on the basis of accurate and relevant information

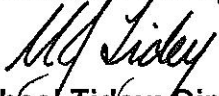
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to 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.


Michael Tidey; Director Corporate Services

ATTACHMENTS:

1. Correspondence from the Australian Local Government Association - Call for Motions to their 2016 National General Assembly
-



AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

18 February 2016

Launceston City Council
PO Box 396
LAUNCESTON TAS 7250

To the Mayor, Councillors and CEO

2016 National General Assembly of Local Government – Call for Motions

The 2016 National General Assembly of Local Government (NGA), to be held at the National Convention Centre in Canberra between 19th and 22nd June, is an opportunity for councils to identify and discuss national issues of priority for the sector and to agree on possible steps which could be taken to address these issues. Every council has the opportunity to raise relevant issues for debate at the NGA and I invite your council to participate in the 2016 NGA by submitting a motion for consideration.

The Australian Local Government Association (ALGA) Board is calling for motions for the 2016 NGA under the theme of 'Partners in an Innovative and Prosperous Australia'. This theme reflects the renewed focus across all levels of government on the roles and responsibilities of the public sector and the challenge of meeting our communities' needs.

To be eligible for inclusion in the NGA Business Papers, motions must follow the principles set out by the ALGA Board, namely:


1. Be relevant to the work of local government nationally;
2. Be consistent with the theme of the NGA;
3. Complement or build on the policy objectives of your state and territory local government association;
4. Propose a clear action and outcome; and
5. Not be advanced on behalf of external third parties which may seek to use the NGA to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, the local government sector.

Please be aware that ALGA reserves the right to reject motions which do not meet these conditions. To assist councils in preparing motions, a Discussion Paper has been prepared and is enclosed with this letter. It is also available on the ALGA website at www.alga.asn.au.

Motions should be submitted via the online form on the website at www.alga.asn.au and should be received by ALGA no later than 22 April 2016. Any administrative inquiries can be directed to ALGA by calling 02 6122 9400.

I encourage you to ensure the views of your Council and your community are represented at the 2016 NGA and accordingly look forward to receiving your Council's motion.

Yours sincerely


Mayor Troy Pickard
President

FILE No.	SFO325		
EO	OD	<input checked="" type="checkbox"/>	Box <input checked="" type="checkbox"/>
RCV'D		24 FEB 2016	LCC
Doc No.			
Action Officer	Noted	Replied	
A. VAN ZETTEN			

E-MAILED TO ALDERMEN
25/02/2016
E-COPY R. DUBZYNSKI

Call for Motions Guidelines and Background Information

The theme for this year's National General Assembly of Local Government (NGA) is '*Partners in an Innovative and Prosperous Australia*'. The NGA theme reflects current issues being debated nationally and priority issues facing local government and is your opportunity to contribute to the development of national local government policy.

The ALGA Board is now calling for motions for the 2016 NGA.

To assist councils in preparing motions, a Discussion Paper has been prepared and is available at www.alga.asn.au.

To be eligible for inclusion in the NGA Business Papers, motions must meet the following conditions:

1. be relevant to the work of local government nationally
2. be consistent with the themes of the Assembly
3. complement or build on the policy objectives of your state or territory local government association
4. propose a clear action and outcome, and
5. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Once submitted, motions will be reviewed by the ALGA Board's NGA Sub-Committee as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the sub-committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association, and will not be included in the Business Papers. The sub-committee reserves the right to reject any motions which are not consistent with the conditions set out above, or to allocate these motions to the reserve section of the debate business papers to be dealt with only if time permits.

Through the review process, minor edits may be made to motions to ensure they can be included in the Business Papers. These edits will change the motion to call for action (for example to 'call on the Australian Government' to do something) to ensure relevance to local government nationally by removing state-specific references, or to ensure the wording is consistent with current conventions such as referring to the Australian Government instead of the Federal Government.

To assist in facilitating an efficient and effective debate, motions that cover similar matters will appear grouped together in the Business Papers and the matter will be debated only once with the lead or strategic motion being the one debated.

Motions that are agreed to at the NGA become Resolutions of the NGA. These Resolutions are then considered by the ALGA Board when setting national local government policy,

when the Board is making representations to the Federal Government at Ministerial Councils, during meetings and in ALGA publications. The ALGA Board is not bound by any Resolution passed at the NGA.

