



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
TUESDAY 15 MARCH 2016
1.00pm**

City of Launceston

COUNCIL AGENDA

Tuesday 15 March 2016

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

Date: 15 March 2016

Time: 1.00pm

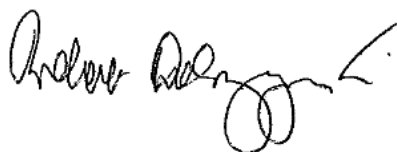
Section 65 Certificate of Qualified Advice

Background

Section 65 of the *Local Government Act 1993* requires the General Manager to certify that any advice, information or recommendation given to Council is provided by a person with appropriate qualifications or experience.

Declaration

I certify that persons with appropriate qualifications and experience have provided the advice, information and recommendations given to Council in the Agenda Items for this Meeting.



Robert Dobrzynski
General Manager

ORDER OF BUSINESS

Item No	Item	Page No
1	OPENING OF MEETING - ATTENDANCE AND APOLOGIES	1
2	DECLARATIONS OF INTEREST	1
3	CONFIRMATION OF MINUTES	2
4	DEPUTATIONS	3
	No Deputations have been identified as part of this Agenda	
5	PETITIONS	3
	No Petitions have been identified as part of this Agenda	
6	COMMUNITY REPORTS	3
	No Community Reports have been registered with Council as part of this Agenda	
7	PUBLIC QUESTION TIME	3
7.1	Public Questions on Notice	3
7.2	Public Questions without Notice	4
8	PLANNING AUTHORITY	5
8.1	Launceston Interim Planning Scheme 2015 - Amendments 18 and 27; rezone 337 St Leonards Road, St Leonards, 7 Lalla Road and 1925 Main Road, Lilydale to General Residential	5
8.2	Launceston Interim Planning Scheme 2015 - Amendment 23 - Reinstate quarry buffer area, Relbia	18
8.3	Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone	28

City of Launceston

COUNCIL AGENDA

Tuesday 15 March 2016

Item No	Item	Page No
8.4	Launceston Interim Planning Scheme 2015 - Amendment 20 - Remove Forestry Area Specific Area Plan from Environmental Living zoned properties	44
8.5	5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings	55
8.6	13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area	74
8.7	34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)	93
9	ANNOUNCEMENTS BY THE MAYOR	109
9.1	Mayor's Announcements	109
10	ALDERMEN'S REPORTS	111
11	QUESTIONS BY ALDERMEN	112
11.1	Questions on Notice	112
11.1.1	Aldermen's Questions on Notice - Council Meeting - 25 January 2016	113
11.2	Questions without Notice	115
12	COMMITTEE REPORTS	116
12.1	Pedestrian and Bike Committee Meeting - 9 February 2016	116
12.2	Audit Panel Meeting - 18 February 2016	119
12.3	Heritage Advisory Committee Meeting - 25 February 2016	122
13	COUNCIL WORKSHOPS	125

City of Launceston

COUNCIL AGENDA

Tuesday 15 March 2016

Item No	Item	Page No
14	NOTICES OF MOTION	126
14.1	Notice of Motion - Alderman D C Gibson - 2016/2017 Signature Events Sponsorship	126
15	DEVELOPMENT SERVICES DIRECTORATE ITEMS	138
15.1	Visit by Putian Delegation to City of Launceston	138
15.2	Delegation to China - Report to Council	144
16	FACILITIES MANAGEMENT DIRECTORATE ITEMS	153
16.1	Cemeteries and Crematorium Policy	153
17	QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS	164
	No Items have been identified as part of this Agenda	
18	INFRASTRUCTURE SERVICES DIRECTORATE ITEMS	165
18.1	Street Lighting Project - Forward Commitment for 2016/2017 and 2017/2018	165
18.2	Proposed Street Name - Deek Street	169
19	CORPORATE SERVICES DIRECTORATE ITEMS	172
19.1	Quarterly Financial Report to Council - 31 December 2015	172
19.2	Budget Amendments 2015/2016 - 18 February 2016	178
19.3	Draft Local Government (Model Code of Conduct) Order 2016	185
20	GENERAL MANAGER'S DIRECTORATE ITEMS	190
	No Items have been identified as part of this Agenda	

City of Launceston

COUNCIL AGENDA

Tuesday 15 March 2016

Item No	Item	Page No
21	URGENT BUSINESS	190
	No Urgent Items have been identified as part of this Agenda	
22	CLOSED COUNCIL	191
22.1	Confirmation of the Minutes	191
22.2	General Manager's Proposal Review	191
23	MEETING CLOSURE	191

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)

On 22 February 2016, the Minutes of the Council Meeting of 8 February 2016 were confirmed as a true and correct record, with amendments to the minuted decisions against Agenda Item 19.2 - LGAT General Meeting - 12 February 2016, Motions 2 and 3.

Council Officers subsequently identified a discrepancy between the amended Minutes and the audio recording of the Meeting held on 8 February 2016. This was communicated to Aldermen via the Aldermen's Bulletin on 26 February 2016.

Section 33 of the *Local Government (Meeting Procedures) Regulations 2015* states:

- (3) If after the minutes of a meeting have been confirmed as a true record a discrepancy between the minutes and an audio recording of that meeting or part of that meeting is noticed, the council, at the next appropriate meeting, is to review the audio recording and either confirm that the minutes are a true record or amend the minutes to reflect the audio recording and then confirm the minutes as amended to be a true record.

Accordingly, the following recommendation is made to amend the Minutes of the meeting of 8 February 2016 and confirm them as a true record.

RECOMMENDATION:

1. That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 8 February 2016, at Agenda Item 19.2 - LGAT General Meeting - 12 February 2016, Motions 2 and 3, be amended to read:

MOTION 2 - That in respect of LGAT Agenda Item 4.1 for Discussion - Poker Machines and the Gaming Act, the item is not supported.

MOTION 3 - That in respect of LGAT Agenda Item 4.2 for Discussion - Bed and Breakfast Accommodation and 4.3 - Councillor's Declaration of Office, Council's delegate will listen to the discussion at the LGAT Meeting on 12 February 2016.

2. That the Minutes as amended in 1. above be confirmed as a true and correct record.
 3. That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 22 February 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 that Agenda Item is about to be considered. Speakers are not to request funding or ask questions of Council. Printed documentation may be left for Aldermen.)

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

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions on Notice

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

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

7.2 Public Questions without Notice

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

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

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

8 PLANNING AUTHORITY

8.1 Launceston Interim Planning Scheme 2015 - Amendments 18 and 27; rezone 337 St Leonards Road, St Leonards, 7 Lalla Road and 1925 Main Road, Lilydale to General Residential

FILE NO: SF6391

AUTHOR: Julia Allen (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

- Amendment 18 - 337 St Leonards Road, St Leonards - rezone to General Residential zone.
- Amendment 27 - 7 Lalla Road and 1925 Lilydale Road Lilydale, rezone to General Residential

RECOMMENDATION:

1. That Council, pursuant to Section 34(1) of the *Land Use Planning and Approvals Act 1993*, initiates Amendments 18 and 27 to the *Launceston Interim Planning Scheme 2015* as described in Appendix 2.
 2. That Council authorises Officers to prepare draft Amendments 18 and 27.
 3. That Council, in accordance with Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Director of Development Services its functions under Section 35(1) of the Act.
 4. That Council, in accordance with Section 38(a) of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.
-
-

8.1 Launceston Interim Planning Scheme 2015 - Amendments 18 and 27; rezone 337 St Leonards Road, St Leonards, 7 Lalla Road and 1925 Main Road, Lilydale to General Residential...(Cont'd)

REPORT:

1.1 Introduction

Amendment 18 and 27 seeks to rezone 1925 Main Road, 7 Lalla Road Lilydale and 337 St Leonards Road, St Leonards to General Residential.

