



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 12 SEPTEMBER 2016
1.00pm**

City of Launceston

COUNCIL AGENDA

Monday 12 September 2016

Notice is hereby given that the Ordinary Meeting of the City of Launceston Council will be held at the Council Chambers, Town Hall, St John Street, Launceston:

Date: 12 September 2016

Time: 1.00pm

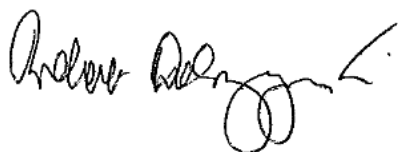
Section 65 Certificate of Qualified Advice

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

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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 22 August 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

No Petitions have been identified as part of this Agenda

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 the 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.)

6.1 Metal Minds Robotics

Mr Jonathan Heathcote
Council will be briefed on the Metal Minds Robotics 'First Tech Challenge'.

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.)

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

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 Agenda Item 8 - Planning Authority.

8 PLANNING AUTHORITY

8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)

FILE NO: DA0250/2016

AUTHOR: George Walker (Development Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Benjamin Peter Davis
Property:	217B Invermay Road Invermay and 1 Lytton Street Invermay
Zoning:	Local Business
Receipt Date:	6/06/2016
Validity Date:	7/06/2016
Further Information Request:	16/06/2016
Further Information Received:	15/08/2016
Deemed Approval:	16/09/2016
Representations:	14

PREVIOUS COUNCIL CONSIDERATION:

There are no records available of previous Council decisions.

8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)...(Cont'd)

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 DA0250/2016 - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, café/restaurant and bar (including ancillary microbrewery); alterations and modifications to existing building; construction of new boundary walls; construction of a new sign; with right of way over 1 Lytton Street subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Cover Page Drawing No. 1559_DA00 prepared by Jaws Architecture dated 11 August 2016;
 - b. Location Plan Drawing No. 1559_DA01 prepared by Jaws Architecture dated 11 August 2016;
 - c. Site Plan Drawing No. 1559_DA02 prepared by Jaws Architecture dated 11 August 2016;
 - d. Existing/Demolition Ground Floor Plan Drawing No. 1559_DA03 prepared by Jaws Architecture dated 11 August 2016;
 - e. Proposed Ground Floor Plan Drawing No. 1559_DA04 prepared by Jaws Architecture dated 11 August 2016;
 - f. Existing/Demolition First Floor Plan Drawing No. 1559_DA05 prepared by Jaws Architecture dated 11 August 2016;
 - g. Proposed First Floor Plan Drawing No. 1559_DA06 prepared by Jaws Architecture dated 11 August 2016;
 - h. North Elevation Plan Drawing No. 1559_DA07 prepared by Jaws Architecture dated 11 August 2016;
 - i. East Elevation Plan Drawing No. 1559_DA08 prepared by Jaws Architecture dated 11 August 2016;
 - j. South Elevation Plan Drawing No. 1559_DA09 prepared by Jaws Architecture dated 11 August 2016;
 - k. West Elevation Plan Drawing No. 1559_DA10 prepared by Jaws Architecture dated 11 August 2016;
 - l. Section A Plan Drawing No. 1559_DA11 prepared by Jaws Architecture dated 11 August 2016;
 - m. Section B Plan Drawing No. 1559_DA12 prepared by Jaws Architecture dated 11 August 2016;
 - n. 3D Views Plan Drawing No. 1559_DA13 prepared by Jaws Architecture dated 11 August 2016;
-

8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)...(Cont'd)

- o. Environmental Noise Assessment Report No. 421452-01 prepared by Vipac Scientists and Engineers dated July 2016.

2. FLOOD MANAGEMENT PLAN

The endorsed flood hazard management plan, Hydrological Report and Emergency Management Plan contained within Response to Further Information letter LN15293 - Further Information - LCC DA0250/2016 prepared by Pitt and Sherry dated 9 August 2016, must be kept on premises at all times and displayed prominently. The plan must be issued to key staff and strictly adhered to.

3. LEGAL TITLE

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

4. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2016/00795-LCC) (attached).

5. HERITAGE

The development must be undertaken in accordance with the conditions included within the Tasmanian Heritage Council 'Notice of Heritage Decision' for THC Application No. 5042 which is endorsed as part of this permit.

6. 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 an impervious all weather seal,
- c) Be adequately drained to prevent stormwater being discharged to neighbouring 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.

- 8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)...(Cont'd)**
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7. AMENDED PLANS REQUIRED

Prior to the commencement of any work amended plans must be submitted to show:

- a. The reconfiguration of the proposed car parking area to ensure that the fire exits are not obstructed by parked vehicles,
- b. Designation of the accessible parking space in accordance with the requirements of AS2890.6.

Once approved by the Planning Services, these amended plans will be endorsed and will then form part of the Permit and shall supersede the original endorsed plans.

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. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

The explicit permission of Technical Services is required prior to undertaking works where the works:

- a. require a road or lane closure;
- b. require occupation of the road reserve for more than one week at a particular location;
- c. are in nominated high traffic locations; or
- d. involve opening or breaking trafficable surfaces.

Where the work is associated with the installation, removal or modification of a driveway or a stormwater connection, the approval of a permit for such works shall form the explicit approval.

10. AMENITY - COMMERCIAL/INDUSTRIAL USE

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

- 8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)...(Cont'd)**
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11. HOURS OF OPERATION

The operation of the approved uses must be confined to 7:00am until 12:00am 7 days per week.

12. DELIVERY HOURS

Deliveries to and from the site (including waste collection) must only take place between:

- 7am and 5pm Monday to Friday
- 9am and 1pm Saturday
- 10am to 1pm Sunday

13. MICROBREWERY

The operation of the microbrewery is limited to the following specifications:

- a. the majority of beer produced by the microbrewery, being no less than 70%, is to be sold onsite in associated with the bar, café/restaurant and theatre use;
- b. production of beer is limited to 40,000l per year;
- c. mechanical plant and equipment such as pumps and generators utilised in associated with the microbrewery are to be housed within the building;
- d. waste products associated with the brewing process must be securely stored onsite and disposed of regularly;
- e. any dust emissions associated with the milling process must be contained so as not to cause an environmental nuisance;
- f. all waste water is to be directed into the reticulated sewerage infrastructure.

14. ODOUR MANAGEMENT

Odour emissions produced from the operation of the kitchen must be managed by one of the following options:

1. restricting the menu options to exclude any open top cooking or deep-frying activities;
or
2. providing a report from a suitably qualified person with recommendations for the installation of a suitable exhaust system that will control emissions of noise and cooking odours to an acceptable level so as not to cause an environmental nuisance. The report must be to the satisfaction of Council's Manager Environmental Services. In addition the proposed exhaust system must comply with AS1668.1 and AS1668.2:2012.

15. NOISE REPORT

Prior to the commencement of the approved use the recommendations contained within the Environmental Noise Assessment prepared by Vipac and dated July 2016 are to be complied with.

- 8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)...(Cont'd)
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16. DEMOLITION

The Developer must:

- a) protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
- b) not undertake any burning of waste materials on site;
- c) remove all rubbish from the site for disposal at a licensed refuse disposal site;
- d) dispose of any asbestos found during demolition in accordance with the Worksafe Tasmania 'How to Safely Remove Asbestos' Code of Practice 2012 or any subsequent versions of the document

17. NOISE - COMMERCIAL/INDUSTRIAL

The use must not cause unreasonable noise or interference to adjoining sensitive uses. Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise from impacting on neighbouring properties.

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 DA0250/2016. 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).

8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)...(Cont'd)

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 withdrawn or determined; or.*

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

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.

E Food Premises

All Food Businesses must be registered with council in accordance with the Food Act 2003. Food Premises must comply with the National Construction Code TAS Part H102.

REPORT:

1. THE PROPOSAL

The applicant is seeking planning approval for the change of use of an existing building into a theatre, café/restaurant and bar which includes an ancillary micro-brewery on land located at 217B Invermay Road, Invermay (the subject property). The subject property is zoned Local Business (the zone) in accordance with the Launceston Interim Planning Scheme 2015 (the scheme). Specifically, the proposal includes the following components:

8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)...(Cont'd)

Change of use to Theatre

The primary objective of the proposal is to change the use of the building, which is currently utilised for general retail and hire purposes, to a theatre. The use of land for a theatre is categorised as community meeting and entertainment, which is a permitted use within the zone. The theatre including the seating, function area and screen will be located in the rear 2/3rds of the building and will be split over three areas:

- The main theatre area will be located on the ground floor within the centre of the building and will include 140 seats. This area will be utilised as a flexible function room which will enable full seating to be utilised. In addition the area will be able to be reconfigure the area to incorporate dining tables for formal viewing or with beanbags and other casual settings for informal viewing;
- The dress circle will be located on the first floor above the main theatre area and will include 220 seats. The seats to be located within the dress circle will be fixed. The dress circle and the main theatre area will face the primary screen and stage which will be located in the western third of the building;
- A secondary and separate theatre area will be located to the rear of the building which will have the capacity to contain approximately 80 seats. This area will run parallel to the stage and screen of the main viewing area.

Change of use to Café/Restaurant and Bar

It is proposed to modify the front third of the building into a café/ restaurant and bar area which will incorporate a lounge area, commercial kitchen and café dining spaces. An additional dining area is proposed to be located along the northern wing of the building. This area will serve as the formal entrance to the theatre. It is anticipated that the café/restaurant and bar area will operate as ancillary to the theatre as well as a standalone use.

The use of land for a café and restaurant is categorised as food services and the use of land for a bar is categorised as hotel industry. Both use classes are permitted within the zone.

Microbrewery

It is proposed to establish and operate a microbrewery within the building which will be incorporated into an enclosed section to the rear and semi-enclosed area to the southern (side) wing. The microbrewery will have a maximum capacity of approximately 1,000l per brew and will only produce keg beer.

8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)...(Cont'd)

Ordinarily, the use of land for a microbrewery is categorised as resource processing which is prohibited within the zone. However, it is anticipated that approximately 70% of the beer that will be produced by the microbrewery will be sold and consumed through the operation of the bar, café and theatre. Accordingly the microbrewery is considered to be subservient to the theatre and bar uses.

Aspects of the proposed development

The proposed change of use requires substantial internal and external works. Specifically, the following external works are proposed:

- Construction of a new wing on the northern side of the building. This will be achieved by constructing a masonry parapet wall approximately 4m in height and will parallel with the northern boundary with a skillion roof spanning from the existing building to the boundary wall. This area will be utilised for dining purposes;
- Extension to the southern side of the building adjacent to the southern boundary to incorporate toilets and a part of the microbrewery. This will be achieved by constructing a masonry parapet wall approximately 4m in height and will be parallel with the southern boundary;
- Installation of skylights in the new roof sections;
- Reinstatement of original style windows and door openings on the Invermay Road façade;
- Installation of up-lights above the awning to illuminate the upper façade;
- Installation of a new internally illuminated sign on the upper level façade. The proposed sign will be designed to be similar as the original Star Theatre sign and will have a maximum overhang of approximately 1.5m beyond the façade. Neon strip lighting will also be installed along existing horizontal grooves in the façade. It should be observed that the majority of the works to the façade are intended to reinstate the original features of the Star Theatre.
- Provision of bicycle parking to be located to the south-east of the building in proximity to the car parking area.

Internal floor configuration

The ground floor will include the following areas:

- Main entrance, ticket booth, office and lounge;
 - Café/restaurant, bar and kitchen;
 - Dining and retail space;
 - Toilet facilities including shower and amenities;
 - Microbrewery and plant room;
 - 140 seat theatre and function area;
 - Ancillary 80 seat theatre;
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8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)...(Cont'd)

The upper floor will include the following areas:

Dress circle seating and storage area;

Staff and meeting room, kitchenette and toilet facilities;

Biograph, film and projection room.

Operational aspects

It is proposed to operate the facility from 7:00am until midnight 7 days per week. The following is a breakdown of operating hours:

- Cinema and theatre:
 - Monday-Friday 5:30pm until 11:00pm;
 - Saturday 10:30am until 11:00pm;
 - Theatre matinee sessions may occur in addition to special showings for large bookings and special features;
 - The theatre and function area will be made available for hire when the theatre is not in operation.

- Café:
 - Saturday and Sunday 7:00am onwards for breakfast;
 - Lunch 7 days per week;
 - Dinner will be offered during theatre operating hours.

- Bar:
 - The bar will be open during theatre operating hours.

- Microbrewery:
 - The key functions of the micro brewing process will occur during standard business hours which includes boiling and kegging.

It is anticipated that the venue will employ approximately 8 full time equivalent (FTE) employees and 10 part-time/casual employees. The average number of employees on the site at any one time is expected to be 3 FTE and 2-3 part-time equivalents.

It is expected that there will be between 2-3 deliveries per day via small trucks and semi-rigid utes with the majority of deliveries occurring between 9:00am and 11:00am. Most deliveries will occur within Invermay Road however provision for delivery bays at the rear of the building has been made. The planning submission has indicated these deliveries will mostly occur between 9.00am and 11.00am.

- 8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)...(Cont'd)**
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2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject property is located on the western side of Invermay Road between the intersections of Lytton Street to the north and Waugh Street to the south. The adjoining properties to the north and south along Invermay Road are zoned Local Business and are primarily utilised for commercial and retail activities with the upper floor of the building to the north currently operating as residential apartments. The adjoining property to the north-west and the land to the west is zoned General Residential and comprises established residential use and development.

The property is of a standard rectangular shape perpendicular to Invermay Road and is approximately 1,037m² in area. Primary vehicular access to the site is via a right-of way adjacent to the south-western boundary of the adjoining property to the north-west (1 Lytton Street) into the rear of the site. There is no direct vehicular access from Invermay Road.