Motions are to be submitted online at www.alga.asn.au and should be received by **ALGA no later than 11.59pm Friday 22 April 2016**.

The following information will be required when you submit a motion using the online form.

Motion

- Text of the Motion

National Objective

- Why is this a national issue and why should this be debated at the NGA?
- Maximum 100 words

Summary of Key Arguments

- Background information
- Supporting arguments
- Maximum of 300 words (additional information should be provided as speaking notes to the council representative who will move the motion at the NGA)

Declaration

You will need to declare that the motion has been endorsed by your council.



AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION

**National General Assembly of Local
Government**

19 - 22 June 2016

Call for Motions Discussion Paper

**'Partners in an Innovative and
Prosperous Future'**

Motions should be lodged electronically at www.alga.asn.au no later than

11:59pm on Friday 22 April 2016.

Submitting Motions

The National General Assembly of Local Government is an important opportunity for you and your council to influence the national policy agenda.

To assist you and your council to identify motions that address the theme of the NGA, the ALGA Secretariat has prepared this short discussion paper. You are encouraged to read all of the sections of the Paper, but are not expected to respond to every question in each section. Your motion/s can address one or all of the issues identified in the discussion paper.

To be eligible for inclusion in the NGA Business Papers, and then debate on the floor of the NGA, motions must be consistent with the following principles:

1. be relevant to the work of local government nationally
2. be consistent with the themes of the Assembly
3. complement or build on the policy objectives of your state and territory local government association
4. propose a clear action and outcome, and
5. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. For example: *That this National General Assembly call on the Federal Government to restore indexation to local government financial assistance grants.*

Motions should be lodged electronically using the online form available on the NGA Website at: www.alga.asn.au. All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council. Motions should be received by ALGA no later than 11:59pm on Friday 22 April 2016, electronically in the prescribed format.

Please note that for every motion it is important to complete the background section on the form. Submitters of motions should not assume knowledge. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the sub-committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. Motions may be edited before inclusion in the Business Papers to ensure consistency. If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association, and will not be included in the Business Papers.

For more information, please contact Clare Hogan at ALGA on (02) 6122 9400.

Preamble

The 2016 National General Assembly (NGA) is most likely to be held in the lead up to the next Federal election. During this time, all national political parties focus on leadership, key messages, marginal seats and political campaigning. National policy initiatives enter the public domain and all Australians are asked to engage in the political process and choose between competing ideas, election promises and the numerous candidates across the nation.

Last year's NGA theme was '*Closest to the People - Local government in the Federation*'. The theme reinforced the vital role of local government in Australia's system of government. It built on the Government's Federation White Paper process, which sought to clarify roles and responsibilities of the levels of government and potentially better align funding with respective responsibilities. It also acknowledged the development of a Green Paper on Taxation. The NGA greatly assisted ALGA in its advocacy and participation in the reform process.

Since then there has been much debate on taxation reform, which will culminate at the 2016 Federal election.

In December 2015 the Council of Australian Governments (COAG) reset the national political dialogue. COAG committed to:

'... close collaboration in areas of shared responsibility, including competition, tax, innovation, infrastructure, cities and regulation, as well as in health and education.'

COAG leaders agreed the principles for a new national economic reform agenda should be:

'...to deliver for all Australians no matter where they live:

- a stronger, more productive and more innovative Australian economy, with more jobs, more opportunities and higher living standards
- fairness and equity, with protection for disadvantaged and lower income Australians, and
- more efficient and high quality services.'

The theme of the 2016 NGA – '*Partners in an Innovative and Prosperous Future*' – invites councils from across Australia to consider the role of local government in this agenda, and how councils can play their role in the delivery of these objectives.

Many of the services and infrastructure provided by councils are not only critical to the social, cultural and environmental well-being of their communities, but also to the economic prosperity of their regions and the nation more broadly.

The NGA debate on motions and associated discussions will seek to highlight how local government can be more agile in delivering those services to communities, as well as send a strong and unified message to the Commonwealth.

Introduction

The 2016 NGA theme is *'Partners in an Innovative and Prosperous Future'*.