1.2 Site Context

337 St Leonards Road, St Leonards

337 St Leonards Road is a 1682m² title with direct frontage to St Leonards Road. There is an existing building located towards the rear of the site that was formerly used as a residence and Police Station. The building has the primary appearance and function of a house with a room/s set aside to carry out police functions. The site is no longer required by the Department of Police and Emergency Services and has recently been sold. The site is zoned Community Purpose.

Other than for the St Leonards Primary School, all adjoining land is zoned General Residential.

7 Lalla Road

7 Lalla Road is associated with the former Lilydale Police Station. It comprises of two titles totalling about 1106m² in area. There is an existing dwelling and outbuilding. The site was set up for the local policeman to live onsite with a room/s dedicated to the police functions. With the changes to policing operations over the last few years, the site is no longer required by the Department of Police and Emergency Management and the property is for sale. The property is zoned Community Purpose.

Other than for the war memorial, adjoining land is zoned General Residential.

1925 Lilydale Road, Lilydale

The property, 1925 Lilydale Road, is associated with the former Nurses home in Lilydale. It is sited on the corner of Lalla Road and Lilydale Road. It has the appearance of a residential property with an existing dwelling and outbuilding on the site. The site is zoned Community Purpose.

Other than for the war memorial, adjoining land is zoned General Residential.

2 Amendments

2.1 Proposed Changes

Details of the proposed amendments are attached in the appendix to this report.

Amendment 18: 337 St Leonards Road, St Leonards - rezone from Community Purpose to General Residential.

8.1 Launceston Interim Planning Scheme 2015 - Amendments 18 and 27; rezone 337 St Leonards Road, St Leonards, 7 Lalla Road and 1925 Main Road, Lilydale to General Residential...(Cont'd)

Amendment 27: Rezone 7 Lalla Road and 1925 Lilydale Road, Lilydale from Community Purpose to General Residential.

3 Strategic Planning

3.1 Act Requirements

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

32. Requirements for preparation of amendments

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

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

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

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

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

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

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

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

(2) *An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if:*

- (a) *the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and*
- (b) *the amendment does not revoke or amend an overriding local provision; and*

8.1 Launceston Interim Planning Scheme 2015 - Amendments 18 and 27; rezone 337 St Leonards Road, St Leonards, 7 Lalla Road and 1925 Main Road, Lilydale to General Residential...(Cont'd)

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

The proposed amendments are to rezone state assets that are no longer required for community purposes to a residential zone to reflect their main and most suitable use.

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

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

The amendment supports this objective by allowing for the appropriate reuse of existing building stock and infrastructure.

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

The amendments support this objective by rezoning the land into the most suitable zone to facilitate the continued use of the land without the need for major redevelopment.

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

Whilst not part of the statutory process, Council officers has contacted all property owners to seek feedback on the amendments proposed and incorporated changes, where appropriate, to align with property owners comments. The Department of Police and Emergency Management support the proposal.

8.1 Launceston Interim Planning Scheme 2015 - Amendments 18 and 27; rezone 337 St Leonards Road, St Leonards, 7 Lalla Road and 1925 Main Road, Lilydale to General Residential...(Cont'd)

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

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

Aligning zones with the intended and future use of land supports appropriate economic development.

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

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

3.1 State Policies

3.1.1 State Policy on the Protection of Agricultural Land 2009

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

3.1.2 State Coastal Policy 1996

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

3.1.3 State Policy on Water Quality Management 1997

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

3.1.4 National Environmental Protection Measures (NEPMs) - Air Toxins

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

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

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

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

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

8.1 Launceston Interim Planning Scheme 2015 - Amendments 18 and 27; rezone 337 St Leonards Road, St Leonards, 7 Lalla Road and 1925 Main Road, Lilydale to General Residential...(Cont'd)

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

Not applicable for these amendments.

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

Not applicable for these amendments.

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

Not applicable for these amendments.

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

Not applicable for these amendments.

3.2 Strategies

3.2.1 Northern Regional Land Use Strategy (NRLUS)

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

3.2.2 Greater Launceston Plan

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

The GLP identified a number of sub areas that requires a specific strategy to be developed to support the GLPs outcomes. St Leonards is identified given that it will become one of the major growth corridors for the city. An integrated development strategy to support coordinated development, revitalise and consolidate the town centre and connect the regional open space network is being prepared. It is not yet known what the recommendations are, if any, for community land in the St Leonards area. However, the area is well provisioned with community spaces including churches, athletics grounds and a community hall.

The land at 337 St Leonards is small in area and already developed. The development has the appearance and function of a house. One room of that house was dedicated to police functions when it was operational as a police station. It is no longer required for that purpose and the property is for sale. Residential use is the intention of all prospective purchasers that have enquired with Council and most appropriate given the character of the site. The Department of Police and Emergency Services have had issues selling the

8.1 Launceston Interim Planning Scheme 2015 - Amendments 18 and 27; rezone 337 St Leonards Road, St Leonards, 7 Lalla Road and 1925 Main Road, Lilydale to General Residential...(Cont'd)

property due to the zone, since lenders will not approve mortgage applications for a use that is prohibited by the zone.

The situation is much the same for 7 Lalla Road and 1925 Lilydale Road Lilydale. Lilydale is also well provisioned with community facilities. The former nurse's home and police station located at 7 Lalla Road and 1925 Lilydale Road have not been used for these purposes for years. Both properties have the appearance and function of a residential property, and have and are intended to be used as such.

From the GLP, the average medium population projection for the greater Launceston area will grow from about 107,750 people in 2001 to 114,380 people by 2021 and 124,050 persons by 2031. Residential land required to accommodate this demand is projected to be about 1800ha residential land including both conventional and low density residential land over the 23 year period 2013-2036.

In the St Leonards area there is approximately 115ha of undeveloped General Residential land and 12ha of undeveloped Low Density Residential land. In Lilydale there is approximately 11ha of undeveloped General Residential land and 55ha of undeveloped Low Density Residential land. Combined vacant residential land in both St Leonards and Lilydale represents about 10% of the total area required to meet the projected residential land supply forecasted for the period of 2013 - 2036.

The amendments proposed constitute an addition of three residential lots to the available supply; an insignificant increase in total residential land supply. There is no conflict with the GLP.

Launceston Open Space Strategy 2007

Not applicable to this proposal.

Launceston Residential Strategy 2009

The strategy provides a detailed assessment of housing needs and current land stocks. The strategy provides a priority ranking of types (tiers) of housing development which would best meet the needs of the community and also represent good planning outcomes.

Serviced Residential

Tier 1 Residential development on 'brownfield' sites, for example surplus public land, sites where industry has relocated, mixed use developments in accessible locations on the CBD fringes or adjacent district centres or neighbourhood centres.