The subject property is currently developed with a double-storey art deco building which was constructed in the late 1930's for its original purpose as the Star Theatre. The building consumes approximately 2/3rds of the site with the rear third comprising the existing car parking area. The existing building is connected to the full suite of reticulated services and is currently being utilised as a retail premises.

Invermay Road is a long arterial road stretching for approximately 2.4km between Mowbray Connector to the North and Victoria Bridge to the south. Invermay Road is characterised by a mixture of commercial, business, retail, food services, residential and recreational uses and experiences a high volume of vehicle movements. The proposal will essentially reinstate a previous use in addition to introducing additional uses that are recognised as being permitted within the zone. It is expected that the proposed use and development will contribute to, and complement the existing mixture of use and development along Invermay Road.

- 8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)...(Cont'd)**
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3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

20.0 Local Business Zone

20.1.1 Zone Purpose Statements

20.1.1.1 To provide for business, professional and retail services which meet the convenience needs of a local area.

20.1.1.2 To ensure that the primary purpose of the zone is maintained and use and development does not distort the activity centre hierarchy.

20.1.1.3 To maintain or improve the function, appearance and distinctive qualities of neighbourhood centres.

20.1.1.4 To create:

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

20.1.1.5 To encourage a diversity of residential developments, including shop-top housing and tourist accommodation, which support the functions of neighbourhood centres.

Consistent

The proposed change of use and building works further the zone intent by:

- providing for a community meeting/entertainment attraction not otherwise provided in the Invermay or Mowbray area;
 - creating a vibrant business that will attract visitors to Invermay and reinstate interest in a heritage listed building;
 - a detailed traffic study has demonstrated that on-street car parking demand can be met within the local area without detrimental impact to residents and businesses.
-

- 8.1 **217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)...(Cont'd)**

20.3 Use Standards

20.3.1 Hours of operation

Objective:
To ensure that uses do not cause unreasonable loss of amenity to nearby sensitive uses.
Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.
A1 Commercial vehicles must only operate between 6.00am and 10.00pm Monday to Friday and 7:00am to 5:00pm Saturday and Sunday.
Complies In this instance, the applicant has indicated that deliveries will predominately occur between 9:00am and 11:00am which will be within the parameters of the acceptable solution. Notwithstanding this, it is recommended that a condition be applied to the permit specifying that all deliveries occur within the permissible time frame as specified by the acceptable solution.
A2 Operating hours, except for office and administrative tasks, must be between: (a) 6.00am and 10.00pm, where adjacent to the boundary of the General Residential, Inner Residential, Low Density Residential and Urban Mixed Use zones; or (b) 6.00am to midnight otherwise.
Relies on Performance Criteria In this instance, the subject property shares a common boundary with the General Residential zone. Therefore the acceptable solution requires the theatre to operate between the hours of 6:00am and 10:00pm. In this instance, approval is sought for operating hours to be between 7:00am and 12:00am (midnight). Therefore assessment against the corresponding performance criteria is required.
P2 Uses must not unreasonably impact on the amenity of nearby sensitive uses, having regard to: (a) the nature and intensity of the proposed use; (b) the characteristics and frequency of any emissions generated; (c) the extent and timing of traffic generation; (d) the hours of delivery and despatch of goods and materials; and (e) the existing levels of amenity.

8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)...(Cont'd)

Complies

In this instance, the applicant has indicated that patrons will typically leave the premises by 10:30pm which is marginally outside the permissible time frame specified by the acceptable solution. Following this time, staff will undertake clean up duties.

Notwithstanding this, it is considered that the proposed operating hours comply with the performance criteria on the following basis (it should be noted here that the assessment has been based on the period where operating hours exceed the acceptable solution criteria which will be the two additional hours between 10:00pm and 12:00am):

- a) The activity of the theatre including screening is not expected to be audible from outside the building at nearby residential properties on the basis that the theatre will be sound-proofed from the inside in order to reduce external noise such as traffic from entering the theatre viewing area.

At the conclusion of the viewing patrons will exit the theatre from the Invermay Road façade where they will access transport home from either a personal car within the vicinity of the theatre or by public transport. Accordingly the impact of the additional 2 hours of operation from the adjoining residential property is expected to be minimal from the movement of patrons.

The main impact of the adjoining residential property to the rear is expected to be from staff getting into their vehicles and leaving the premises from the rear following a late session. However, this impact is considered to be minimal and not dissimilar to residential movements;

- b) An Environmental Noise Assessment was conducted by Vipac which identified the characteristics and frequency of potential noise emissions. Overall, the assessment identified that the operation of the theatre would produce noise emissions primarily from mechanical plant. The assessment specified a number of recommendations to be undertaken in order to reduce potential noise emissions. It is recommended that a condition be applied to the permit requiring the use and development to be in accordance with the recommendations of the noise assessment;
- c) The capacity of the existing car park to the rear of the building is low with pedestrian access into the building restricted. As such, the car parking area will likely be utilised by staff. Accordingly, traffic generation via the car park is likely to be infrequent and will be predominately during operating hours;
- d) A condition has been recommended requiring all deliveries to occur within the hours specified by the acceptable solution for commercial vehicles;
- e) It is considered that the level of amenity experienced by existing residential uses within close proximity (50-100m) from Invermay Road is somewhat compromised due to the presence of existing commercial and business uses in addition to the large volumes of traffic that Invermay Road experiences. The operation of the theatre is not expected to result in a significant detriment to the current levels of amenity experienced by nearby residential uses.

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20.3.2 Mechanical plant and equipment

Objective:
To ensure that the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to sensitive uses.
Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.
A1 Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining or immediately opposite sensitive uses.
Complies An environmental noise assessment accompanied the application which considered the impact of mechanical plant and equipment. The assessment included the following recommendation: <ul style="list-style-type: none"> Mechanical plant equipment housed outside of the building structure should have a maximum total SWL level 72dBA and be free of intrusive noise characteristics as defined by the Tasmanian Noise Measurement Procedures Manual. This could be achieved through a combination of selecting 'quiet' equipment and enclosing. <p>With the mechanical plant potentially operating past 2230 hours the above recommendation allows for approx. 37 dBA at critical receiver locations accounting for the lower background noise levels that occur after this time.</p> <p>Care should also be taken in the selection of kitchen fume exhaust systems with regard to discharge locations and the SWL level produced by the extraction fan so as not to cause a nuisance.</p> <p>It is considered that compliance with these design recommendations achieves compliance with the acceptable solution. It is recommended that a condition be applied to the permit requiring the use and development to be in accordance with the recommendations of the noise assessment.</p> <p>It is noted that a condition has been recommended specifying the type of cooking equipment that can be utilised within the kitchen. Where equipment produces significant odour emissions such as open top grills and deep-fryers a report must be prepared by a suitably qualified consultant indicating that the type of equipment and treatment system (including the canopy and exhaust system) will result in minimal environmental nuisance such as noise and odour emissions to nearby residential and sensitive uses.</p>

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20.3.3 Light spill and illumination

<p>Objective: To ensure that light spill and levels of illumination from external lighting does not cause unreasonable loss of amenity to sensitive uses.</p>
<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.</p>
<p>A1 The use must:</p> <ul style="list-style-type: none"> (a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the General Residential, Inner Residential, Low Density Residential, Urban Mixed Use and Village zones; and (b) contain direct light from external light sources within the boundaries of the site.
<p>Relies on Performance Criteria In this instance, drawing No/ 1559_DA09 indicates that up-lights will be affixed above the awning to light the facade during the night and therefore beyond the boundaries of the site. Further, it is anticipated there will be light spill from the neon strip lighting and the illuminated signage to be installed on the front facade. Accordingly the application must be assessed against the corresponding performance criteria.</p>
<p>P1 Floodlighting or other external lighting used on the site must not cause an unreasonable loss of amenity to nearby sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) the number of light sources and their intensity; (b) the proximity of the proposed light sources to nearby sensitive uses; (c) the topography of the site; (d) the landscaping of the site; (e) the degree of screening between the light source and the sensitive uses; and (f) existing light sources nearby.
<p>Complies It is considered that the proposed lighting complies with the performance criteria on the following basis:</p> <ul style="list-style-type: none"> a) The three light sources that will potential spill light will be directed into the Invermay Road casement which currently experiences significant light sources from street lighting and vehicle movements. The level of light spill is not expected to be unreasonable in terms of its intensity and direction; b) The light sources are not located within close proximity to the residential and other sensitive uses to the rear of the existing building; c) The subject property is flat and is unaffected by significant topographical constraint; d) No landscaping has been proposed along the front façade and it is not considered appropriate or practical to provide landscaping given the siting of the existing building; e) The light sources will be completely screened form the residential uses to the rear of the building.

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20.3.4 Noise levels

<p>Objective:</p> <p>To ensure that noise levels from uses do not unreasonably impact on the amenity of nearby sensitive uses.</p>
<p>Consistent</p> <p>The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.</p>
<p>A1 Noise generated by a use on the site must:</p> <ul style="list-style-type: none"> (a) not exceed a time average A-weighted sound pressure level (L_{aeq}) of 5 dB(a) above background during operating hours when measured at the boundary of an existing sensitive use adjoining or immediately opposite the site; or (b) be in accordance with any permit conditions required by the Environment Protection Authority or an environment protection notice issued by the Director of the Environment Protection Authority.
<p>Relies on Performance Criteria</p> <p>The environmental noise assessment indicates that the proposed use will likely exceed the minimum criteria which is specified by the acceptable solution in particular at later times where the background noise of the locality is lower. Therefore assessment against the corresponding performance criteria is required.</p>
<p>P1 Noise levels generated by a use on the site must not unreasonably impact on the amenity of nearby sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and intensity of the use; (b) the characteristics of the noise emitted; (c) background noise levels; (d) any mitigation measures proposed; (e) the topography of the site; and (f) the character of the surrounding area.

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Complies

It is considered that the proposed theatre will comply with the performance criteria on the following basis:

- a) The activity of the theatre including screening is not expected to be audible from outside the building at nearby residential properties on the basis that the theatre will be sound-proofed from the inside in order to reduce external noise such as traffic from entering the theatre viewing area.

At the conclusion of the viewing patrons will exit the theatre from the Invermay Road façade where they will access transport home from either a personal car within the vicinity of the theatre or by public transport. Accordingly the impact of the additional 2 hours of operation from the adjoining residential property is expected to be minimal from the movement of patrons.

The main impact of the adjoining residential property to the rear is expected to be from staff getting into their vehicles and leaving the premises from the rear following a late session. However, this impact is considered to be minimal and not dissimilar to residential movements;

- b) An Environmental Noise Assessment was conducted by Vipac which identified the characteristics and frequency of potential noise emissions. Overall, the assessment identified that the operation of the theatre would produce noise emissions primarily from mechanical plant. The assessment specified a number of recommendations to be undertaken in order to reduce potential noise emissions. It is recommended that a condition be applied to the permit requiring the use and development to be in accordance with the recommendations of the noise assessment;
- c) It is considered that the level of amenity experienced by existing residential uses within close proximity (50-100m) from Invermay Road is somewhat compromised due to the background noise which is generated by the presence of existing commercial and business uses in addition to the large volumes of traffic that Invermay Road experiences. The operation of the theatre is not expected to result in a significant detriment to the current levels of amenity experienced by nearby residential uses;
- d) It is recommended that a condition be applied to the permit requiring the use and development to be in accordance with the recommendations of the noise assessment;
- e) The subject property is flat and is unaffected by significant topographical constraint;
- f) Invermay Road is characterised by a mixture of commercial, business, retail, food services, residential and recreational uses and experiences a high volume of vehicle movements. The proposal will essentially reinstate a previous use in addition to introducing additional uses that are recognised as being permitted within the zone. It is expected that the proposed use and development will contribute to, and complement the existing mixture of use and development along Invermay Road.