This year, the NGA debate on motions and associated discussions will seek to highlight how local government can be more efficient and effective. The discussions will look at how local government, working in partnership with other levels of government, the private sector and the not-for-profit sector, can innovate and create a prosperous future for the community it serves.

This year's theme builds on the work of the 2015 NGA which focused on local government's role in the Federation. The Commonwealth Federation Discussion Paper 2015 sets a context in which motions for this year's NGA should be developed.

The theme *'Partners in an Innovative and Prosperous Future'* seeks to focus attention on the role that local government can play in creating a prosperous Australia. The Federation Discussion Paper notes that Australia today is very different from the country it was at the time of Federation and poses the fundamental question: *'... does [the Federation] provide the system of national governance that Australians need right now, and will it help or hinder efforts to adapt and thrive in the vastly different economic, political and social realities of the 21st century?'*

To put this question in a local government context:

Are the government systems (including our own), processes and priorities, in many cases set up decades ago, still appropriate today?

Are they delivering accessible and fair systems and are they a help or hindrance? Do they facilitate business activity and contribute to higher living standards, or are they a drag on the local economy? Are they necessary or do they duplicate effort?

Technological change has created opportunities, making many traditional models of business and government obsolete. Have these opportunities been taken up?

Participatory democracy is being enhanced through empowering individuals and local communities with new knowledge and new ways of engaging with each other and with governments. Are these opportunities been captured?

Australian productivity and living standards are comparatively high by world standards. However, the current national productivity and reform debate recognises that without reform, Australia risks being left behind on the world stage—meaning fewer jobs, lower economic growth, and reduced living standards.

COAG has responded positively to this challenge. All governments have committed to collaborate particularly in areas of shared responsibility, including competition, tax, innovation, infrastructure, cities and regulation, as well as health and education.

The 2016 NGA seeks motions that suggest reform, innovation in government operations and opportunities to partner with local government that will support Australia's prosperity.

Local government role in national productivity

Over several decades, the NGA has called on the Australian Government to recognise the importance of greater levels of investment in local and regional infrastructure. This advocacy has been, in part, built on equity considerations as well as productivity considerations.

The NGA has called on the Australian Government to increase Financial Assistance Grants and Roads to Recovery (R2R) funding. These calls have been predominantly based on the need for the Commonwealth to help achieve horizontal equity (i.e. an equitable level of municipal services across the country) and the need to assist local councils to rebuild and maintain local infrastructure, particularly roads.

The rationale for permanent R2R funding and additional freight investment is that essentially the purpose of R2R is to restore the capacity of local roads to a standard able to sustain social and economic services, whereas additional funding through freight investment would be required to improve the standard of roads to meet the higher service levels required to handle higher productivity vehicles and significantly higher volumes of freight traffic.

The NGA's calls to the Australian Government have also sought recognition that local infrastructure provides important economic services. Local roads, for example, are an essential component of the national road network and therefore add to local and regional productivity and, in aggregate, make a significant contribution to state and national productivity.

Community infrastructure also plays an important role in local and regional economic development by enhancing the quality of life for residents as well as helping to attract and retain population, skilled workers and a local and regional workforce. The State of the Regions Report in 2015, commissioned by ALGA and written by National Economics, showed that there is a strong economic rationale for ensuring that all regions in Australia prosper. The report confirmed OECD findings that regional inequality reduces national productivity.

Local government's objectives in local economic development are diverse. They recognise local circumstances, availability of resources and the impact of external factors such as privatisation, technological change, globalisation and structural industry changes. For some councils, particularly in rural and regional areas, the focus is on stemming the decline in population, loss of businesses and local employment. For others, it is a focus on working with local businesses and the local community to optimise economic development and opportunities for the area.

Local government can facilitate and support economic development but it is frequently criticised for impeding economic development by imposing additional costs on business including through regulation, creating red-tape, providing unsuitable infrastructure etc.