Tier 2 Increased density in existing residential areas where opportunities exist or where capacity for change has been identified, primarily through unit developments or redevelopment.

8.1 Launceston Interim Planning Scheme 2015 - Amendments 18 and 27; rezone 337 St Leonards Road, St Leonards, 7 Lalla Road and 1925 Main Road, Lilydale to General Residential...(Cont'd)

Tier 3 Development on vacant land in urban infill locations including undeveloped portions of existing residential areas and vacant land currently within a residential zone.

Tier 4 Development on the most appropriate areas.

Partly Serviced Residential

Tier 5 Rural Residential development in the most appropriate areas.

Unserviced Residential

Tier 6 Individual rural houses unconnected to a primary industrial uses.

All properties are generally surrounded by residential development.

337 St Leonards Road is located opposite the St Leonards Primary School and about 77m south east from the main St Leonards village centre. Other adjoining properties are existing residential properties.

St Leonards is well serviced with community infrastructure with two primary schools, a retirement home, community hall and several churches.

The site is set up primarily for residential purposes rather than for a community use. The site is likely to require redevelopment to support a community use. Given the extent and availability of other community uses in the area, it suggests the site is surplus to community needs.

It is a similar situation for 7 Lalla Road and 1935 Lilydale Road. Those properties neighbour existing residential development and across the road to the north, potential residential development. Those sites are located about 96m south of existing major community facilities in Lilydale including a hall, primary school and library.

This land satisfies the Tier 1 residential land requirements of the strategy, being surplus public land sited within an existing urban area. The land is considered the most suitable and sustainable use of land for residential being that it accommodate residential need utilising existing infrastructure.

Launceston Interim Planning Scheme 2015

That land is located adjacent to General Residential land.

There are key differences between the two zones, beginning with the zone purpose:

8.1 Launceston Interim Planning Scheme 2015 - Amendments 18 and 27; rezone 337 St Leonards Road, St Leonards, 7 Lalla Road and 1925 Main Road, Lilydale to General Residential...(Cont'd)

General Residential zone purpose statements

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

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

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

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

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

And Community Purpose zone purpose statements

17.1.1.1 To provide for key community facilities and services where those facilities are not appropriate for inclusion as an associated activity with another zone.

17.1.1.2 To provide for a range of health, educational, government, cultural and social facilities.

The primary uses supported by the General Residential zone are residential uses compared to the Community Purpose Zone which is for various community uses. These zone purposes are strongly reflected in the uses permissible by those zones which are as follows:

Community Purpose Zone	General Residential zone
No permit required	No permit required
Passive recreation	Education and occasional care - if for home based child care
Natural and cultural values management	Residential
Permitted	Natural and cultural values management
Community meeting and entertainment	Passive recreation
Crematoria and cemeteries	Permitted
Educational and occasional care	Residential if for multiple dwellings
Emergency services	Utilities if for minor utilities
Hospital services	Discretionary
Sports and recreation	Residential if for a medical centre
Utilities - if for minor utilities	Community meeting and entertainment if not for a cinema or function centre

8.1 Launceston Interim Planning Scheme 2015 - Amendments 18 and 27; rezone 337 St Leonards Road, St Leonards, 7 Lalla Road and 1925 Main Road, Lilydale to General Residential...(Cont'd)

Discretionary	Education and occasional care
Business and professional services	Food services if for a café or takeaway food premises
Food services	General retail and hire if for a local shop
General retail and hire - if for a market	Residential
Residential - if for: a) a residential aged care facility; or b) a retirement village	Utilities
Tourist operation - if for visitor centre	Visitor accommodation
Utilities	Prohibited
Prohibited	All other uses
All other uses	

Notably the range of the community type uses and residential uses possible within each zone are quite different. In particularly residential uses are prohibited in the Community Purpose zone. In the General Residential zone, community uses that fall within the community meeting and entertainment are restricted or crematoria and cemeteries, emergency services, hospital services or sports and recreation are prohibited.

The development standards are different too, with the General Residential zone containing a greater number of standards addressing different aspects of residential amenity.

4 Special Considerations

4.1 Heritage

None of the properties are heritage listed.

4.2 Natural Values

The sites are completely modified with no natural native vegetation. There are no significant natural values.

4.3 Scenic Values

None of the sites have significant scenic values.

4.4 Other special values

No other special values were identified.

4.5 Landslip

None of the sites are identified as being within an active landslide area.

4.7 Contamination

There have been no known potentially contaminating activities occurring on the properties or adjacent to, therefore contamination is unlikely to be an issue.

4.9 Infrastructure

The sites are fully serviced.

8.1 Launceston Interim Planning Scheme 2015 - Amendments 18 and 27; rezone 337 St Leonards Road, St Leonards, 7 Lalla Road and 1925 Main Road, Lilydale to General Residential...(Cont'd)

5 Notification

All property owners were notified of the proposed amendments in the first week of November and were given until the 13 November 2015 to comment.

6 Conclusion

The amendments proposed are consistent with the Act, key land use strategies and interim scheme. The amendments will align zones to the most appropriate for the lots concerned and remove errors and inconsistencies to improve the function and clarity of the interim scheme requirements pertaining to the land.

ECONOMIC IMPACT:

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

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The amendments have been assessed against those provisions and as such social impacts have been considered.

8.1 Launceston Interim Planning Scheme 2015 - Amendments 18 and 27; rezone 337 St Leonards Road, St Leonards, 7 Lalla Road and 1925 Main Road, Lilydale to General Residential...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

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

City of Launceston Strategic Plan 2014-2024

Priority Area 6 - A city building its future

Ten-year goal - To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions

Key Direction -

3. To ensure that the planning system at a local and regional level is effective and efficient

BUDGET & FINANCIAL ASPECTS:

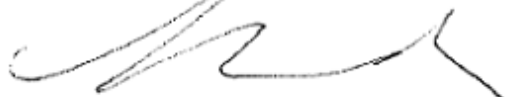
Not considered relevant to this report.

- 8.1 Launceston Interim Planning Scheme 2015 - Amendments 18 and 27; rezone 337 St Leonards Road, St Leonards, 7 Lalla Road and 1925 Main Road, Lilydale to General Residential...(Cont'd)**
-

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Location Maps (distributed electronically)
 2. Amendments 18 and 27 (distributed electronically)
-

8.2 Launceston Interim Planning Scheme 2015 - Amendment 23 - Reinstate quarry buffer area, Relbia**FILE NO:** SF6391**AUTHOR:** Julia Allen (Town Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider and initiate Amendment 23 to reinstate the quarry buffer area in Relbia.

RECOMMENDATION:

1. That Council, pursuant to Section 34(1) of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 23 to the *Launceston Interim Planning Scheme 2015* to reinstate the buffer area for the quarry in Relbia as described in Appendix 2.
 2. That Council authorises Officers to prepare draft Amendments 23.
 3. That Council, in accordance with Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Director of Development Services its functions under Section 35(1) of the Act.
 4. That Council request the Tasmanian Planning Commission to exercise its power to dispense with certain requirements in accordance with Section 37 of the *Land Use Planning and Approvals Act 1993* to approve Amendment 23.
 5. Where the Tasmanian Planning Commission does not exercise its powers in accordance with Section 37 of the *Land Use Planning and Approvals Act 1993*, Council, in accordance with Section 38(a) of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.
-

REPORT:**1.1 Introduction**

The application is to consider Amendment 23 to reinstate the quarry buffer area in Relbia.