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20.3.5 Retail impact

<p>Objective: To ensure that the economic, social and environmental impact of significant new retail use and development is consistent with the activity centre hierarchy.</p>
<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.</p>
<p>A1 If for no permit required or permitted use class.</p>
<p>Complies All uses that have been proposed fall within the permitted category of the zone use table. Therefore the acceptable solution is met.</p>

20.4 Development Standards

20.4.1 Building height, setbacks and siting

<p>Objective: To ensure that building bulk and form, and siting: (a) is compatible with the streetscape and character of the surrounding area; (b) protects the amenity of adjoining lots; and (c) promotes and maintains high levels of public interaction and amenity.</p>
<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.</p>
<p>A1 Building height must be no greater than: (a) 7m; or (b) 1m greater than the average of the building heights on the site or adjoining lots; whichever is higher.</p>
<p>Complies New wings are proposed to be constructed on both the northern and southern sides of the building. A masonry wall will be constructed along the boundary with a skillion roof spanning from the building to the walls. Each wing will be constructed to a height of approximately 4.5 metres which is below the maximum 7 metres required by the acceptable solution.</p>
<p>A2 Setback from a frontage must be: (a) built to the frontage at ground level; or (b) no more or less than the maximum and minimum setbacks of the buildings on adjoining lots.</p>

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<p>Complies No change to the frontage setback is proposed. Notwithstanding, the existing building is constructed to the frontage.</p>
<p>A3 Setback from a side boundary must be: (a) built to the side boundaries at ground level; or (b) no more or less than the maximum and minimum setbacks of the buildings on adjoining lots.</p>
<p>Complies The building additions will be constructed to the side boundary at ground level. Therefore the acceptable solution is met.</p>
<p>A4 Where the site is located on the boundary of the General Residential and Inner 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>
<p>Complies The extensions to the north and south of the building abut land within the Local Business Zone. Therefore the acceptable solution is met.</p>
<p>A5 The facade and entrance of the primary building, must be clearly visible, and accessible from a road, for pedestrians and persons with a disability.</p>
<p>Complies Minor changes to the facade and entrance to the building are proposed. These will ensure that the building clearly presents to the street and is accessible from the road for pedestrians and persons with a disability. Therefore the acceptable solution is met.</p>

20.4.2 Location of car parking

<p>Objective:</p> <p>To ensure that car parking: (a) does not detract from the streetscape; and (b) provides for vehicle and pedestrian safety.</p>
<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.</p>
<p>A1 Car parking must be located: (a) within the building structure; or (b) behind the building.</p>
<p>Complies All proposed car parking will be located to the rear of the building. Therefore the acceptable solution is met.</p>

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20.4.3 Active ground floors

<p>Objective:</p> <p>To ensure that building facades promote and maintain high levels of pedestrian interaction and amenity.</p>
<p>Consistent</p> <p>The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.</p>
<p>A2 Alterations to ground floor facades of non-residential buildings must not:</p> <ul style="list-style-type: none"> (a) reduce the level of glazing on a facade to a road, mall, laneway or arcade that is present prior to alterations; (b) have security grilles or screens that obscure the ground floor facade; (c) introduce new or additional mechanical plant or equipment such as air-conditioning units or heat pumps located on the facade; and (d) increase blank walls, signage panels or blocked out windows, wider than 2m on ground floor facades to roads, malls, laneways or arcades.
<p>Complies</p> <p>It is proposed to alter the ground floor facade of the building by reinstating the glazed entrance doors where there are currently windows. In addition it is proposed to construct a new glazed door and window section to the north of the facade which will be used as a quick service outlet to the public for items such as take-away coffee. In respect to each of the matters to be considered under the Acceptable Solution the following is noted:</p> <ul style="list-style-type: none"> a) The level of glazing on the Invermay Road façade will be increased; b) No security grilles or screens are proposed; c) No new additional plant or mechanical equipment is proposed for the street façade; d) The street façade will not have any blank walls, blocked out windows or signage panels.
<p>A3 The building must:</p> <ul style="list-style-type: none"> (a) provide a direct access for pedestrians from the road or publicly accessible areas; and (b) be orientated to face a road, mall, laneway or arcade, except where the development is not visible from these locations.
<p>Complies</p> <p>The Invermay Road facade is orientated to Invermay Road and provides direct access for pedestrians from the footpath along Invermay Road.</p>

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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.

Consistent

The proposed development has been assessed as being consistent with the purpose of the Code. Refer to the assessment against the relevant standards and provisions which demonstrates compliance.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

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

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.

A1 The number of car parking spaces must:

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

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Relies on Performance Criteria

In accordance with Table E6.1, the following calculations have been made for each use:

- **Community Meeting and Entertainment:**
Table E6.1 requires 1 space per 20m² of floor area available to the public or 1 space per 4 seats whichever is the greater. In this instance the number of seats generates the greatest parking demand.
- **Food Services:**
Table E6.1 requires 1 car parking space per 15m² of café/restaurant floor area. The floor area is estimated at 140m² therefore 9 car parking spaces are required to be provided.
- **Hotel Industry:**
Table E6.1 requires 1 car parking space per 20m² of floor area. The floor area of the café/restaurant will be utilised as the bar area. Therefore 7 spaces are required to be provided.

Based on the above, a total of 126 car parking spaces are required to be provided for the proposed use. Approximately 7 car parking spaces have been proposed. Therefore assessment against the corresponding performance criteria is required.

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

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

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

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

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

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Complies

It is considered that the proposed variation to the car parking numbers complies with the performance criteria on the following basis:

- a) The TIA determined that there are approximately 115 car parking spaces available during the times in which the theatre would operate. These car parking spaces predominately located within the surrounding road network, with a large portion of the car parking spaces located along Invermay Road;
- b) The peak demand from car parking generated by the theatre will be largely from 6:00pm onwards which coincides with the popular time slot of evening sessions. It is observed that the peak demand for parking that will be generated by the proposed theatre will fall outside the peak demand for parking that is generated by the existing uses along Invermay Road which will largely be between typical business hours of 8:00am and 5:00pm.

Accordingly, it is expected that there will be car parking spaces available within the surrounding road network on this basis;

- c) It is observed that there is a north bound Metro bus stop located approximately 100m to the north of the subject property and a south bound Metro bus stop located approximately 20m from the subject property on the opposite side of Invermay Road. In addition, there are multiple bus stops to the north and south along Invermay Road.

It is therefore evident that the availability and frequency of public transport is adequate in terms of accessibility and within reasonable walking distance from the theatre;

- d) The subject property is flat and is unaffected by significant topographical constraint;
- e) The TIA determined that there are approximately 115 car parking spaces available during the times in which the theatre would operate. These car parking spaces predominately located within the surrounding road network, with a large portion of the car parking spaces located along Invermay Road.

Invermay Road is approximately 20m in width comprising of a north and south bound lane in addition to a central waiting lane that provides an area for vehicles to wait whilst executing a right hand turn across the oncoming lane. Whilst Invermay Road is a high traffic volume road, the width and straight nature provides for good visibility for both pedestrians and vehicles.

- f) The proposed use will substantially increase the demand for car parking within the vicinity of the building. However, the car parking demand generated by the theatre use is expected to fall outside peak demand that is generated by the existing uses along Invermay Road which will largely be between typical business hours of 8:00am and 5:00pm;
 - g) On-street parking generated by the theatre is not expected to detract from the
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8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery)...(Cont'd)

streetscape character of Invermay Road which is frequently occupied by cars parked on the side of both major traffic lanes;

- h) The TIA concluded that the additional traffic volumes that will be generated by the theatre use are expected to have a minimal impact on the safety and operation of the surrounding road network. Furthermore, the TIA indicates that the proposed off-street parking (for staff) and available on-street parking within the immediate area is adequate for use by vehicles associated with the theatre use.

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.

Complies

In this instance, it is proposed to make 7 car parking spaces available at the rear of the building within the existing car parking area. Therefore 1 accessible car parking space is required to be provided. In this case, it is proposed to make one of the parking spaces at the rear of the building an accessible space. Therefore the acceptable solution is met.

E6.5.2 Bicycle parking numbers

Objective:

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

Consistent

The proposed change of use has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.

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.

Relies on Performance Criteria

In this instance, the total number of bicycle numbers required for the proposed use(s) has been calculated to be 20. Approximately four bicycle parking spaces have been proposed to be located at the rear of the building off the existing car parking area. Therefore assessment against the corresponding performance criteria is required.

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.

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Complies

In this instance approximately 4 bicycle parking spaces are proposed. It is considered that the performance criteria are met on the following basis:

- a) It is expected that regular users of bicycles as a form of transport will be undertaken by employees. To this end, there is sufficient bicycle parking spaces provided both externally and internally for the use by employees;
- b) The subject property is located along Invermay Road and is within close proximity to the Invermay/Inveresk residential areas. The land is relatively flat and is readily accessible by cyclists. Notwithstanding, it is expected that nearby residents attending the theatre would elect to walk given limited topographical constraint;
- c) There remains capacity within the road reserve for Council to install bicycle racks if demand requires.

E6.5.3 Taxi spaces

Objective:

To ensure that access for taxis is provided to meet the needs of the use.

Consistent

The proposed change of use has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.

E6.5.4 Motorcycle parking

Objective:

To ensure that motorcycle parking is provided to meet the needs of the use.

Consistent

The proposed change of use has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.

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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 proposed change of use has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.
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 In this instance, the gradient of the subject property has been calculated to be approximately 10%. Therefore the car parking spaces will have a gradient of less than 10%. The existing car parking area is sealed and drained to Council infrastructure. Finally a condition has been recommended by Infrastructure Services which requires the car parking spaces to meet the following standards, amongst other specifications: <ul style="list-style-type: none"> • designed to comply with AS 2890.6 Off-street parking for people with disabilities; • surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers; • drained to Council's requirements; and • line marked or otherwise delineated to indicate each car space and access lanes. Adherence with this condition will ensure that the acceptable solutions are adequately met.

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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 proposed change of use has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.
A1.1 Car parking, access ways, manoeuvring and circulation spaces must: <ul style="list-style-type: none"> (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2; (c) have parking space dimensions in accordance with the requirements in Table E6.3; (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are 3 or more car parking spaces; and (e) have a vertical clearance of not less than 2.1 metres above the parking surface level.
A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.
A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are 6 spaces or more.
A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.
Relies on Performance Criteria
In this instance the proposed car parking has been designed to have the dimensions of 2.6m in width and 5.4m in length however the parking aisle will be less than 5.8m.
The accessible parking space includes a shared area in accordance with the requirements of Australian Standard AS2890.6 Parking Facilities - Part 6: Off-street Parking for People with Disabilities. However the location of the accessible car parking space is not closest to the main entrance of the building on the basis that the drive-through will take up the area closest to the entrance. Therefore assessment against the performance criteria is required.

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

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

Complies

In this instance, adherence to Australian Standards: AS 2890.1 Off-street car parking, and AS 2890.6 Off-street parking for people with disabilities will ensure that the car parking spaces and access ways will be safe and efficient to use. Whilst the accessible parking space is not located directly at the front entrance, the designated accessible car parking space is the most practical location to situate the space given that that building is constructed to the frontage.

Notwithstanding, it is expected that the parking spaces at the front of the building able to be utilised by people requiring accessible parking if required.

E6.6.3 Pedestrian access

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

Consistent

The proposed change of use has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.

E6.6.5 Bicycle facilities

Objective:
To ensure that cyclists are provided with adequate facilities.

Consistent

The proposed change of use has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.

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A1 Uses that require 5 or more bicycle spaces by Table E6.1 must provide 1 shower and change room facility on site, with one additional shower and change room on site for each 10 additional bicycles spaces required.
Complies In this instance, 1 shower and change room facility will be provided on-site which meets the acceptable solution.

E6.6.6 Bicycle parking and storage facilities

Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.
Consistent The proposed change of use has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.
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.
Relies on Performance Criteria In this instance, the proposed bicycle parking spaces will not be located within 50m of the main entrance nor will they be visible from the main entrance. Therefore assessment against the corresponding performance criteria is required.
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.

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<p>Complies</p> <p>In this instance, the applicant has detailed that there is sufficient space at the rear of the building within to enable a bicycle to be parked safely. In addition, employees will be able to store their bicycles within the dry storage or office area of the building. It is therefore considered that sufficient space exists to provide for the needs of cyclists.</p> <p>It is considered unlikely that customers of the theatre will travel by bicycle. Notwithstanding, it is considered that there is sufficient area and space for customers and employees to safely park their bicycles within a sheltered location.</p>
<p>A2 Bicycle parking spaces must:</p> <ul style="list-style-type: none"> (a) have minimum dimensions of: <ul style="list-style-type: none"> (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.
<p>Relies on Performance Criteria</p> <p>In this instance, the proposed bicycle space will not meet the specified requirements. Therefore assessment against the corresponding performance criteria is required.</p>
<p>P2 Bicycle parking spaces and access must be convenient, safe and efficient to use, having regard to:</p> <ul style="list-style-type: none"> (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.
<p>Complies</p> <p>In this instance, the applicant has detailed that there is sufficient space at the rear of the building within to enable a bicycle to be parked safely. In addition, employees will be able to store their bicycles within the dry storage or office area of the building. It is therefore considered that sufficient space exists to provide for the needs of cyclists.</p> <p>It is considered unlikely that customers of the theatre will travel by bicycle. Notwithstanding, it is considered that there is sufficient area and space for customers and employees to safely park their bicycles within a sheltered location.</p>

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

E13.0 Local Historic Cultural Heritage Code

E13.1 The purpose of this provision is to:

- (a) protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts;
- (b) encourage and facilitate the continued use of these places;
- (c) encourage the maintenance and retention of buildings and places of assessed historic cultural heritage significance; and
- (d) ensure that development is undertaken in a manner that is sympathetic to, and does not detract from, the historic cultural heritage significance of the places and their settings.

Consistent

The proposed development has been assessed as being consistent with the purpose of the code. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.

E13.6 Development Standards

E13.6.4 Site coverage

Objective:

To ensure that site coverage is compatible with the historic cultural heritage significance of local heritage places.

A1 No acceptable solution.

Relies on Performance Criteria

In this instance there is no acceptable solution. Therefore assessment against the corresponding performance criteria is required.

P1 The site coverage is compatible with the historic cultural heritage significance of local heritage places or their settings, having regard to:

- (a) the topography of the site;
- (b) the cultural heritage values of the local heritage place and setting;
- (c) the site coverage of buildings on sites in the surrounding area; and
- (d) the pattern of development in the surrounding area.

Complies

In this instance, the proposed development involves the extension of the northern and southern wings of the building by constructing parapet walls along the respective boundaries and installing a skillion roof connecting from the existing building to the boundary walls. It is considered that the site coverage of the proposed development meets the performance criteria on the following basis:

- a) The subject property is relatively flat and is unaffected by significant topography;

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- b) The existing building is recognised for its art deco architecture style and for its original use as a theatre. The existing building extends the entire length of the frontage and is built to the front boundary. Accordingly, the proposed development will essentially be an extension of the existing wings and will not be visible from the entrance to the building. The proposed development will not detract from the heritage values and qualities of the existing building;
- c) The proposed site coverage will be consistent with that of the existing building on the subject property and with existing buildings along Invermay Road which are typically constructed to the side and front boundaries;
- d) The proposed development is considered to be consistent with the established pattern of development within the vicinity of the subject property along Invermay Road.