Australian councils contribute significantly to the productivity and economy of their regions by focusing their efforts in three key strategic areas:

- creating and maintaining the investment environment – ensuring the availability of appropriate physical and social infrastructure, striving to deliver a quality public domain, and ensuring sufficient housing diversity and lobbying on behalf of local and regional communities for sufficient community services such as education and training, health and well-being, community safety and emergency services
- facilitating new local investment – actively promoting business development through facilitating local economic development, strategic planning, working with business

associations/main street organisations, and active involvement with tourism or other business activities, and

- attracting external investment through the creation of new business and capital – working with regional bodies such as RDA, Austrade and developers to attract and create new businesses and investment.

Local government has a key role to play in the provision of support services and infrastructure that underpins local and regional economic development, and therefore local government plays an essential part in achieving higher productivity. In broad terms, actions geared to creating and maintaining the investment environment in local and regional communities are considered to be of prime importance to a majority of local councils and it is this area that ALGA has focused its greatest attention.

Local government is a natural leader in local economic development because councils know their local business communities, workforce and comparative advantages better than anyone else. Local people and businesses are the key to economic growth and development and councils are perfectly positioned to work with local stakeholders to drive a bottom-up, place-based approach to achieve prosperity. Every council's economic development activity will be different according to the unique structures and needs of their local economies, as well as the capacity of the council and community.

Questions

Given the importance of local and regional infrastructure are there any national initiatives that could further assist local government to support local and regional productivity?

Are there areas of reform that local government can explore to enhance economic development and productivity?

Partnering

The term *partner* as a noun is defined as '... a person who takes part in an undertaking with another or others, especially in a business or firm with shared risks and profits.' In the context of the 2016 NGA, it can be interpreted as '... how councils can take part in an undertaking with others, including sharing the risk, for the benefit of the community'.

Local government provides a vast array of services and local infrastructure, often in partnership with others including other governments, the private sector, the community and not-for-profit sector.

Example of partnerships include:

- the provision of a local swimming pool in partnership with the private sector, or a not-for-profit organisation, that provides the management service of that facility
- the provision of Meals on Wheels in partnership with the community not-for-profit sector delivering meals to residents at their homes, and
- the provision of Home and Community Care (HACC) to targeted groups of clients in the municipality, in partnership with the federal and state governments which provide funding.

Other examples include:

- councils partnering with a university to provide locally-relevant research to inform decisions on issues such as development applications in areas that could be effected by sea level change
- partnering with other councils to share resources and skills, and
- partnering with the private sector to develop new and innovative ways of delivering services, such as electronic planning or apps to report pot holes.

A key feature of each of these examples is that each party brings different expertise, skills, resources and experiences to the specific undertaking. The combination of these skills, expertise and resources frequently results in innovation and the provision of a service in a way that would not be possible by either party separately.

An alliance between local government and other partners creates new opportunities for business as well as innovative services, increased efficiency, cost savings and more accessible service to the benefit of the community.

Questions

Please note, where local government is mentioned in the following questions it refers to local government as a whole, not specific proposals for partnerships at a single council level. Questions are designed to draw out new ideas that could transform the delivery of services and infrastructure at a systemic level.

Are there new opportunities for the Australian Government to partner with local government to deliver Commonwealth services at the local level? What would be the role of the Commonwealth in such a partnership? How would this benefit the community?

Are there partnerships that could be developed to maximise the opportunities to innovate and provide simpler, smarter and more reliable services and infrastructure at the local level? If so, what are these opportunities and what would be the role of the Commonwealth in supporting these partnerships?

Are there opportunities for the private sector to partner with local government to speed up and improve a local government service or function? What role could the Commonwealth play in facilitating these opportunities?

Innovation

The Australian Government has declared its strong support for innovation. The Government's National Innovation and Science Agenda says innovation is:

'... at the heart of a strong economy—from IT to healthcare, defence and transport—it keeps us competitive, at the cutting edge, creates jobs and maintains our high standard of living. It's not just about new ideas, products and business models; innovation is also about creating a culture where we embrace risk, move quickly to back good ideas and learn from mistakes.'

The statement has a focus on a range of objectives including:

- entrepreneurship and leveraging our public research
- increasing collaboration between industry and researchers to find solutions to real world problems and to create jobs and growth
- developing and attracting world-class talent for the jobs of the future, and
- government leading by example by embracing innovation and agility in the way we do business.

Questions

What is the role of local government in this innovation agenda?