1.2 Site Context

Relbia is primarily an established Rural Living area located to the south of Launceston. Lots are typically 4ha and greater containing a single dwelling and related outbuildings to accommodate property maintenance and hobby activities. Viticulture is a common use in the area also.

8.2 Launceston Interim Planning Scheme 2015 - Amendment 23 - Reinstate quarry buffer area, Relbia...(Cont'd)

The area is located east of the Launceston airport and two quarries, all located within the neighbouring municipality, Northern Midlands Council. The quarries, Stornoway Quarry, located at 59 Raeburn Road, Breadalbane and Mt Oriel, located at 833 Hobart Road, Breadalbane respectively, both have current mining leases. Attached to this report is a location map. Stornoway is operational and blasting occurs as part of the quarrying activities. Mt Oriel is not operational but Northern Midlands Council has advised that the use has valid permits so can recommence.

2 Amendments

2.1 Proposed Changes

Details of the proposed amendments are attached in the appendix to this report.

3 Strategic Planning

3.1 Act Requirements

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

32. Requirements for preparation of amendments

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

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

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

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

8.2 Launceston Interim Planning Scheme 2015 - Amendment 23 - Reinstate quarry buffer area, Relbia...(Cont'd)

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

The proposed amendment is to reinstate the buffer area in Relbia that was omitted from the special areas map when the interim scheme was created. The amendment does not conflict these provisions in the Act.

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

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

Quarries are essential to provide raw material for the construction and related industries. Their location is tied to quality, availability and accessibility of natural rock deposits. The amendment supports the management of land use and development around existing strategic quarry reserves.

8.2 Launceston Interim Planning Scheme 2015 - Amendment 23 - Reinstate quarry buffer area, Relbia...(Cont'd)

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

The proposal will improve management of land use and development to minimise land use conflict by improving the clarity of applicable provisions for use and development.

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

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

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

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

The amendment clearly identifies the location of the attenuation area that applies for those quarries thereby assisting with the location of sensitive and potentially conflicting use and development with respect to the quarry.

The amendment also assists the quarry by managing use and development within the attenuation zone to support the ongoing quarry activities.

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

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

The amendment concerns the correction of an error to the interim planning scheme. The Tasmanian Planning Commission can exercise discretion under Section 37 of LUPAA, to approve those amendments where the TPC consider they satisfy that Section. By doing so, it enables a more streamlined approval process under the Act.

The relevant considerations under that section of the Act are:

- (a) *the draft amendment is for the purpose of:*
 - (i) *the correction of any error in the planning scheme;*
 - (ii) *the removal of any anomaly in the planning scheme;*
 - (iii) *clarifying or simplifying the planning scheme*

.....

- (vid) *enabling an alteration of the zoning of land to which an interim planning scheme applies, or has applied, so that the zoning that applied to the land*

8.2 Launceston Interim Planning Scheme 2015 - Amendment 23 - Reinstate quarry buffer area, Relbia...(Cont'd)

before the interim planning scheme applied (the former zoning) may become the zoning that most closely corresponds to the former zoning; or

.....
And:

(b) the public interest will not be prejudiced:

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

- All known key extractive industries have the buffer area marked on the interim scheme overlays map. The buffer area in Relbia was present on the Launceston Planning Scheme 1996 overlays map and was intended to remain, however was erroneously omitted during translation into the interim scheme. To be consistent, this buffer area should be included.
- The quarries are located within the neighbouring municipality and beyond the ridge from the Relbia area. Their presence could be missed when viewing only maps focused on the Launceston municipality or from a ground inspection of affected properties in the Relbia area.
- Including the buffer area on the overlays maps readily identifies for owners, developers and development professionals, the extent and applicability of the attenuation area associated with those quarries, thereby assisting appropriate design and decision making for land use and development in that area.
- Clause E11.2 of the Environmental Impacts and Attenuation Code means that it applies for uses listed in Table E11.1 or E11.2 or for sensitive uses located within the attenuation distances of uses specified in those tables. Therefore, regardless of whether the buffer area is shown on the overlays map or not, the code applies. Reinstating the buffer area however clarifies and simplifies the interim scheme by making the applicability of the code apparent.

3.1 State Policies**3.1.1 State policy on the Protection of Agricultural Land 2009**

The buffer area does not affect primary production activities from being conducted on land zoned for that purpose.

3.1.2 State Coastal Policy 1996

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

3.1.3 State Policy on Water Quality Management 1997

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

8.2 Launceston Interim Planning Scheme 2015 - Amendment 23 - Reinstate quarry buffer area, Relbia...(Cont'd)

3.1.4 National Environmental Protection Measures (NEPMs) - Air Toxins

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

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

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

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

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

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

Not applicable for this amendment.

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

Not applicable for this amendment.

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

Not applicable for this amendment.

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

Not applicable for these amendments.

3.2 Strategies

3.2.1 Northern Regional Land Use Strategy (NRLUS)

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

3.2.2 Greater Launceston Plan (GLP)

The Greater Launceston Plan provides a long term strategy to inform a coordinated approach for land use and development the greater urban area of Launceston. The amendment proposed improves an informed approach to planning.

3.2.3 Launceston Open Space Strategy 2007

Not applicable to this proposal.

3.2.4 Launceston Residential Strategy 2009

Not applicable to this proposal.

8.2 Launceston Interim Planning Scheme 2015 - Amendment 23 - Reinstate quarry buffer area, Relbia...(Cont'd)

3.2.5 Launceston Interim Planning Scheme 2015

The Environmental Impacts and Attenuation Code's purposes are:

E11.1.1 The purpose of this provision is to:

- (a) ensure appropriate consideration of the potential for environmental harm or environmental nuisance in the location of sensitive uses; and*
- (b) ensure the environmental impacts of new uses are eliminated, reduced or mitigated to avoid environmental harm or environmental nuisance.*

Pursuant to E11.2.1, the code applies to use of land for:

- (a) sensitive uses located within any buffer area shown on the planning scheme overlays maps;*
- (b) sensitive uses located within an attenuation distance from existing or approved uses listed in Tables E11.1 or E11.2; and*
- (c) uses listed in Tables E11.1 or E11.2.*

Notably the code in clause E11.4 exempts:

- (a) level 2 activities assessed by the Board of the Environment Protection Authority;*
- (b) non-habitable buildings associated with sensitive use located within any buffer area shown on the planning scheme overlays map;*
- (c) extensions to existing sensitive uses located within the buffer area shown on the planning scheme overlays maps.*

Most of the Relbia properties identified by the buffer area already have a house. To extend those houses would be exempt by the code.

Similarly garages, farm sheds and the like are exempt from the code.

Assessment against the code is required for the establishment of new sensitive uses, subdivision and level 1 activities identified by the code in Table E11.1 and E11.2.

4 Special Considerations

4.1 Heritage

None of the properties affected by this amendment are heritage listed.

4.2 Natural Values

Natural values are primarily assessed by the Biodiversity Code in the interim scheme. No changes are proposed to that code in this amendment.

4.3 Scenic Values

Scenic values are primarily assessed under the Scenic Management code of the interim scheme. No changes are proposed to that code in this amendment.

4.4 Other special values

No other special values were identified that would be affected by this amendment.