E13.6.5 Height and bulk of buildings

Objective:
To ensure that the height and bulk of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.
Consistent In this instance there is no acceptable solution. Therefore assessment against the corresponding performance criteria is required.
P1 The height and bulk of buildings are compatible with the historic cultural heritage significance of a place and its setting, having regard to: <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the character and appearance of the existing building or place; (c) the height and bulk of other buildings in the surrounding area; (d) the historic cultural heritage significance of adjacent places; and (e) the streetscape.
Complies In this instance, the proposed development involves the extension of the northern and southern wings of the building by constructing parapet walls along the respective boundaries which will be approximately 4.5m in height and installing a skillion roof connecting from the existing building to the boundary walls. It is considered that the site coverage of the proposed development meets the performance criteria on the following basis: <ul style="list-style-type: none"> a) The existing building is recognised for its art deco architecture style and for its original use as a theatre. The existing building extends the entire length of the frontage and is built to the front boundary. Accordingly, the proposed development will essentially be an extension of the existing wings and will not be visible from the entrance to the building. The proposed development will not detract from the heritage values and qualities of the existing building;

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- b) The proposed wings will be lower than the maximum height of the existing double storey building and will not detract from the existing character of the building;
- c) The proposed infill wings will be compatible with the existing building in terms of height, bulk and scale;
- d) The proposed infill wings will not detract from the significance of adjacent place;
- e) The proposed infill wings will be located behind the existing façade of the building and will not interfere with the established streetscape of Invermay Road.

E13.6.6 Site of buildings and structure

<p>Objective:</p> <p>To ensure that the siting of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p>Consistent</p> <p>The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.</p>
<p>A1 No acceptable solution.</p>
<p>Complies</p> <p>In this instance there is no acceptable solution. Therefore assessment against the corresponding performance criteria is required.</p>

E13.6.8 Roof form and materials

<p>Objective:</p> <p>To ensure that roof form and materials are compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p>Consistent</p> <p>The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.</p>
<p>A1 No acceptable solution.</p>

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<p>Relies on Performance Criteria In this instance there is no acceptable solution. Therefore assessment against the corresponding performance criteria is required.</p>
<p>P1 Roof form and materials are compatible with the historic cultural heritage significance of a place and its setting, having regard to:</p> <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the design, period of construction and materials of the dominant building on the site; (c) the dominant roofing style and materials in the setting; and (d) the streetscape.
<p>Complies In this instance, the proposed development involves the extension of the northern and southern wings of the building by constructing parapet walls along the respective boundaries which will be approximately 4.5m in height and installing a skillion roof connecting from the existing building to the boundary walls. It is considered that the site coverage of the proposed development meets the performance criteria on the following basis:</p> <ul style="list-style-type: none"> a) The existing building is recognised for its art deco architecture style and for its original use as a theatre. The existing building extends the entire length of the frontage and is built to the front boundary. Accordingly, the proposed development will essentially be an extension of the existing wings and will not be visible from the entrance to the building. The proposed development will not detract from the heritage values and qualities of the existing building; b) The roof profile of the infill wings will be substantially lower than the existing building. In addition the skillion roof line will be similar to that of the main building that is located beyond the façade. As such, the proposed infill wings are not expected to detract from the character of the existing building; c) The proposed infill wings will be located behind the existing façade of the building and will not interfere with the established streetscape of Invermay Road.

E13.6.9 Wall materials

<p>Objective:</p> <p>To ensure that wall materials are compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.</p>
<p>A1 No acceptable solution.</p>

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<p>Relies on Performance Criteria In this instance there is no acceptable solution. Therefore assessment against the corresponding performance criteria is required.</p>
<p>P1 Wall material for buildings and structures must be compatible with the historic cultural heritage significance of a place and its setting, having regard to:</p> <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the design, period of construction and materials of the dominant building on the site; (c) the dominant wall materials in the setting; and (d) the streetscape.
<p>Complies In this instance, the proposed development involves the extension of the northern and southern wings of the building by constructing parapet walls along the respective boundaries which will be approximately 4.5m in height and installing a skillion roof connecting from the existing building to the boundary walls. It is considered that the site coverage of the proposed development meets the performance criteria on the following basis:</p> <ul style="list-style-type: none"> a) The existing building is recognised for its art deco architecture style and for its original use as a theatre. The existing building extends the entire length of the frontage and is built to the front boundary. Accordingly, the proposed development will essentially be an extension of the existing wings and will not be visible from the entrance to the building. The proposed development will not detract from the heritage values and qualities of the existing building; b) The proposed walls will be of a style and materiality to match the existing building and character of the surrounding area; c) The dominant wall material of the rear section of the building currently is colour-bonded sheet metal. The proposed wall material will be masonry with a finished which is considered to be more sympathetic and in character with the materiality and treatment of the façade; d) The proposed infill wings will be located behind the existing façade of the building and will not interfere with the established streetscape of Invermay Road.

E13.6.13 Signage

<p>Objective:</p> <p>To ensure that signage is compatible with the historic cultural heritage significance of local heritage places and their settings.</p>
<p>Consistent The proposed signage has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.</p>

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<p>A1 No more than one sign, not greater than 0.2m², identifying the use, heritage significance, and the name and occupation of the owners of the property.</p>
<p>Relies on Performance Criteria In this instance it is proposed to reinstate the original Star Theatre sign which does not meet the specified requirements. Therefore assessment against the corresponding performance criteria is required.</p>
<p>P1 New signs must be compatible with the historic cultural heritage of the local heritage place and its setting, having regard to:</p> <ul style="list-style-type: none"> (a) the cultural heritage values of the local heritage place and setting; (b) the size and location of the proposed sign; (c) the area and location of existing signage on the site; (d) the period details, windows, doors and other architectural details of the building; (e) any destruction, removal or concealment of heritage fabric through attaching signage; and (f) the streetscape.
<p>Complies It is considered that the proposed sign meets the performance criteria on the following basis:</p> <ul style="list-style-type: none"> a) The existing building is recognised for its art deco architecture style and for its original use as a theatre. The proposed sign will essentially reinstate the original sign that once adorned the building which is considered to be a positive outcome for the building; b) The proposed sign will be located within a similar position as the previous sign and the style and size of the proposed sign will be similar to the previous sign; c) The signage will not cover any windows, doors or other architectural features and details of the building; d) The proposed sign will not require the removal destruction or concealment of the heritage fabric of the façade; and e) The proposed sign is expected to enhance and constructively contribute to the streetscape of Invermay Road.

E16.0 Invermay/Inveresk Flood Inundation Area Code

<p>E16.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (a) reduce risks and hazards from flooding in the Invermay/Inveresk flood inundation area; (b) ensure that new development is sited and designed to minimise the impact of flooding; and (c) ensure that consideration is given in the siting, design and emergency response capability of new development on land subject to flood inundation.

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Consistent

The proposed change of use has been assessed as being consistent with the purpose of the code. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.

E16.6 Use Standards

E16.6.1 Unacceptable uses

Objective:

To prevent unacceptable uses from establishing in areas subject to, or isolated by, flood inundation.

Consistent

The proposed change of use has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.

A1 Must not be:

- (a) Education and occasional care, except in the Inveresk Cultural precinct;
- (b) Emergency services; or
- (c) Hospital services.

Complies

In this instance, the proposed change of use is not for educational and occasional care, emergency services or hospital services uses. Therefore assessment against this provision is not required.

A2 Must not be Residential, unless:

- (a) a single dwelling in the Invermay Residential or Inveresk Residential precincts;
- (b) a multiple dwelling in the Invermay Residential Precinct; or
- (c) associated with and supporting the educational activities within the Inveresk Cultural precinct.

Complies

In this instance, no residential uses have been proposed. Therefore assessment against the provision is not required.

A3 Must not be Community meeting and entertainment in the River-edge Industrial or Inveresk Residential precincts.

Complies

In this instance, the subject property is not located within the River-edge Industrial or Inveresk Residential precincts. Therefore assessment against this provision is not required.

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E16.7 Development Standards

E16.7.2 Flood Impact

<p>Objective:</p> <p>To ensure that new buildings and infrastructure are sited and designed to avoid or mitigate the risk and minimise the impact of flooding.</p>
<p>Consistent</p> <p>The proposed change of use and associated development has been assessed as being consistent with the objective of the standard. Refer to the assessment provisions of the standard in the section below to demonstrate compliance.</p>
<p>A2 No acceptable solutions.</p>
<p>Relies on Performance Criteria</p> <p>A3 All buildings not in the Residential use class must have a:</p> <ul style="list-style-type: none"> (a) floor level of at least 3.4m AHD; and (b) gross floor area of not more than: <ul style="list-style-type: none"> (i) 400 m²; or (ii) 10% more than that existing or approved on the 1st January 2008.
<p>Relies on Performance Criteria</p> <p>In this instance the acceptable solution comprises two elements that need to be satisfied in order to achieve compliance:</p> <ol style="list-style-type: none"> 1. The building must have a floor level of at least 3.4m AHD; and 2. The gross floor area must not be greater than 400m² or 10% more than the existing floor area. <p>In this case, the elevation of the subject property is between 5.5m and 6m AHD which satisfies element 1.</p> <p>However, the gross floor area of the existing building is currently 639.71m² and the increase in floor area represents a 14.3% increase.</p> <p>Therefore the second element is unable to be satisfied and an assessment against the corresponding performance criteria is required.</p>
<p>P3 Buildings not in the Residential use class must be sited and designed in accordance with a hydrological report and an emergency management plan prepared by a suitably qualified engineer. The report and plan must:</p> <ul style="list-style-type: none"> (a) detail: <ul style="list-style-type: none"> (i) the risks to life; (ii) the likely impact on the use or development; and (iii) how the use or development will manage the risk to tolerable levels;

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during either an overtopping of the levee or a levee breach at the closest point in the levee during a 5% AEP, 2% AEP or a 1% AEP flood event; and

(b) consider the following:

- (i) the likely velocity and depth of flood waters;
- (ii) the need to locate electrical equipment and other fittings above the 1% AEP flood level;
- (iii) the likely effect of the use or development on flood characteristics;
- (iv) the development and incorporation of evacuation plans into emergency management procedures for the precinct; and
- (v) the ability of the use or development to withstand flood inundation and debris damage and the necessity for the incorporation of any flood proofing measures in the development.

Complies

In this instance a combined hydrological report and emergency management plan has been prepared by Pitt and Sherry who have stated that they have the expertise to provide a response. This is not disputed.

The report and plan detail the following elements:

- a) The report considers that the risks to life in the event of a flood are minimal on the basis that the extension to the building footprint is approximately 15% greater than the existing building footprint. Furthermore a portion of the increased building footprint will be utilised for non-habitable purposes. In addition, the existing building is located at approximately 5.5-6m AHD which is significantly higher than the minimum of 3.4m which is specified by the acceptable solution. Accordingly, the likelihood of flood waters reaching the building and for them to be of an extent to result in significant damage is considered to be minimal;
- b) The report considers that any breach of the flood levees both major and minor is unlikely to have a significant impact on the building on the basis that it is located within a higher elevation than the bulk of Invermay and Inveresk and therefore is unlikely to result in significant flooding. In any case the velocity of floor waters will be extremely low given the distance of the building from the flood levees and the elevation of the land;
- c) All new electrical plant and equipment will be located in a position that will be elevated from the ground away from potential flood waters;
- d) In the event of a significant flood Invermay and Inveresk will be evacuated by emergency services. Accordingly the theatre will not operate during such evacuations which will reduce the risk to life as a result of the use and development;
- e) No specific flood proofing measures are considered necessary for these reasons. However, it is considered appropriate to apply a condition to the permit requiring the report and plan to be present at the site and made available for all people.

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4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Roads and Hydraulics	Conditions have been recommended.
Environmental Health	Conditions have been recommended.
Parks and Recreation	No referral required.
Heritage/Urban Design	No referral required.
Building and Plumbing	Notes have been recommended.
EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA2016/00795-LCC
State Growth	No referral required.
TasFire	No referral required.
Tas Heritage Council	Awaiting response.
Crown Land	No referral required.
TasRail	No referral required.
EPA	No referral required.
Aurora	No referral required.

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 16 August 2016 until 30 August 2016. A total of 14 representations were received during this period. 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.