Are these objectives relevant to local government itself? For example, is its role in increasing collaboration between industry and researchers to find solutions to real-world problems and to create jobs and growth? If so, how can these solutions be shared to the benefit of all councils and their communities. How could the Australian Government help this to occur?

What can local government bring to the table as a partner? For example, does local government hold data that, having regard to privacy issues, could be shared with the private sector which could put it to innovative uses? How could the Australian Government support this?

Are there digital innovations that could be introduced to local government that would increase the efficiency of businesses working with local government and vice-versa. How could the Australian Government support this?

Is there a role for local government to help innovative start-ups to rapidly transform their ideas into globally competitive businesses by giving them mentorship, funding, resources, knowledge and access to business networks? If so, how could the Australian Government support this?

Resourcing

In the 2014-15 Federal Budget, the Government committed to provide \$2.2867 billion in Local Government Financial Assistance Grants (FAGs). However, the Government also announced it would pause the indexation of FAGs for the three years following that budget.

FAGs are a Commonwealth Specific Purpose Payment to local government paid through the State and Territory Governments. Payments are made to councils by jurisdictional Treasurers on the advice of state and territory Local Government Grants Commissions under the provisions of *the Local Government (Financial Assistance) Act 1995*.

The objects of the *Local Government (Financial Assistance) Act 1995* enable the Commonwealth Parliament to provide assistance to the states for the purposes of improving:

- (a) the financial capacity of local governing bodies
- (b) the capacity of local governing bodies to provide their residents with an equitable level of services
- (c) the certainty of funding for local governing bodies
- (d) the efficiency and effectiveness of local governing bodies, and
- (e) the provision by local governing bodies of services to Aboriginal and Torres Strait Islander communities.

Freezing the indexation of FAG's will reduce Commonwealth expenditures (and grants to councils) by more than \$925 million over the forward estimates. The freeze also means that the aggregate level of FAGs will be permanently reduced by almost 13 per cent, unless there is a future government decision to restore this base with a catch-up payment.

Councils are invited to submit motions to address this issue.

19.3 Progress Against 2015/2016 Annual Corporate Plan Actions as at 31 March 2016**FILE NO:** SF6177/SF5652**AUTHOR:** Leisa Hilkmann (Corporate Planning Administration Officer)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To receive the report on progress against Council's 2015/2016 Annual Corporate Plan Actions for the period ending 31 March 2016.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting - Agenda Item 19.1 - 8 February 2016 - *Progress against 2015/2016 Annual Plan Actions - as at 31 December 2015.*

RECOMMENDATION:

That Council:

1. Accepts the report on progress against 2015/2016 Annual Corporate Plan Actions for the period ending 31 March 2016; and
2. Endorses the deferment of the following 2015/2016 Annual Corporate Plan Actions:
 - (i) *Public Open Space (POS) Strategy - Review the 2007 Public Open Space Strategy to encompass POS recommendations from the Greater Launceston Plan and establish a new and up to date vision for Launceston's Public Open Space.*

MEASURES OF SUCCESS

- *POS Strategy planned for completion by 30 December 2015*
- *Public Open Space Strategy adopted by Council by the third quarter 2015/2016*

- (ii) *Review signage and wayfinding with a view to bringing this to an appropriate national/international standard, integrated with the City Heart Project*

MEASURES OF SUCCESS

- *New promotional signage methods trialled*
 - *Improved wayfinding signage installed*
-
-

19.3 Progress Against 2015/2016 Annual Corporate Plan Actions as at 31 March 2016...(Cont'd)

REPORT:

This report provides an update on the progress of Actions from Council's 2015/2016 Annual Plan.

Progress is summarised in the following table:




Action status	Actions	%
Off target (off track)* - less than 60% of target achieved	1	3
In progress - between 60% and 79% of target achieved	8	23
On target (on track) - at least 80% of target achieved	17	50
Completed	6	18
Deferred*	2	6
Total number of Actions	34	100

* see information supplied in Report

Attachment 1 provides detail on progress against Actions, which are listed in order of Priority Areas taken from the Strategic Plan 2014-2024 and also contains the relevant Ten-Year Goals for each Priority Area.