8.2 Launceston Interim Planning Scheme 2015 - Amendment 23 - Reinstate quarry buffer area, Relbia...(Cont'd)

4.5 Landslip

Landslip issues are assessed under the Landslide code. This amendment does not affect the application of that code.

4.7 Contamination

Contamination issues are considered under the Potentially Contaminated Land Code. This code does not affect the application of that code to address that issue.

4.8 Infrastructure

The amendment does not affect existing or proposed infrastructure services.

4.9 Other considerations

Advice received from Northern Midlands Council is that quarries implicated in this amendment do have buffer areas shown on their own overlays map. This is beyond the scope of this amendment, however, for consistency reasons, it may be a matter for the TPC to consider whether they also include the buffer area within Northern Midlands Council jurisdiction.

5 Notification

All property owners were notified of the proposed amendments in the first week of November and were given until the 13 November 2015 to comment.

Numerous calls were received regarding the proposal concerned about the implication of the proposal on the development of their properties. Once the application and effect of the code was explained most owners were satisfied.

The map sent for comment showed the buffer area as it was depicted in the Launceston Planning Scheme 1996 overlays map. An issue raised concerned the extent of the buffer area and that the buffer shown is not reflective of present attenuation distance requirements (see appendix 2).

A review of attenuation distances revealed that indeed the area encompassed by the Launceston Planning Scheme 1996 buffer area exceeded what is presently required. The revised buffer area shown in Amendment 23, is a 1km buffer, as specified by Table E11.1 for quarries where blasting occurs.

6 Conclusion

The amendment proposed is consistent with the act, key land use strategies and interim scheme. The amendment will improve clarity and consistency by identifying the extent and applicability of the attenuation area for strategically important extractive industries located beyond the municipal boundary. The amendment will support the correct application of the interim scheme standards and help to inform both developers and decision makers to improve planning outcomes.

8.2 Launceston Interim Planning Scheme 2015 - Amendment 23 - Reinstate quarry buffer area, Relbia...(Cont'd)

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. Incorporating the amendment proposed will facilitate appropriate development that will minimise land use conflict and enable the extraction of rock required to support construction and related industries.

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The amendment clarifies the application of the Environmental Impacts and Attenuation Code to improve decision making by the public and officers involved in the development of the land affected.

STRATEGIC DOCUMENT REFERENCE:

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

8.2 Launceston Interim Planning Scheme 2015 - Amendment 23 - Reinstate quarry buffer area, Relbia...(Cont'd)

Ten-year goal - To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions

Key Directions -

3. To ensure that the planning system at a local and regional level is effective and efficient

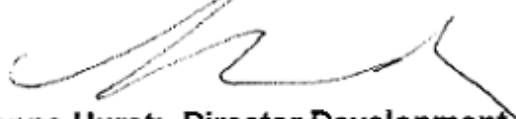
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Location Map - Amendment 23 (distributed electronically)
 2. Amendment 23 (distributed electronically)
 3. Appendix 3 - difference between 1996 buffer area and proposed buffer area (distributed electronically)
-

8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone

FILE NO: SF6391

AUTHOR: Julia Allen (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider Amendment 24 to rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living.

RECOMMENDATION:

1. That Council, pursuant to Section 34(1) of the *Land Use Planning and Approvals Act 1993*, initiates Amendments 24 to the *Launceston Interim Planning Scheme 2015* as described in Appendix 2.
 2. That Council authorises Officers to prepare draft Amendments 24.
 3. That Council, in accordance with Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Director of Development Services its functions under Section 35(1) of the Act.
 4. Where the Tasmanian Planning Commission does not exercise its powers in accordance with Section 37 of the *Land Use Planning and Approvals Act 1993*, that Council, in accordance with Section 38(a) of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.
-

REPORT:

1.1 Introduction

The amendment is to rezone existing rural lifestyle properties located at the upper eastern end of Abels Hill Road to Rural Living to recognise their long standing rural residential character and use. The zone is currently Rural Resource.

8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)

1.2 Site Context

There are 23 rural residential properties located at the upper eastern end of Abels Hill Road. These are all existing developed properties with an existing house on acreage ranging from about 2ha to about 9ha in size.

There are several existing rural living areas in the municipality including Swan Bay, Dilston, Windermere, Relbia, Drivers Run, White Hills and Lilydale.

2 Amendments

2.1 Proposed Changes

Amendment 24: rezone Abels Hill Road properties 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards from Rural Resource to Rural Living to better reflect the existing character of those properties. A copy of this amendment proposal is attached to this report.

3 Strategic Planning

3.1 Act Requirements

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

32. Requirements for preparation of amendments

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

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

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

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

8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)

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

- (2) *An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if:

 - (a) *the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and*
 - (b) *the amendment does not revoke or amend an overriding local provision; and*
 - (c) *the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.**
- (3) *Subject to section 30EA, an amendment may be made to a local provision if:

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

 - (a) *taking an optional common provision out of the scheme; or*
 - (b) *taking the provision out of the scheme and replacing it with another optional common provision.**

The proposed amendment improves interim planning scheme consistency by recognising an existing rural living area.

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

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

Natural and physical resources are managed by the codes in the interim scheme. Their applicability remains unchanged by the amendment proposal.

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

8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)

The existing character of the Abels Hill Road properties is rural residential in all but the zone. The existing character of the settlement is fixed and there is little subdivision potential given the land size and orientation and each lot already contains a house.

The Rural Living zone best reflects the established character of the district and would support a fairer, more orderly approach to any future development of that land.

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

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

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

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

Application of the Rural Living zone to this area, which is in effect an established and mature rural living area, supports appropriate development that is commensurate with its character and removes unnecessary regulatory problems caused by the present Rural Resource zone; a zone that is intended for primary industry use, not residential use.

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

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

3.1 State Policies

3.1.1 State Policy on the Protection of Agricultural Land 2009

This amendment involves land that is already fettered or unsuitable for agriculture given that it is already being used for residential purposes. Its proximity and access to Launceston, low agricultural potential and high land cost means it is unlikely to revert back to a primary industry use.

3.1.2 State Coastal Policy 1996

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

- 8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)**
-

3.1.3 State Policy on Water Quality Management 1997

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

3.1.4 National Environmental Protection Measures (NEPMs) - Air Toxins

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

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

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

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

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

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

Not applicable for this amendment.

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

Not applicable for these amendments.

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

Not applicable for this amendment.

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

Not applicable for this amendment.

3.2 Strategies

3.2.1 Regional Land Use Strategy (RLUS) of Northern Tasmania, Version 5, 2016

The RLUS is a broad ranging high level strategy covering all forms of development in Northern Tasmania. The document provides guidance on the provision of Rural Living settlements for the region.

The strategy clearly recognises rural living as a legitimate residential choice and provides a method to assess the suitability of candidate areas. Although, the RLUS does not envisage an unlimited growth and there are also parameters provided to guide expansion.

8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)

Rural and Environmental living areas are considered to be an important counterpoint to the Rural Resource zone, by directing residential demands on larger lots into appropriate areas rather than on valuable agricultural and other primary industry areas (p33). The evidence indicates that the region continues to have demand for rural lifestyle properties, so providing that choice in the right locations is necessary to support that lifestyle choice for the community.