ISSUE	COMMENTS
The proposed use will produce an unacceptable level of noise.	In this instance an Environmental Noise Assessment was prepared for the proposed theatre. The report concluded that whilst the operation has the potential to exceed the maximum noise levels specified by the acceptable solution, the impacts of noise produced from plant and equipment could be mitigated to an acceptable level provided that the recommendations within the report are adhered to. A condition has been

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ISSUE	COMMENTS
	<p>recommended requiring the recommendations listed within the noise assessment to be complied with. This is expected to alleviate the noise concerns. It should also be noted that the building is located within an area that experiences high traffic volumes and comprises a number of existing uses and activities that contribute to the background noise of the area.</p>
<p>The hours of use and daily operation are excessive.</p>	<p>It is observed that the operation is seeking a variation of the acceptable solution of two hours. It is expected that the variation will not significantly interfere with the amenity of nearby uses on the basis of the information contained within the noise assessment in addition to the fact that the majority of noise from patrons will be directed onto Invermay Road and away from nearby residential uses to the rear. It is noted that there are no restrictions on the number of days in which a use can operate within the scheme. There is only operating hours per day. It is observed that peak times for the theatre will be Thursday, Friday and Saturday evenings with other evenings likely to attract smaller numbers.</p>
<p>The odour from the microbrewery will be cause a nuisance.</p>	<p>It is acknowledged that some odour will escape from the proposed microbrewery operation. The actual time where odour will be produced will be during the boiling of the mash which will occur during regular business hours. The level of odour produced by the operation is expected to be minimal and is expected to absorb into the surrounding atmosphere. The City of Launceston's Environmental Health Officers have visited a local microbrewery in order to understand the extent of odour associated with a similar process. Overall, it was concluded that the impact is likely to be marginal.</p>

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ISSUE	COMMENTS
The level of parking is insufficient.	It is acknowledged that the proposed operation does not provided the number of car parking spaces required by the car parking code within the planning scheme. The existing car parking space to the rear of the property will be utilised by staff with patrons to utilise car parking spaces within the surrounding area in addition to public transport. The TIA indicated that there is a sufficient volume of car parking within the surrounding area available for the use. Furthermore, the peak parking periods generated by the theatre will be outside peak parking and traffic use of Invermay Road which is typically between 8:00am and 5:00pm.
The CBD should be the location for public entertainment venues rather than the suburbs.	It is observed that the use of land that has been applied for is permitted within the zone. The proposal will essentially reinstate the previous use of the building which is considered to be a positive outcome for the building and the area.
The proposal has the potential to destroy the liveability of nearby streets and would be highly disruptive.	It is acknowledged that reinstating the theatre use will be a change to the local environment. However, the proposal has been assessed as being compliant with the relevant provisions of the standard. It is noted that a number of submissions have been received in support of the proposal, many of which are from local residents.
Of the 14 representations received, 13 were in support of the proposal citing various reasons.	This is acknowledged.

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.

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

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

Monday 22 August 2016

- Attended the Examiner Client Function at the Examiner's John West Room

Tuesday 23 August 2016

- Attended the Property Council of Australia Business Lunch with speaker Jeff Kennett at the Country Club Casino
- Attended the Launceston Floods Community Information Evening at the Tram Sheds, Invermay

Thursday 25 August 2016

- Officiated at the Launceston Lodge for Research Australian & New Zealand Biannual Conference at the Launceston Masonic Lodge
- Officiated at the Golden Key Event at the University of Tasmania at Newnham

Friday 26 August 2016

- Officiated at the Opening of the redeveloped Quadrant Mall in the Quadrant Mall
- Attended the NTJFA Best & Fairest Dinner at the Tailrace Centre

Saturday 27 August 2016

- Attended the City Park Radio AGM at Royal Oak Hotel
- Attended the Winter Wonderland Friendship Ball at the Hotel Grand Chancellor

Monday 29 August 2016

- Officiated at The City of Launceston's University Scholarship and Bursary Presentations at the Town Hall Reception Room

Tuesday 30 August 2016

- Attended the RACT Celebration Lunch of the 50 Year Gold Medallion Event at the Country Club Casino
-

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

Wednesday 31 August 2016

- Attended Scotch Oakburn College's production of "Alice" at Scotch Oakburn College

Thursday 1 September 2016

- Attended Launceston College's production of "Rock of Ages" at the Princess Theatre

Friday 2 September 2016

- Attend the opening of the 25 years of the Wood Collection Exhibition at Design Tasmania

Saturday 3 September 2016

- Attend the Northern Hockey Committee Annual Award Presentation at the Northern Hockey Centre, St Leonards

Tuesday 6 September 2016

- Officiate at the Independent Associated Seed Growers Conference at the Hotel Grand Chancellor
- Officiate at the Launceston Healing Rooms Opening at the Salvation Army in Elizabeth Street
- Attended the "Marriage of Figaro" performance at the Princess Theatre

Wednesday 7 September 2016

- Attended the Junction Arts Opening Night Party in the Princess Square

Friday 9 September 2016

- Attended "Investiture" invited by Her Excellency Professor the Hon Kate Warner, Governor of Tasmania AM & Mr Warner at Government House in Hobart
-

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

Saturday 10 September 2016

- Attended the NTFA Grand Final Day Lunch at Windsor Park
- Attended the Yamaha National Band Championships Gala Concert at the Albert Hall

Sunday 11 September 2016

- Officiated at the Young Writers in the City live reading at Junction Arts Festival in the Princess Square
-

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 Aldermen's 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 Heritage Advisory Committee Meeting - 25 August 2016****FILE NO:** SF2965**AUTHOR:** Fiona Ranson (Urban Design and Heritage Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the Heritage Advisory Committee meeting held on 25 August 2016.

RECOMMENDATION:

That Council receive the report from the Heritage Advisory Committee meeting held on 25 August 2016.

REPORT:

The Heritage Advisory Committee met on Thursday, 25 August 2016.

At its meeting, the Committee noted the following items:

- Heritage List Review - A final draft report prepared by Austral Tasmania for the City of Launceston Heritage List Review - Stage 1.
- Annual Heritage Awards - Draft Project Plan
- Duck Reach Power Station - update on Expressions of Interest

The following presentations were received:

- David Huxtable, Director LookEar - Design of heritage interpretation in conjunction with the Launceston City Heart Project.
- Gus Green - outlined a proposal of converting the Duck Reach Power Station into a Museum, with the intention of reinstating various parts of original machinery.

ECONOMIC IMPACT:

Not considered relevant to this report.

12.1 Heritage Advisory Committee Meeting - 25 August 2016 ...(Cont'd)

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 goals - To communicate and engage consistently and effectively with our community and stakeholders
Key Direction -
1. To develop and consistently use community engagement processes.

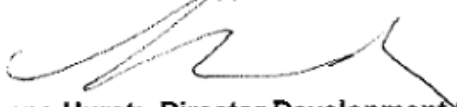
BUDGET & FINANCIAL ASPECTS:

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

13 COUNCIL WORKSHOPS

Council Workshops conducted on 5 September were:

- Public Halls Review
 - Community Consultation Feedback Survey - Smoke Free CBD Zones
 - Greater Launceston Metropolitan Passenger Transport Plan
 - Hydro Tasmania
-

14 NOTICES OF MOTION

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

14.1 Notice of Motion - School Starting Age**FILE NO:** SF5547**AUTHOR:** Tegan West (Committee Clerk)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Deputy Mayor Alderman R I Soward regarding the School Starting Age.

RECOMMENDATION:

That Council:

1. write to the Education Minister to register our deep concern of reducing the starting age of Tasmanian school children to 3 years and 6 months
 2. hold a community forum in our municipality and invite the Minister to attend.
-

REPORT:**Background**

The NOM is self explanatory.

Whilst I understand that our role in local government does not have jurisdiction over educational matters which is the province of state government, it is however our responsibility as aldermen to advocate on behalf of our community. Similar NOM's have been presented at other councils across Tasmania on this issue, with Burnie City Council recently holding a forum on 19 August in response to their council passing a similar NOM..

The proposed Changes;

Whilst it would not be compulsory to attend kinder at 3 years 6 months, prep however is compulsory in Tasmania. This change in legislation would mean 4 year olds in prep when currently they have to be 5 years of age!

14.1 Notice of Motion - School Starting Age...(Cont'd)

This particular suggested amendment to legislation has the potential of enormous negative impact on such young lives. This view is shared by many within the education and child care professions and widely amongst our young families of whom it's our responsibility I believe, to represent.

There are also significant potential business and financial ramifications for those who work in the child care sector as well as in those owners of child care businesses of which we are one with the DMP Centre in Margaret Street. This sector employs hundreds of people across our region and the ability of this state government decision to have significant ripple effects in our community is large.

OFFICER COMMENT:

Leanne Hurst (Director Development Services)

Early learning in Tasmania is not a local government responsibility. However, if Aldermen wished to conduct a community meeting on the subject then it is important that there is clarity of purpose and what outcome would be sought from such a meeting, in order that officers may have some guidance as to the agenda, scheduling and facilitation of such a forum.

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 goals -

To seek and champion collaboration to address major issues for Northern Tasmania

Key Directions -

1. To develop and consistently use community engagement processes

14.1 Notice of Motion - School Starting Age...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

ATTACHMENTS:

1. Notice of Motion - Deputy Mayor Alderman R I Soward - School Starting Age
-

Attachment 1 - Notice of Motion - Deputy Mayor Alderman R I Soward - School Starting Age

CITY OF LAUNCESTON

MEMORANDUM

FILE NO: SF5547 / SF2524
RS
DATE: 26 August 2016

TO: Michael Tidey Acting General Manager
c.c. Committee Clerks

FROM: Rob Soward Deputy Mayor

SUBJECT: Notice of Motion - School Starting Age

In accordance with Clause 16 (5) of the *Local Government (Meeting Procedures) Regulations 2015* please accept this Notice of Motion for placement on the agenda of the Meeting of Council to be held on Monday 12 September 2016.

Motion

1. That Council write to the Education Minister to register our deep concern of reducing the starting age of Tasmanian school children to 3 years and 6 months.
2. That Council hold a community forum in our municipality and invite the Minister to attend.

Background

Alderman Soward will provide some background to this

The NOM is self-explanatory.

Whilst I understand that our role in local government does not have jurisdiction over educational matters which is the province of state government, it is however our responsibility as aldermen to advocate on behalf of our community. Similar NOM's have been presented at other councils across Tasmania on this issue, with Burnie City Council recently holding a forum on 19 August in response to their council passing a similar NOM..

The proposed Changes

Whilst it would not be compulsory to attend kinder at 3 years 6 months, prep however is compulsory in Tasmania. This change in legislation would mean 4 year olds in prep when currently they have to be 5 years of age!

This particular suggested amendment to legislation has the potential of enormous negative impact on such young lives. This view is shared by many within the education

CITY OF LAUNCESTON

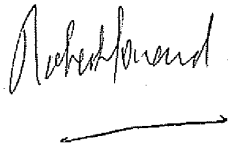
MEMORANDUM

and child care professions and widely amongst our young families of whom it's our responsibility I believe, to represent.

There are also significant potential business and financial ramifications for those who work in the child care sector as well as in those owners of child care businesses of which we are one with the DMP Centre in Margaret Street. This sector employs hundreds of people across our region and the ability of this state government decision to have significant ripple effects in our community is large.

Attachments

Nil



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

Alderman Rob Soward

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**15.1 City Centre Smoke-free 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 smoke-free 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 smoke-free 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.

Council - 11 April 2016 - Agenda item 15.1. Council resolved that the proposed extension of the smoke-free zones in the Launceston CBD as illustrated in Attachment 1 - ECM ref 3735352 - be submitted for public consultation.

15.1 City Centre Smoke-free Zones...(Cont'd)

RECOMMENDATION:

That the Council determines the expansion of Smoke-Free Zones in the following manner:

1. the proposed expansion of the smoke-free zones to Brisbane Court, Centre Way Lane, Dicky Whites Lane, Claytons Lane in the Launceston Central Business District (CBD) be adopted.
 2. the smoke-free Zones extension commence 1 January 2017.
 3. the amenity for smoking areas be determined and rolled out in line with City Heart Project Stage 1, major public realm projects, and City Heart project stage 2 design and implementation phase.
-

REPORT:

Public consultation of the proposed expansion of the ban on smoking in the Launceston CBD is now completed.

The proposed expansion zones include:

1. Brisbane Court
2. Centre Way Lane
3. Dicky Whites Lane
4. Claytons Lane

Two main surveys were undertaken namely:

1. The first survey was undertaken of selected businesses in the CBD, that have been affected since the inception of the current ban in 2011 as well as businesses in the expanded zone. A total of 154 completed survey forms were returned; 69% of those businesses supported expansion of the smoke-free zones.
2. The second survey was undertaken using Your Voice Your Launceston Tool, with a total of 175 members engaging in the survey; 89% of this group were in favour of expansion of the smoke-free zones.

As can be seen from the above, the public and business owners were largely in favour of expanding the smoke-free zones.

One written submission was received, which was also generally in favour of the expansion of the smoke-free zones.

15.1 City Centre Smoke-free Zones...(Cont'd)

The public were further consulted on the proposed positioning and numbers of butt-out bins to be installed and were largely in favour of the proposal. The placement of these bins may require some modifications. Generally butt bins will be placed near entrances to the smoke-free zones thereby giving smokers the opportunity to extinguish their cigarettes prior to entering the zone. The positioning of smoking amenity will need to be decided upon in line with City Heart Project Stage 1, major public realm projects, and City Heart project stage 2 design phase.

The public were further consulted on the enforcement aspects of the smoke-free zones and the majority wanted to see more enforcement in the form of education, patrols and infringements. Currently, Environmental Health Officers (EHOs) are the only staff delegated to undertake enforcement action under the legislation. The workload and competing priorities for EHO's are such that it is not possible to increase enforcement initiatives without increasing staff numbers. Obtaining delegations for other teams such as the Regulations Officers and the Parking Officers will be further investigated. Some adjustments will be made to the way we undertake our patrols, and the frequency will be increased initially to coincide with the expansion of the smoke-free zones. Any further interventions beyond this would require additional resources which would need to be budgeted for.

The issue of signage was raised whereby the community felt that the current pavement signage is neither sufficient nor effective. DHHS's Tobacco Control Officer has undertaken to seek out an improved design, which will be attached to existing poles close to entrances of all smoke-free zones. DHHS has also provided feedback on the proposal, supporting the expansion and providing valuable comment on the positioning of the butt-out bins. A copy of their feedback has been attached for Council's information.

Prior to the expanded areas being declared smoke-free, an educational campaign will be undertaken to notify the community.

The survey summary and comments have been attached for Council's consideration.

ECONOMIC IMPACT:

Should insufficient strategically placed smoking zones be demarcated for smokers, work productivity may be negatively impacted, due to smokers having to take longer breaks from work to access smoking areas. A total of ten smoking areas will be demarcated for smokers near the Smoke-free zones to meet this need.