The table includes the following information: the status of each Action, progress comments on Actions, the Directorate responsible for each Action, percentage complete for each Action and the progress against targets set for each Action.

Progress against targets set for each Action is indicated with one of the following icons:

	At least 80% of target achieved
	Between 60% and 79% of target achieved
	Less than 60% of target achieved

19.3 Progress Against 2015/2016 Annual Corporate Plan Actions as at 31 March 2016...(Cont'd)

The following Action is off-track as at 31 March 2016:

- 1. Action:** Accessible documents - Define Council's document accessibility goals and standards, and develop tools to help document creators deliver to these standards
Responsible Director: Michael Tidey, Corporate Services
Comments: Vision Australia's Accessibility Toolbar for Word was released on 3 December 2015. Vision Australia has yet to release the e-learning that supports the toolbar.

Communications advise that the software that sits behind Council's new website has a built-in accessibility checker, and information on specifications around this will be sought from the vendor so requirements can be built into our Management System templates, etc.

This item is off-track pending resolution of the above, so that any changes to our processes and templates etc. reflect the requirements of the above. Communications are assisting in the progression of this. I am working to a revised end date of 30 April 2016 for this Action.

The following two Actions are deferred as at 31 March 2016:

- 1. Action:** Review signage and wayfinding with a view to bringing this to an appropriate national/international standard, integrated with the City Heart Project
Responsible Director: Richard Mulvaney, Queen Victoria Museum and Art Gallery
Comments: This task is off-track as it is now linked to City Heart and the overall signage strategy for Launceston CBD. At this stage this action will be deferred upon completion of the City Heart Project.
- 2. Action:** Public Open Space (POS) Strategy -
Review the 2007 Public Open Space Strategy to encompass POS recommendations from the Greater Launceston Plan and establish a new and up to date vision for Launceston's Public Open Space
Responsible Director: Harry Galea, Infrastructure Services
Comments: The Public Open Space Strategy was deferred due to priority projects, City Heart and Gorge Reimagining requiring greater involvement from the Parks & Recreation team than expected, and the unknown expectations of the Statewide Planning Scheme. Additionally, there have been a number of vacancies in the team, further stretching their capability.

The Strategy work will continue once the Statewide Planning Scheme is adopted and expectations are clear.

19.3 Progress Against 2015/2016 Annual Corporate Plan Actions as at 31 March 2016...(Cont'd)

ECONOMIC IMPACT:

Considered within this report.

ENVIRONMENTAL IMPACT:

Considered within this report.

SOCIAL IMPACT:

Considered within this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 1 - A creative and innovative city

Ten-year goal - To foster creative and innovative people and industries

Key Direction -

6. To contribute towards artistic, cultural and heritage outcomes

Priority Area 2 - A city where people choose to live

Ten-year goal - To promote Launceston as a unique place to live, work, study and play

Key Direction -

1. To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston

Priority Area 4 - A diverse and welcoming city

Ten-year goals - To offer access to services and spaces for all community members and

To work in partnership with others to address the needs of vulnerable and diverse communities

Key Direction -

5. To offer equitable access to services and facilities, including the design of public spaces that are accessible and suited to all abilities

BUDGET & FINANCIAL ASPECTS:

Where relevant, budgetary implications are considered in the City of Launceston's 2015/2016 Budget.

19.3 Progress Against 2015/2016 Annual Corporate Plan Actions as at 31 March 2016...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey; Director Corporate Services

ATTACHMENTS:

1. 2015/2016 Annual Corporate Plan Actions - Progress to 31 March 2016 (distributed electronically).
-

20 GENERAL MANAGER'S DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

21 URGENT BUSINESS

Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, states that a council, by absolute majority at an ordinary council meeting, may decide to deal with a matter that is not on the Agenda.

No Urgent Items have been identified as part of this Agenda

22 CLOSED COUNCIL

Local Government (Meeting Procedures) Regulations 2015 - Regulation 15(2)

22.1 Confirmation of the Minutes**DECISION STATEMENT:**

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.

22.2 34-40 Howick Street, South Launceston**RECOMMENDATION:**

That Agenda Item 22.2 - 34-40 Howick Street, South Launceston be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(i) 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)(i) matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council.

23 MEETING CLOSURE