An established rural residential area is described as (p33):

Land that has no real potential for efficient or practical agricultural or rural resource use on a commercial basis where the land use pattern is characterised as:

- *Predominately residential use ie. lifestyle blocks, hobby farms or low density residential subdivisions;*
- *Fragmentation of the cadastral base and property ownership; and may also include*
- *Topographical constraint resulting in physical impediments to rural resource use or connectivity, which may include biodiversity protection and/or conservation.*

And the following RLUS polices for Rural Living are:

Policy	Action
<p><i>RSN-P22 Rural and environmental lifestyle opportunities will reflect established rural residential areas.</i></p> <p><i>RSN - P24 Growth opportunities for rural living and environmental living will maximise the efficiency of existing services and infrastructure.</i></p>	<p><i>RSN - A19 Rural living land use patterns will be identified based on a predominance of residential land use on large lots in rural settings with limited service capacity that are outside urban areas.</i></p> <p><i>RSN - A20 Planning schemes should prioritise the consolidation of established rural residential areas over the creation of new rural residential areas.</i></p> <p><i>RSN - A23 Ensure future locations of the Rural Living zone will not require extension of the Urban Growth Boundary Areas, compromise productivity of agricultural lands and natural productive resources.</i></p> <p><i>RSN - A25 Consolidation and growth of rural living and environmental living areas is to be directed to areas identified in the local strategy that align with the following criteria (where relevant):</i></p> <ul style="list-style-type: none"> • Proximity to existing settlements containing social services; • Access to road infrastructure with capacity;

8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)

	<ul style="list-style-type: none"> • Onsite waste water system suitability; • Consideration of the impact in natural values or the potential land use limitations as a result of natural values; • Minimising impacts on agricultural land and land conversion; • Minimising impacts on water supply required for agricultural and environmental purposes; • Consideration of natural hazard management; • Existing supply within the region; • Potential for future requirement for the land for urban purposes; and • The ability to achieve positive environmental outcomes through the rezoning.
--	--

The amendment is considered to meet those strategies for the following reasons:

- The land is not prime agricultural land, it is Class 5 land;
- The district is not used for primary production since the area is already developed for housing on lot sizes consistent with the characteristics of a rural living area. Given the proximity to the city, value of the land and poor agricultural capability, it is unlikely to return to a primary production use.
- The area adjoins an existing established suburban residential area. The district will provide a buffer between denser residential land and farmland.
- The land contains some scenic values that can still be managed in a rural living zone;
- The land has access to basic services including sealed roads, garbage collection, telecommunications and power and limited water and sewer services.
- There are no capacity constraints with Abels Hill Road or the surrounding road network;
- The existing area functions adequately in terms of on-site waste water disposal.
- The land is not subject to any severe hazards.

The amendment would add 66.8ha of land and 22 dwellings to the zone with very limited opportunity for further intensification.

3.2.2 Greater Launceston Plan (GLP)

The GLP provides a long term strategy to inform a coordinated approach for land use and development the greater urban area of Launceston. The amendment proposed will reflect

8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)

the prevailing or intended land use on those properties and orderly development of that land.

3.2.3 Launceston Open Space Strategy 2007

Not applicable to this amendment.

3.2.4 Launceston Residential Strategy 2009

Rural living lots are not encouraged by the strategy since they divert housing demand away from more desirable forms of residential development. That said, Amendment 24 for Abels Hill is considered to not be inconsistent with the strategy since it concerns already existing developed land that is consistent with the typical characteristics of rural living by:

- lot size,
- existing housing style;
- sealed road frontage;
- on current garbage collection route;
- no significant natural values;
- no active landslide issues; and
- adjoins existing Low Density and General Residential land.

The strategy prefers rural living land to be on a reticulated water supply. There is an existing legacy issue with water supply to those lots, in part due to their location relative to the reservoir in that area. TasWater cannot guarantee standard water pressures for those lots.

Presently the main water connection is often remote from the property, with private water lines running often for some distance to provide water. Those private lines tend to be located above ground creating issues during the summer months.

The Rural Living land supply in Launceston is contained in the following table:

District	Number of Existing Houses	Number of Ha Existing	Number of Ha Proposed	Potential Additional Houses (3/ha)*
Abels Hill	22	0	66.8	4
Dilston	135	248.8	0	29
Drivers Run	16	118.8	0	45
Relbia	192	699.1	0	36
Swan Bay	122	763.9	0	91
Windermere	52	23.6	0	0
Total	524	2221.8	66.8	205

* based on 3ha average per house whether a house exists or not on the title.

8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)

Rezoning the site may create the potential for limited subdivision to accommodate up to 4 additional houses. Although with the existing lot sizes and layout and zone boundaries, it effectively minimises any further development. Furthermore, the issue of water may also discourage subdivision, as it is likely that TasWater will require upgrades to the existing supply to service additional lots which may affect the economics of such a proposal.

The amendment proposal is to recognise an existing area with a strong and established rural living character rather than expansion of the zone to support new rural living development.

3.2.5 Launceston Interim Planning Scheme 2015

There are significant differences between the Rural Resource and Rural Living zones. Beginning with the purpose statements:

Rural Resource zone purpose statements:

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

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

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

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

And Rural Living purpose statements:

13.1.1.1 To provide for residential use or development on large lots in a rural setting where services are limited.

13.1.1.2 To provide for compatible use and development that does not adversely impact on residential amenity.

13.1.1.3 To provide for use and development that is compatible with local natural values.

There is a completely different focus for each zone. Rural Resource is a zone for primary industries and related activities. Rural Living is a zone for residential use on larger lots, in effect rural lifestyle blocks, a use that is not encouraged in the Rural Resource zone.

This different purpose of each zone is apparent with the uses permissible in each zone being:

8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)

Rural Resource Zone	Rural Living zone
No permit required	No permit required
Passive recreation	Education and occasional care if for home based child care
Natural and cultural values management	Natural and cultural values management
Resource development if it is not for: (a) plantation forestry on prime agricultural land; (b) controlled environment agriculture on prime agricultural land, unless dependant on the soil as a growth medium; (c) intensive animal husbandry on prime agricultural land; or (d) a dwelling	Passive recreation
Utilities if for existing uses: (a) the gross floor area existing at the effective date does not increase by more than 30%; and (b) the development area existing at the effective date does not increase by more than 30%; and (c) not located on prime agricultural land.	Residential if for: (a) a single dwelling; or (b) home-based business
Permitted	Resource development if for grazing.
Business and professional services if for a veterinary centre or specialist animal breeding or car services and not on prime agricultural land.	Permitted
Community Meeting and entertainment if for existing premises used for public purposes.	Utilities if for minor utilities
Domestic animal breeding, boarding or training if not on prime agricultural land.	Discretionary
Extractive industries if not on prime agricultural land.	Business and professional services if for veterinary clinic
Food services if for existing uses: (a) the gross floor area existing at the effective date does not increase by more than 30%; and (b) the development area existing at the effective date does not increase by more than 30%.	Community meeting and entertainment

8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)