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.

15.1 City Centre Smoke-free Zones...(Cont'd)

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 Directions -

1. To continue to offer and attractive network of parks, open spaces and facilities throughout Launceston
2. To support the CBD and commercial areas as activity places during day and night
3. To contribute to enhanced public health and amenity to promote a safe and secure environment
4. To promote Launceston's rich heritage and natural environment
5. To plan for better connections between the river and Launceston
6. To promote active and healthy lifestyles

BUDGET & FINANCIAL ASPECTS:

Environmental Services will continue to commit the current level of resources to the issue. Increased patrols will be organised initially to ensure smokers are educated on the new smoke-free expansion. This will come at a cost to other services we provide, which we could manage for a short time period. However, any requirements to increase enforcement initiatives would require additional resourcing.

Increasing the number of butt-out bins will increase the servicing requirements of cleansing staff but this will be offset by less littering on footpaths and in the streets.

The following comments have been provided by the Director Corporate Services.

The cost from the change are signage, bins and education. The cost estimates for these components are as follows:

Signage	\$700
Bins	\$7000
Education	\$1000
	<u>\$8,700</u>

15.1 City Centre Smoke-free Zones...(Cont'd)

The costs of \$8,700 can be managed within the overall organisational budget for 2016/2017.

The initial behavioural change process will be through education and information over a transitional period. A further decision will be made in the future regarding the required level of enforcement activity this is likely to be factored into the budget considerations for 2017/2018.

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. Central City Designated Smoking and Non Smoking Areas (circulated separately)
 2. DHHS Feedback on smoke-free zone expansion by City of Launceston (circulated separately)
 3. 2016 Smokefree survey comparison results for businesses in CBD (circulated separately)
 4. 2016 Your Voice Launceston Survey Report (circulated separately)
-

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS**16.1 Deed of Variation - Junction Arts****FILE NO:** SF0369**AUTHOR:** Matthew Skirving (Manager Architectural Services)**DIRECTOR:** Rod Sweetnam (Director Facilities Management)

DECISION STATEMENT:

To consider a new agreement providing accommodation to Junction Arts Festival at the Western Vestibule of the Albert Hall.

This decision requires an absolute majority of the Council.

PREVIOUS COUNCIL CONSIDERATION:

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

Council - 9 July 2012 - 14.1 - Signature Event Sponsorship.

Council - 15 April 2013 - Item 15.1 - Junction Arts Festival - Lease of Albert Hall Western Vestibule.

RECOMMENDATION:

That in accordance with Section 179 of the *Local Government Act 1993*, Council approve:

1. A Deed of Variation extending the use of the Western Vestibule at the Albert Hall, 45a Tamar Street Launceston, through until 31 January 2017.

2. That the agreement be offered on the same terms and conditions as the current Lease Agreement with Junction Arts Festival Inc.

REPORT:

At the Council meeting of 15 April 2013, Council approved a lease agreement with Junction Arts Festival Inc. (JAF) for the use of the Western Vestibule at the Albert Hall. The Festival staff and committee utilise the space as office accommodation in association with the annual Junction Arts Festival, which receives Signature Event sponsorship support from Council.

16.1 Deed of Variation - Junction Arts...(Cont'd)

The principal lease agreement term has now expired, with the tenant remaining in occupation in accordance with the holding over provisions of the current agreement. The General Manager of JAF has requested Council provide ongoing accommodation, and confirmed that they require accommodation until 31 January 2017, at which time they propose to vacate the premises.

The attached Deed of Variation, prepared by Council's Senior Corporate Legal Counsel, provides a new agreement in accordance with the request from JAF.

The Albert Hall building is located on the City Park title area, which is registered on Council's Public Land list. In accordance with Section 179 (*Lease of Public Land for less than 5 Years*) of the *Local Government Act 1993*, Council may enter into a lease agreement for a period of less than 5 years without complying with the public advertising requirements set out in Section 178 of the Act.

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 1 - A creative and innovative city
Ten-year goal - To foster creative and innovative people and industries
Key Directions -
6. To contribute towards artistic, cultural and heritage outcomes

Priority Area 7 - A city that stimulates economic activity and vibrancy
Ten-year goal - To develop a strategic and dedicated approach to securing economic investment in Launceston
Key Directions -
3. To promote tourism and a quality Launceston tourism offering
4. To promote and attract national and international events and support the sector to ensure a diverse annual events calendar

16.1 Deed of Variation - Junction Arts...(Cont'd)

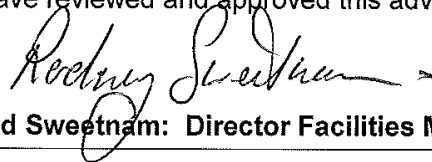
BUDGET & FINANCIAL ASPECTS:

The rental value of the Western Vestibule at the Albert Hall is noted in the former lease as \$25,000 per annum, with a full remission of this lease fee provided. The same terms and conditions of the former lease form the basis of the Deed of Variation.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Rod Sweetnam: Director Facilities Management

ATTACHMENTS:

1. Deed of Variation (3 pages)
-

Attachment 1 - Deed of Variation (Total = 3 pages)



LAUNCESTON CITY COUNCIL
trading as "City of Launceston"
("the Council")

WITH

JUNCTION ARTS FESTIVAL
ABN 36 414 981 329
("The Tenant")

DEED OF VARIATION
WESTERN VESTIBULE OF ALBERT HALL
LOCATED AT
45A TAMAR STREET, LAUNCESTON

THIS DEED OF VARIATION is made the day of 2016

BETWEEN

LAUNCESTON CITY COUNCIL trading as "City of Launceston" A.B.N. 73 149 070 625
of Town Hall, St Johns St Launceston ("the Council")

AND

JUNCTION ARTS FESTIVAL INC ABN 36 414 918 339 of PO Box 898 Launceston in
Tasmania ("the Tenant")

RECITALS

- A. By a lease dated 17 June 2013, the Council leased the Premises to the Tenant. ("Expired Agreement ");
- B. The Council and the Tenant agree that the Expired Agreement has come to an end as at 31 August 2017.
- C. The Council offers, and the Tenant wishes to accept, a new lease for the Premises on the same terms and conditions as the Expired Agreement and this Deed.

OPERATIVE PART

- 1. The expressions in this Deed have the same meaning as in the Expired Agreement unless stated otherwise.
- 2. The following clauses are amended in the Expired Agreement,
 - (a) The words in Item 6 of Schedule 1 after "Term:" are deleted and the words "until 31 January 2017" are inserted.
 - (b) The words in Item 9 of Schedule 1 after "Commencing Date:" are deleted and the words "1 September 2016" are inserted.
- 3. The amendments set out in this Deed take effect from 1 September 2016.
- 4. In all other respects the Expired Agreement is unchanged.
- 5. Each party shall bear their own costs of this Deed.

EXECUTED AS A DEED

SIGNED on behalf of LAUNCESTON)
CITY COUNCIL by)
an authorised representative)

SIGNED on behalf of the TENANT)
by an authorised representative)

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 Lease - Soldiers Memorial Hall****FILE NO:** SF0381 / SF0382**AUTHOR:** Tricia De Leon-Hillier (Parks Lease Management Officer)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a proposal from the Tamar Valley Steiner School (TVSS) to lease the Soldiers Memorial Hall situated at 14 Station Road St Leonards (PID 6909194). This decision requires an absolute majority of the Council.

RECOMMENDATION:

That pursuant to Section 179 of the *Local Government Act 1993*, the Council lease public land situated at 14 Station Road St Leonards (PID 6909194), known as the Soldiers Memorial Hall ([Attachment 1](#)) to the Tamar Valley Steiner School for 2 years subject to the following terms:

- the term shall be 1 + 1 year option if required commencing on 1 January 2017
 - the lease amount shall be \$1,000 per month (paid monthly in advance)
 - tenant to be responsible for:
 - energy costs
 - water usage costs
 - other service charges (if any)
 - tenant shall continuously maintain:
 - building in good and reasonable order
 - public liability insurance of at least \$10 million
 - general maintenance of the hall and grounds
-

REPORT:

The Council has received a proposal ([Attachment 2](#)) from the TVSS for a one year lease and an option of another year if required, totalling to two years maximum to use the Soldiers Memorial Hall for their school. They will hold 1-2 classes of about 20 students and 2 teachers as they cannot accommodate this size at their current site at 41 French Street Launceston.

18.1 Lease - Soldiers Memorial Hall...(Cont'd)

During their period of occupancy at the Soldiers Memorial Hall the TVSS will also be developing a permanent site for future use. The need for the additional year is due to development and building delays if this occurs. The proposal is not expected to extend past the agreed 1 + 1 year term and will not impact on the future planning of the facility as addressed in the Community Halls Review.

The Soldiers Memorial Hall redevelopment is a proposed Capital Works Project 2019/20 to accommodate the relocation of the Tamar Bridge Club from the St Leonards Memorial Hall which is proposed for demolition as part of the Community Halls Review recommendation.

Soldiers Memorial Hall is proposed to be a multi-function facility for the Tamar Bridge Club (move scheduled 2019/20) and other community groups simultaneously by nature of the proposed design.

When the TVSS first contacted Customer Service they were given the current fees and charges as a regular hirer of the hall being at \$10 per hour. If they were to proceed as a regular hirer of the hall and based on the current fees and charges structure of Council, it would have cost the TVSS \$375 per week and a total of \$19,500 per annum based on the hours of required use. All outgoing costs such as electricity and water would be met by the Council as per the hirer of the hall agreement.

Rather than negotiate a long term hiring arrangement, a lease was proposed to give more ownership and responsibility to the TVSS. Their proposal to enter into a lease agreement includes the responsibility to pay for all outgoing costs such as electricity, water usage and the general maintenance of the building and grounds within the leased area ([Attachment 1](#)). A reasonable rental fee of \$12,000 per annum payable monthly in advance has been reached and accepted by TVSS.

The Council has hired the Soldiers Memorial Hall to various individuals or groups within the community for many years and currently has on average about four main user groups last year.

HIRER	PURPOSE	USAGE NUMBERS	FREQUENCY
Adult Art Class	Classes	6	Every Friday during school terms. 9:30am to 12:30
Launceston Gaming Club	Games	10-25 (Thursdays) 8 (Fridays)	Every Thursday evening and last Friday of month 7:00pm to 11:30pm
Anglicare Tasmania Inc.	Children's Activities	2-6	Saturday fortnightly 9:00am to 1:00pm
The Reel Scottish Country Dancers	Dance Classes	20-30	The first Tuesday of every month 7:30pm to 10:00pm

18.1 Lease - Soldiers Memorial Hall...(Cont'd)

These user groups have been contacted to discuss future options and advise the possible change in use for 2017. Whilst the TVSS has been open to current user groups being able to hire the hall directly from them, it would depend on availability and space required. All have been receptive of this change and options discussed such as availability at St Catherine's Hall, Windmill Hall and the Veteran Car Club located at the Transport Centre, along with our local bowls clubs that have meeting rooms available that are currently underutilised.

The consultation has been extensive with consideration given to casual hirer requests and the four regular hirers of Soldiers Hall to relocate. It also has shown great support to better utilise other Council facilities such as the bowls club, car club and other halls, increasing revenue streams.

Over the years the management of bookings has been maintained by the Council's Customer Service Centre and the Council fees and charges are applied to regular or casual hirers of the hall. In the last financial year it has brought an annual income of \$3,803.79. This was predominately income from the regular hirers of the hall with an additional 10 casual hirers of the hall. These casual hirers were mainly of a Sunday and were for 1-2 hours duration only.

Due to the proposed redevelopment of the site in 2 years, the relocation of regular and casual hirers was expected to occur. The impact on these groups will be minimal with a longer term view to re-accommodate in a much more functional facility that will cater to the community needs. In the process the Council is able to secure valuable funds to assist with the redevelopment of the Soldiers Hall design and also support a school developing for the greater community.