Rural Resource Zone	Rural Living zone
No permit required	No permit required
Hotel industry if for existing uses: (a) the gross floor area existing at the effective date does not increase by more than 30%; and (b) the development area existing at the effective date does not increase by more than 30%.	Domestic animal breeding, boarding and training
Residential if for existing uses or if for a home-based business in an existing dwelling.	Education and occasional care
Resource development if not for: (a) plantation forestry on prime agricultural land; or (b) controlled environment agricultural on prime agricultural land; or (c) intensive animal husbandry on prime agricultural land.	Food services
Resource processing if associated with produce from the subject site and not on prime agricultural land.	General retail and hire if for a local shop
Sports and recreation if for existing uses: (a) the gross floor area existing at the effective date does not increase by more than 30%; and (b) the development area existing at the effective date does not increase by more than 30%.	Manufacturing and processing
Visitor accommodation if for existing uses: (a) the gross floor area existing at the effective date does not increase by more than 30%; and (b) the development area existing at the effective date does not increase by more than 30%.	Resource development
Discretionary	Resource processing
Bulky goods sales if for rural supplies, landscape supplies and timber yard.	Sports and recreation
Business and professional services if for a combined floor area of no more than 250m ² .	Tourist operation

8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)

Rural Resource Zone	Rural Living zone
No permit required	No permit required
Community meeting and entertainment	Utilities
Domestic animal breeding, boarding or training	Vehicle fuel sales and services if for a service station
Education and occasional care	Prohibited
Equipment and machinery sales and hire	All other uses
Food services	
General retail and hire	
Hotel industry	
Manufacturing and processing	
Motor racing facility	
Recycling and waste disposal	
Residential if for a single dwelling	
Research and development if associated with resource development	
Resource development if not for plantation forestry on prime agricultural land	
Resource processing	
Service industry	
Sports and recreation	
Tourist operation	
Transport depot	
Utilities	
Vehicle fuels sales and service	
Visitor accommodation	
Prohibited	
All other uses	

Notably residential use for a single dwelling is no permit required in the Rural Living zone. To retain a more residential type of character development standards restricts the size of outbuildings to a combined total of 150m², wall height of 4.5m and overall height of 5m and subdivision of lots to notionally 4ha with an absolute minimum of 1ha where the performance criteria can be met.

By contrast, in summary a single dwelling in the Rural Resource zone is discretionary, unless already existing, and a permit granted only where it can be demonstrated the land is either practically incapable of supporting a primary industry use or is subservient to it. Subdivision is limited to 35ha unless for a:

- specific rural related or aboriginal, natural or historic cultural use;
- dwelling excision for a dwelling already in existence; or

8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)

- reorganisation of titles where no new titles are created that protects the productive capacity of the land.

The land on Abels Hill is already fettered from agricultural use with lots ranging from about 2ha to 9ha. All lots contain an existing single dwelling and display the typical characteristics of a Rural Living zoned lot. The Rural Living zone is therefore considered a more suitable zone for those lots than the Rural Resource zone.

4 Special Considerations

4.1 Heritage

None of the properties are heritage listed.

4.2 Natural Values

Significant natural values are managed by the Biodiversity Code.

4.3 Scenic Values

Significant scenic values are managed by the Scenic Management Code.

4.4 Other special values

No other special values were identified.

4.5 Landslip

None of the sites are identified as being within an active landslide area.

4.6 Contamination

There have been no known potentially contaminating activities occurring on the properties or adjacent to, therefore contamination is unlikely to be an issue.

4.7 Infrastructure

Water services are available although a standard service is not guaranteed. Presently most lots are reliant on a distant connection from their property. Private lines are often exposed which have caused water quality issues especially during the warmer summer months.

TasWater have advised that service upgrades are likely to be required as part of a subdivision proposal, however full quality services maybe difficult to achieve given due to technical constraints with existing infrastructure.

5 Notification

All property owners were notified of the proposed amendments in the first week of November and were given until the 13 November 2015 to comment. We received many calls about the Relbia and Abels Hill Road area.

8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)

The key objections raised concerning amendment 24 for Abels Hill;

- concerned that a change in zone would allow for further subdivision, so preference towards retaining the status quo;
- impact on development potential notably outbuilding size limitations;
- water supply and quality issues

Comments

It is acknowledged that there are several implications with the change in zone. Overwhelmingly it is considered the Rural Living zone is a better fit and will obviate the need to acquire a discretionary permit for extensions to houses and other forms of residential development that would more likely trigger discretions within the Rural Resource zone.

The Rural Living zone is also a truer reflection of the character of that land.

The water and quality supply issue is pre-existing and a legacy issue that is not easily resolvable. Advice received from TasWater indicates that there are no plans presently to alter the status quo, except where subdivision is proposed in which case, upgrades are likely to be required.

6 Conclusion

The amendments proposed are consistent with the act, key land use strategies and interim scheme. The amendments will align zones to the most appropriate for the lots concerned and remove errors and inconsistencies to improve the function and clarity of the interim scheme requirements pertaining to the land.

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The zoning amendments

8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)

proposed have taken into account the underlying environmental values and will facilitate the management of natural and landscape values on the land.

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The amendments have been assessed against those provisions and as such social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

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

City of Launceston Strategic Plan 2014-2024

Priority Area 6 - A city building its future

Ten-year goal - To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions

Key Direction -

3. To ensure that the planning system at a local and regional level is effective and efficient

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

- 8.3 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone...(Cont'd)**
-

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Location Map (distributed electronically)
 2. Amendment 24 (distributed electronically)
-

8.4 Launceston Interim Planning Scheme 2015 - Amendment 20 - Remove Forestry Area Specific Area Plan from Environmental Living zoned properties**FILE NO:** SF6391**AUTHOR:** Julia Allen (Town Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider and decide whether to initiate Amendment 20 to the Launceston Interim Planning Scheme 2015 to remove Forestry Area Specific Area overlay from Environmental Living zoned land.

RECOMMENDATION:

1. That Council, pursuant to Section 34(1) of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 20 to the *Launceston Interim Planning Scheme 2015* to remove the Forestry Area Specific Area overlay from Environmental Living zoned land as described in Appendix 2.
 2. That Council authorises Officers to prepare draft Amendments 20.
 3. That Council, in accordance with Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Director of Development Services its functions under Section 35(1) of the Act.
 4. That Council requests the Tasmanian Planning Commission to exercise its power to dispense with certain requirements in accordance with Section 37 of the *Land Use Planning and Approvals Act 1993* to approve Amendment 20.
 5. Where the Tasmanian Planning Commission does not exercise its powers in accordance with Section 37 of the *Land Use Planning and Approvals Act 1993*, that Council, in accordance with Section 38(a) of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.
-

REPORT:**1.1 Introduction**

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

1.2 Site Context

The amendment applies to rural Environmental Living zoned land. These are:

8.4 Launceston Interim Planning Scheme 2015 - Amendment 20 - Remove Forestry Area Specific Area Plan from Environmental Living zoned properties...(Cont'd)

39410 Tasman Highway, Nunamara

The site comprises eight titles with an area of about 228ha. The land is forested.

150 Whites Mill Road, Underwood

The property is forested consisting of about seven titles totalling approximately 115ha in area. The property is located in the foothills of Mt Arthur and accessed via right of ways and reserves road from Whites Mill Road.

75 Blythes Road, Turners Marsh

The land is a forested 24ha property located adjacent to 150 Whites Mill Road.

545 Whites Mill Road, Turners Marsh

The land is a forested 10ha property located adjacent to 150 Whites Mill Road.

90 Arnolds Road, Karoola

The land consists of three forested titles with an area of approximately 319ha.