Whilst the Soldiers Memorial Hall is public land, under the *Local Government Act 1993*, the Council may lease public land for five years or less without the need to advertise. As the property is Public Land and the lease is for a maximum period of two years, it is not necessary to provide valuation advice to the Council.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

18.1 Lease - Soldiers Memorial Hall...(Cont'd)

SOCIAL IMPACT:

There is a positive social impact with this proposal by allowing an independent school to integrate within the community.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 4 - A diverse and welcoming City of Launceston

Ten-year goal - 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 Directions -

1. To understand the needs and requirements of key community service providers and stakeholders
2. To plan services and facilities that recognise the changing demographics of our community
4. To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community

BUDGET & FINANCIAL ASPECTS:

Rental income of \$12,000 per annum.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

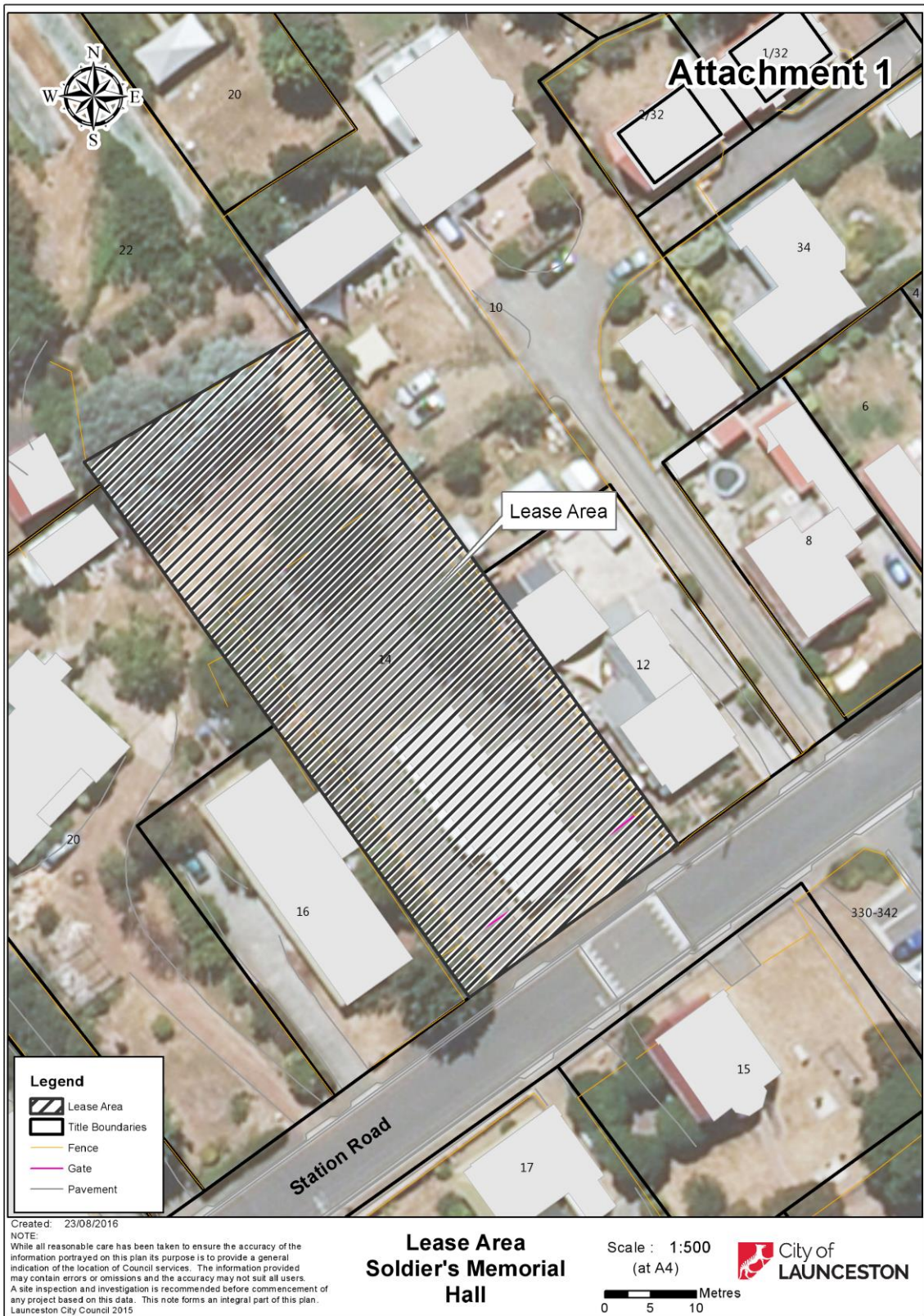
I certify that I have reviewed and approved this advice and recommendation.



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Map of leased area
 2. Proposal of lease from the Tamar Valley Steiner School
-



Attachment 2



24th June 2016

Barry Pickett
Launceston City Council
City Hall, Launceston, 7250

Dear Barry,

We are writing in regards to potential use of the Soldier's Memorial Hall in 2017. As you may know, we are a new independent school, and we opened this year at 41 French Street with one class. We anticipate in 2017 that we will have an additional 1-2 classes (with up to 20 students and 2 teachers) which cannot be accommodated in the current facilities. We would like to establish some of the terms and conditions that might accompany our hire of the Solder's Memorial Hall for this purpose.

We have spoken with LCC Planning and Engineering and we understand that our use will be subject to the successful application for a planning permit for change of use including the satisfactory management of any parking and traffic concerns. At the outset, it is anticipated that with the large bitumen area available for parking onsite and the 2 entry/exit points, parking and traffic impacts will be able to be adequately managed.

In relation to hire of the hall, Customer Service have advised that in normal circumstances, an inquiry of our type would be considered a 'Commercial regular' which would be charged a \$10/hr rate (in 2017) for the period of use with a \$500 bond. With our operating hours being 8.30am – 4.00pm, that is 7.5 hours per day equating to \$375 per week. Customer Service have advised that they would not normally be able to confirm bookings for 2017 until the end of October.

We are wondering, given our situation of being a school, what variations to this arrangement might be possible, in particular:

- **Option for exclusive use:** Customer Service have advised that there is currently only one regular evening booking. We could be open to evening/weekend use of the facilities, but we would need to speak with any groups involved and work out the details of space-sharing to our satisfaction given that we will have the space set up for learning purposes.
- **Option to make superficial modifications to suit our use:** we would anticipate making minor improvements to the gardens and inside areas to make them more suitable for our use, and we would also need to line-mark or fence the bitumen area to allow for safe parking and drop-off/pick-up
- **Annual rate:** we would like to know whether a discount on the usual commercial rate would be considered for hire of our nature which will be ongoing for the whole school year
- **Confirmation of hire as soon as practical:** we are required to give adequate notice to the School Registration Board of our intention to use facilities, so we would appreciate being able to confirm our hire of the hall as soon as possible.

I appreciate your time in responding to our inquiry and look forward to hearing from you.

Warm regards

Caroline Sinclair

School Facilitator
Tamar Valley Steiner School
0410 624 698

18.2 Scouts Leases**FILE NO:** SF0890 / SF2729**AUTHOR:** Tricia De Leon-Hillier (Parks Lease Management Officer)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider leasing two areas of land to Scouts Australia, one situated at 23-41 Archer Street Rocherlea (PID 6712519) known as the Rocherlea Recreation Ground and second situated at 1-33 Nunamina Avenue (PID 2966626) known as Nunamina Park.

This decision requires an absolute majority of the Council.

PREVIOUS COUNCIL CONSIDERATION:

Council - 28 November 2011 - Item 16.2 - Lease 4th Launceston Scout Group
Council - 24 October 2011 - Item 16.1 - Scouts Australia Leases

RECOMMENDATION:

That pursuant to Section 179 of the *Local Government Act 1993*, the Council lease public land situated at two locations, one situated at 23-41 Archer Street Rocherlea (PID 6712519) and the second situated at 1-33 Nunamina Avenue (PID 2966626) for five years subject to the following terms:

- the term shall be five (5) years commencing on 1 October 2016,
 - the lease amount shall be \$1 per annum if demanded,
 - tenant to be responsible for:
 - energy costs
 - volumetric and connection charges for water
 - other service charges (if any)
 - tenant shall continuously maintain:
 - building in good and reasonable order
 - public liability insurance of at least \$10 million
-
-

18.2 Scouts Leases...(Cont'd)

REPORT:

Scouting in Tasmania has been around since 1909 and celebrated their 100th anniversary in 2009. There are currently over 2500 members. Both scout groups have occupied the premises at the above location for over 25 years, managing and maintaining their own buildings. The scouts have always maintained their independence and have rarely sought any assistance from the Council for funding or maintenance. To date they have been model tenants.

Scouts most recent leases were at \$1 per annum if demanded but with the tenant to pay all rates, government taxes and sewer and water costs. Officers recommend that they continue on these same terms for another five years.

Section 178 of the Local Government Act which requires that the leases of public land that exceed five years be advertised. Given that this lease does not exceed five years then public notice is not required.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

This proposal will have a neutral impact on the environment.

SOCIAL IMPACT:

This proposal will have a positive impact as it will allow a continuation of the scouts movement in Launceston.

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 Directions -

1. To continue to offer and attractive network of parks, open spaces and facilities throughout Launceston
 3. To contribute to enhanced public health and amenity to promote a safe and secure environment
 6. To promote active and healthy lifestyles
-

18.2 Scouts Leases...(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.



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Map - Nunamina Scout Hall
 2. Map - Rocherlea Scout Hall
 3. Letter of proposal from Scouts Australia
-





Attachment 3



Tasmanian Branch
The Lea Scout Centre
330 Proctors Road
Kingston 7050

Phone 03 6229 9385
Fax 03 6229 9387
Email tas.bhq@tas.scouts.com.au
ABN 88 436 518 233

17th August 2016

Tricia De Leon-Hillier
Parks Lease Management Officer –
Parks & Recreation
City of Launceston Council

Dear Tricia

RE: LEASE EXTENSIONS

I wish to confirm that the Association is wanting to renew the leases for 5 years on our properties in Nunamina Park and at Rocherlea.

We thank the Council for allowing us to stay in our halls so that we can continue to grow Scouting.

Yours in Scouting



Jeannette Vogels
State Office Manager
Scouts Australia
Tasmanian Branch

19 CORPORATE SERVICES DIRECTORATE ITEMS**19.1 Draft Code of Conduct for Members of Special Committees****FILE NO:** SF0997**AUTHOR:** John Davis (Manager Corporate Strategy)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the Draft Code of Conduct for Members of Special Committees.

PREVIOUS COUNCIL CONSIDERATION:

SPPC - 15 August 2016 - 4.3 - Draft Code of Conduct for Members of Special Committees

RECOMMENDATION:

That Council approves the following Draft Code of Conduct for Special Committees:

PURPOSE

This Code of Conduct sets out the standards of behaviour expected of the Members of Special Committees convened by the City of Launceston under Section 24 of the *Local Government Act 1993 (Tas)*.

SCOPE

This Code of Conduct applies to Members of Special Committees, who are not Aldermen (as they are subject to a separate code of conduct), in relation to:

1. behaviour in Special Committee Meetings; and
2. the performance of work for or in connection with that Committee.

POLICY***Expectations of Members***

1. A Member of a Special Committee, through their participation in the Committee and their interaction with other Members, staff and the general public on matters related to the Committee:
 - (a) Is to treat all persons with courtesy, fairness, dignity and respect; and
 - (b) Are not to cause any person offence or embarrassment; and
 - (c) Are not to bully or harass any person.
-

19.1 Draft Code of Conduct for Members of Special Committees...(Cont'd)

2. A Member is to listen to, and respect, the views of other participants in Committee Meetings and any other proceedings of the Committee, and endeavour to ensure that issues, not personalities, are the focus of debate.
3. When giving information to the community, a Member is to accurately represent the decisions of the Committee.
4. A Member is to clearly indicate when he or she is putting forward his or her personal views.
5. Members are to respect the authority of the Chairperson in the oversight of the Committee Meetings.
6. A Member is not to influence, or attempt to influence, any Council employee or delegate of the Council, in the exercise of the functions of the employee or delegate.
7. A Member is not to contact an employee of the Council in relation to Committee matters unless authorised by the Committee Chairperson, who will in turn seek the approval of the General Manager of the Council.
8. A Member is not to knowingly misrepresent information that he or she has obtained in the course of his or her duties as a Member of the Committee.
9. A Member is not to speak on behalf of the Committee unless specifically authorised or delegated by the Committee Chairperson.
10. A Member's personal views are not to be expressed in such a way as to undermine the decisions of the Committee or bring the Committee into disrepute.
11. The personal conduct of a Member is not to reflect, or have the potential to reflect, adversely on the reputation of the Committee or the Council.

Committee Operations

1. The meetings of the committees shall comply with the *Local Government (Meeting Procedures) Regulations 2015* where it is reasonably practical to do so.
 2. Where agenda material and minutes of the meeting are deemed confidential, committee members will ensure that confidentiality in regard to these matters is maintained.
 3. The Committee agenda shall include the Disclosure of Interests as a standing item to ensure an adequate disclosure of any conflict of interest that may arise from items in the agenda.
-

19.1 Draft Code of Conduct for Members of Special Committees...(Cont'd)

4. Agenda items that will subsequently be referred to the Council should be prepared on the basis of and comply with section 65 of the *Local Government Act 1993 (Tas)* relating to the provision of qualified advice to Council.

PRINCIPLES

By adopting this Code of Conduct, Members commit to the following principles:

- *Equitable* – Provide all other Members with the opportunity to participate in the decision making process and treat all Members fairly.
- *Participatory and inclusive* – Ensure that all Members of the committee have the opportunity to participate in the process for making that decision.
- *Effective and efficient* – Implement decisions and follow processes that make the optimal use of the available people, resources and time, to ensure the best possible results for the community.
- *Consensus oriented* – Take into account the different views and interests in the community, to reach a consensus on what is in the best interests of the whole community, and how it can be achieved.

CONTRAVENING THE CODE OF CONDUCT

If the Chairperson of the Committee believes a Member has contravened the Code of Conduct, they will, in the first instance, raise the matter with the Member, outlining:

1. The provision in the above Code of Conduct that the Member may have contravened; and
2. The details of the behaviour of the Member that constitutes the possible contravention.

There are four likely outcomes from the meeting, and the process for the Chairperson to follow for each of these is as follows:

1. If the Member accepts that he or she has contravened the Code of Conduct and this contravention can be resolved without recommending removal from the Committee, he or she may:
 - Receive a formal caution or reprimand from the Chairperson; and/or
 - Be required to apologise to any person(s) affected by the contravention.
-

19.1 Draft Code of Conduct for Members of Special Committees...(Cont'd)

2. If the Member refuses to accept that he or she has contravened the Code of Conduct and, in the opinion of the Chairperson, this contravention can be resolved without recommending removal from the Committee, the Chairperson will seek advice from the General Manager on how to proceed.
3. If the Member accepts that he or she has contravened the Code of Conduct and this alleged contravention is such that it would warrant removal from the Committee, he or she will be provided the opportunity to resign from the Committee.
4. If, on the other hand, the Member either accepts (and does not resign from the Committee), or refuses to accept, that he or she has contravened the Code of Conduct and this alleged contravention is such that it would warrant removal from the Committee, the Chair will write to the General Manager including in the correspondence:
 - The name of the Member;
 - The provision in the above Code of Conduct that the Member has allegedly contravened; and
 - The details of the behaviour of the Member that constitutes the alleged contravention.

Upon receiving the correspondence, the General Manager will refer the matter, including any other relevant information, to Council for decision.

RELATIONSHIP BETWEEN THIS POLICY AND A SPECIAL COMMITTEE'S TERMS OF REFERENCE OR CHARTER

If a provision in this Code of Conduct is inconsistent with a provision made in any Special Committee's Terms of Reference or Charter the provision in this Code of Conduct prevails.

RELATED POLICIES & PROCEDURES

14-HLPr-012 Committee Representation Details.

RELATED LEGISLATION

N/A

REFERENCES

N/A

19.1 Draft Code of Conduct for Members of Special Committees...(Cont'd)

DEFINITIONS

Special Committee: Special committees are convened under Section 24 of the *Local Government Act 1993 (Tas)*. This includes Specific Purpose Internal Committees listed in ECM Document Number 14-HLPr-012 Committee Representation Details.

Special Committee Member: a representative with voting rights on any of these committees. This excludes Aldermen, who are bound by their own Code of Conduct under the *Local Government Act 1993*.

REVIEW

This policy will be reviewed no more than four years after the date of approval to broadly align with the Local Government electoral cycle or more frequently, if dictated by operational demands and with Council's approval.

REPORT:

There is currently no formal Code of Conduct guiding the Meetings of Special Committees convened under Section 24 of the *Local Government Act 1993 (Tas)*. The recommended Code of Conduct provides the Policy and accompanying Principles as well as a process for addressing any possible contraventions of the Code of Conduct.

All future amendments to the Terms of Reference of these Committees will direct the Members to this Code of Conduct.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

19.1 Draft Code of Conduct for Members of Special Committees...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goals - To continue to meet our statutory obligations and deliver quality services

Key Directions -

3. To ensure decisions are made on the basis of accurate and relevant information

BUDGET & FINANCIAL ASPECTS:

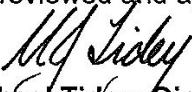
Not considered relevant to this report.

The budget adjustment consideration of this item has been approved by the Director Corporate Services.

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

19.2 Delegation from Council to General Manager - Local Government Act 1993 (Tas)**FILE NO:** SF6203 / SF0113 / SF0081**AUTHOR:** Leanne Purchase (Governance and Planning Coordinator)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the delegation from Council to General Manager of particular powers under the *Local Government Act 1993 (Tas)*.

PREVIOUS COUNCIL CONSIDERATION:

Not applicable.

RECOMMENDATION:

That Council:

1. Pursuant to section 22 of the *Local Government Act 1993 (Tas)*, determines to delegate the following powers and functions under the *Local Government Act 1993 (Tas)* to the holder of the position of General Manager -
 - a. section 193 Establishment of pounds
 - b. section 196 Fees, costs and charges
 - noting that this section refers to fees, costs and charges incurred by Council, and recovery of same - it does not refer to the setting of fees, costs and charges
 - c. section 197 Sale or destruction of unclaimed animals
 - d. section 198A Operation of private pounds.
 2. As provided for by section 64(b) of the *Local Government Act 1993 (Tas)*, authorises the holder of the position of General Manager to delegate the powers and functions described at 1. to an employee or employees of the Council.
 3. Notes that the delegations at 1. will be effected by an instrument of delegation from Council to General Manager, that will be executed by the Mayor to comply with the requirement of section 22(1) of the *Local Government Act 1993 (Tas)* that the delegation is in writing.
 4. Notes that, on execution of the instrument of delegation, the Council's delegations register will be updated to reflect the delegations described in the instrument.
-
-

19.2 Delegation from Council to General Manager - Local Government Act 1993 (Tas)...(Cont'd)

REPORT:

Under **Part 12 - Special Powers, Division 5 - Impounding of animals**, of the *Local Government Act 1993 (Tas)* the power to establish a pound, pursue costs in respect of an impounded animal, sell or destroy an unclaimed animal, or allow a person to operate a private pound on Council's behalf, sits with Council. The operational and administrative functions and powers around impounding an animal are with the General Manager. An extract of the *Local Government Act 1993 (Tas)* is reproduced below for reference -

Part 12 - Special Powers, Division 5 - Impounding of animals**193. Establishment of pounds**

- (1) A council may establish pounds for the detention of stray animals.
- (2) A council is to ensure that –
 - (a) a pound is kept clean; and
 - (b) all necessary action is taken to prevent the spread of disease within and from a pound; and
 - (c) all animals kept in a pound are given sufficient food and water for their needs.

194. Impounding animals

The general manager may impound any animal found straying or at large–

- (a) on any highway; or
- (b) on any land owned by, or under the control of, the council.

195. Notice of impounding

- (1) If an animal has not been claimed by its owner or a person on behalf of the owner within 48 hours of it being impounded, the general manager is to give notice to the owner of the animal.
 - (2) A notice is to contain the following information, details and statements:
 - (a) a description of the animal and any brands or marks;
 - (b) the place from which it was impounded;
 - (c) the date on which it was impounded;
 - (d) a statement that fees, costs and charges may be payable to the council in relation to its impounding, maintenance and treatment;
 - (e) if any fee, cost or charge referred to in paragraph (d) is ascertainable at the time the notice is prepared, the amount of that fee, cost or charge;
 - (f) a statement that the animal may be sold, given away or destroyed if –
 - (i) the animal is not claimed within 14 days after its impounding; or
 - (ii) any fee, cost or charge referred to in paragraph (d) is not paid within 14 days after the date of the notice;
 - (g) the date on or the period during which, and the place at which, the animal may be sold, given away or destroyed if it is not claimed.
 - (3) A notice is to be given in writing and delivered to the owner by any means the general manager considers appropriate.
-

19.2 Delegation from Council to General Manager - Local Government Act 1993 (Tas)...(Cont'd)

(4) If the owner of an impounded animal cannot be ascertained or found, the general manager is to publish on at least one occasion a notice containing the particulars specified in subsection (2) in a daily newspaper circulating in the municipal area.

196. Fees, costs and charges

(1) The owner of an impounded animal is liable to pay the fees, costs and charges incurred by the council in respect of the impounding, maintenance and treatment of the animal.

(2)

(3) Any unpaid fees, costs and charges is a debt due to the council and may be recovered by the council in a court of competent jurisdiction.

(4) The general manager may detain an impounded animal until any fees, costs and charges specified in a notice are paid.

197. Sale or destruction of unclaimed animals

(1) A council may sell, give away free of charge or destroy any impounded animal if –

(a) no one has claimed it within 14 days after its impounding; or

(b) any fee, cost or charge payable by the owner has not been paid within 14 days of the date of the notice given under section 195.

(2)

(3)

198. Destruction of animals

(1) The general manager may arrange for an impounded animal to be destroyed if, in the opinion of a qualified veterinary surgeon, the animal is–

(a) seriously diseased; or

(b) so injured or disabled as to be apparently in continual pain.

(2) If an animal is destroyed under subsection (1) within 14 days after its impounding, the general manager must notify the owner of the animal as soon as possible if the owner can be ascertained or found.

198A. Operation of private pounds

(1) A person may apply to a council for a permit to operate a pound, on his or her own behalf or on behalf of the council, for the detention of stray animals.

(2) The provisions of this Division apply to a person who operates a pound as if the person were a council.

A complete version of the *Local Government Act 1993 (Tas)* can be viewed at www.thelaw.tas.gov.au.

Delegation from Council to General Manager of the powers and functions at sections 193 Establishment of pounds, 196 Fees, costs and charges, 197 Sale or destruction of unclaimed animals, and 198A Operation of private pounds is sought to allow for the holder of the position of General Manager to exercise these powers and functions.

19.2 Delegation from Council to General Manager - Local Government Act 1993 (Tas)...(Cont'd)

Note that section 196 Fees, costs and charges refers to fees, costs and charges incurred by Council, and the recovery of same - it does not refer to the setting of fees, costs and charges.

Council's authority to delegate

Section 22 of the *Local Government Act 1993 (Tas)* permits delegation by Council and is reproduced below.

22. Delegation by council

(1) Subject to subsection (2), a council, in writing, may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than—

- (a) this power of delegation, unless authorized by the council; and*
- (b) the powers referred to in subsection (3).*

(2) A council, in writing, may delegate any of the following powers only to the general manager or a council committee and only on condition that the council has determined appropriate policies and procedures to be followed in relation to those powers:

- (a) the collection of rates and charges under Part 9;*
- (ab) the postponement of rates and charges;*
- (b) the remission or rebate of rates and charges;*
- (ba) the writing off of any debts owed to the council;*
- (c) the making of grants or the provision of benefits.*

(3) A council must not delegate any of its powers relating to the following:

- (a) the borrowing of money or other financial accommodation;*
- (b) the determination of the categories of expenses payable to councillors and any member of any committee;*
- (c) the establishment of council committees, special committees, controlling authorities, single authorities or joint authorities;*
- (d) the revision of the budget or financial estimates of the council;*
- (e) the revision of the strategic plan and the annual plan of the council;*
- (f) the appointment of the general manager;*
- (fa) the sale, donation, exchange or other disposal of land or public*

land;

- (fb) the decision to exercise any power under section 21(1);*
- (g) the making of by-laws;*
- (h) the making of rates and charges under Part 9;*
- (i) any other prescribed power.*

The further delegation from General Manager to an employee of the Council is permitted with Council's authorisation, as provided for in section 64 of the *Local Government Act 1993 (Tas)*, reproduced below-

19.2 Delegation from Council to General Manager - Local Government Act 1993 (Tas)...(Cont'd)

64. Delegation by general manager

The general manager, in writing, may delegate to an employee of the council –

(a) any functions or powers under this or any other Act, other than this power of delegation; and

(b) any functions or powers delegated by the council which the council authorized the general manager to delegate.

Section 22(1) of the *Local Government Act 1993 (Tas)* requires that delegation is made in writing. This condition is satisfied by an instrument of delegation from Council to General Manager, which will be executed by the Mayor if Council determines to delegate.

The Council's delegations register will be updated upon execution of the instrument.

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 ensure decisions are made in a transparent and accountable way

Key Directions -

3. To ensure decisions are made on the basis of accurate and relevant information

Ten-year goal -

To continue to meet our statutory obligations and deliver quality services

Key Directions -

4. To continually improve our service delivery and supporting processes

**19.2 Delegation from Council to General Manager - Local Government Act 1993
(Tas)...(Cont'd)**

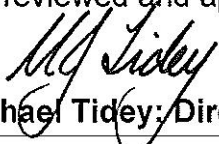
BUDGET & FINANCIAL ASPECTS:

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.


Michael Tidey: Director Corporate Services

19.3 UTAS Relocation - Northern Campus Engagement and Advisory Group**FILE NO:** SF3364**AUTHOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To determine the two Council representatives for the UTAS Northern Campus Engagement and Advisory Group.

RECOMMENDATION:

That Council appoint the Mayor and the General Manager as the Council's representatives on the UTAS Northern Campus Engagement and Advisory Group.

REPORT:

The attached letter has been received from UTAS advising of the change in the governance model as the relocation project moves into the next phase.

The normal protocol for Council appointments in situations such as this is to appoint the Mayor and General Manager where representation of Council and the organisation is appropriate.

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:

Not considered relevant to this report.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

19.3 UTAS Relocation - Northern Campus Engagement and Advisory Group...(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: Acting General Manager

ATTACHMENTS:

1. Letter from UTAS - University's Northern Expansion Project
-



Attachment 1 - Letter from UTAS - University's Northern Expansion Project

**DIVISION OF THE CHIEF
OPERATING OFFICER**

23 August 2016

Mr Michael Tidey
A/General Manager
City of Launceston

Email: Michael.Tidey@launceston.tas.gov.au

Dear Michael

Re: The University's Northern Expansion Project

Thank you for your participation in the recent Northern Partners Reference Group workshop. It was very helpful in understanding the upcoming issues, as well as in reaching agreement on the proposed governance model and how the project team will work to address these challenges and opportunities.

The Reference Group has provided an important forum for collaboration during the initial phase of the project, supporting a successful partnership that has delivered the necessary funding commitments. We are now embarking on Phase 2 of the University's initiative to relocate its Newnham campus to the Inveresk precinct, as part of a broader vision to drive educational attainment, innovation and economic growth in northern Tasmania. Phase 2 involves:

- Site master planning
- Building functionality and design
- Stakeholder engagement and communications
- Approval of the development application by August 2017.

As the "Developer" the University recognises its role as the lead on many of the issues that need to be resolved. We also recognise that much of the knowledge and skills required reside with people and organisations outside the University. This is reflected in the amended governance model agreed at the recent Northern Partners Reference Group workshop (attached). To facilitate transition to the revised program governance model could the City of Launceston, by 31 August, please nominate two representatives for the Northern Campus Engagement and Advisory Group.

We understand that ours is one of a range of projects planned or underway that aim to revitalise northern Tasmania and deliver lasting benefits to the people who live here. Successful coordination has the potential to magnify

the impacts of each project and as such we are committed to operating within broader regional development plans.

Please forward nominee details to Paul Bloomfield via paul.bloomfield@utas.edu.au. I look forward to continuing our positive and productive relationship while working towards delivering this significant project.

Yours Sincerely


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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:**

Pursuance 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 Confidential Matter - Committee Membership**RECOMMENDATION:**

That Agenda Item 22.2 be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

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

23 MEETING CLOSURE