771 Prossers Road, Underwood

The property is forested with an area of approximately 68ha with direct frontage to Prossers Road.

805 Prossers Road, Underwood

The property is forested and about 40ha with direct frontage to Prossers Road.

130 Bingham Road, Nunamara

The land consists of about three titles totalling approximately 373ha. The land is forested.

Forestry activities occurred on many of these properties until a few years back when a change of ownership occurred post collapse of Gunns Limited.

The majority of those lands are now subject to conservation covenants that preserve areas of native vegetation of value. Those agreements usually contain management requirements for the owner to support the long term health and wellbeing of those native habitats.

The covenants are established with an area identified where a dwelling maybe built.

2 Amendments

2.1 Proposed Changes

The amendment proposes to remove the Forestry Area Specific Area plan from all rural land that it is zoned Environmental Living.

8.4 Launceston Interim Planning Scheme 2015 - Amendment 20 - Remove Forestry Area Specific Area Plan from Environmental Living zoned properties...(Cont'd)

The specific area plan is intended to support forestry activities by controlling the use and subdivision of that land. Forestry is no longer a primary activity supported by the change of the zone that occurred on those properties with the approval of the Launceston Interim Planning Scheme 2015. Therefore, the specific area plan is no longer applicable and no longer needs to apply to that land.

3 Strategic Planning

3.1 Act Requirements

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

32. Requirements for preparation of amendments

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

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

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

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

8.4 Launceston Interim Planning Scheme 2015 - Amendment 20 - Remove Forestry Area Specific Area Plan from Environmental Living zoned properties...(Cont'd)

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

The proposed amendments concern correction of errors, anomalies and improving the consistency of the interim planning scheme.

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

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

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

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

The amendment supports this objective by correcting an error to enable fair and orderly development to occur.

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

Whilst not part of the statutory process, Council Officers have contacted all property owners to seek feedback on the amendments proposed and incorporated changes. The change is supported by the Tasmanian Land Conservancy since it will enable them to reorganise their land titles so they can further their environmental objectives.

In addition, there are statutory public notification requirements that allows for public involvement during the process.

8.4 Launceston Interim Planning Scheme 2015 - Amendment 20 - Remove Forestry Area Specific Area Plan from Environmental Living zoned properties...(Cont'd)

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

Removing interim scheme errors supports appropriate economic development.

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

The property owners and the Tasmanian Planning Commission (TPC) have been consulted during the preparation of this amendment.

The amendment concerns the correction of an error to the interim planning scheme. The TPC can exercise discretion under Section 37 of LUPAA, to approve those amendments where the TPC consider they satisfy that Section. By doing so, it enables a more streamlined approval process under the Act.

The relevant considerations under that Section of the Act are:

- (a) *the draft amendment is for the purpose of:*
 - (i) *the correction of any error in the planning scheme;*
 - (ii) *the removal of any anomaly in the planning scheme;*
 - (iii) *clarifying or simplifying the planning scheme*

.....

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

And:

- (b) *the public interest will not be prejudiced*

The purpose statement expressly states that it is intended to apply only to Rural Resource zoned land yet the application of the code pursuant to clause F8.2 applies to all land designated on the overlays maps. Furthermore, there are no exemptions from the code and it applies to all use classes pursuant to Table F8.3. This means that whilst the code is not intended to apply to non-Rural Resource zoned land it still applies by virtue of the applicability of the underlying standards, thereby restricting development on that land that was not intended to be restricted.

Furthermore, forestry is a use provided for within the resource development use class, a use class that is prohibited in the Environmental Living zone pursuant to clause 14.2. The specific area plan is seeking to prevent fragmentation for a use that is prohibited by the underlying Environmental Living zone. This is clearly an error that requires correction to

8.4 Launceston Interim Planning Scheme 2015 - Amendment 20 - Remove Forestry Area Specific Area Plan from Environmental Living zoned properties...(Cont'd)

remove an unnecessary obstruction to lawful development permissible under the Environmental Living zone. This is discussed in further detail in Section 3.4.5 of this report.

3.1 State Policies

3.1.1 State policy on the Protection of Agricultural Land 2009

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

3.1.2 State Coastal Policy 1996

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

3.1.3 State Policy on Water Quality Management 1997

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

3.1.4 National Environmental Protection Measures (NEPMs) - Air Toxins

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

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

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

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

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

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

Not applicable for this amendment.

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

Not applicable for this amendment.

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

Not applicable for these amendments.

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

Not applicable for these amendments.

8.4 Launceston Interim Planning Scheme 2015 - Amendment 20 - Remove Forestry Area Specific Area Plan from Environmental Living zoned properties...(Cont'd)

3.2 Strategies

3.2.1 Northern Regional Land Use Strategy (NRLUS)

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

3.2.2 Greater Launceston Plan

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

There are no conflicts with the GLP in the proposal.

3.2.3 Launceston Open Space Strategy 2007

Not applicable.

3.2.4 Launceston Residential Strategy 2009

The strategy provides a detailed assessment of housing needs and current land stocks. The strategy provides a priority ranking of types (tiers) of housing development which would best meet the needs of the community and also represent good planning outcomes.

Serviced Residential

Tier 1 Residential development on 'brownfield' sites, for example surplus public land, sites where industry has relocated, mixed use developments in accessible locations on the CBD fringes or adjacent district centres or neighbourhood centres.

Tier 2 Increased density in existing residential areas where opportunities exist or where capacity for change has been identified, primarily through unit developments or redevelopment.

Tier 3 Development on vacant land in urban infill locations including undeveloped portions of existing residential areas and vacant land currently within a residential zone.

Tier 4 Development on the most appropriate areas.

Partly Serviced Residential

Tier 5 Rural Residential development in the most appropriate areas.

Unserviced Residential

Tier 6 Individual rural houses unconnected to a primary industrial uses.

8.4 Launceston Interim Planning Scheme 2015 - Amendment 20 - Remove Forestry Area Specific Area Plan from Environmental Living zoned properties...(Cont'd)

All properties are generally surrounded by residential development.

The land is already zoned Environmental Living and represents 6th Tier land in the strategy. The strategy supports utilising existing land zoned for residential purposes to accommodate future growth rather than expanding into new areas. Removal of the specific area plan, will achieve this objective by enabling development of that land to be optimised for that purpose.

3.4.5 Launceston Interim Planning Scheme 2015

The purpose statement of the Forestry Area Specific Area Plan is to:

Set an appropriate lot size in the Rural Resource zone to prevent fragmentation of land generally unsuitable for agriculture and maintain the capacity of the land for forestry.

The specific area plan is pursuant to F8.2.1 applies to:

....the area of land designated as SAP8 - Forestry Area Specific Area Plan shown on the planning scheme overlays map.

Therefore, regardless of the underlying zone of the land, if the land is designated within SAP8, then the specific area plan standards apply.

The specific area plan contains one standard only pertaining to subdivision, clause F8.3.1. Table F8.3 makes that standard of the specific area plan apply to all uses.

Critically that standard prevents lots from being less than 90ha by performance criteria P1.1. The implication of that standard is that, for any subdivision beyond a boundary adjustment pursuant to 9.3, is prohibited unless a lot size of 90ha can be achieved. This in effect precludes subdivision for those lots that do not meet that lot size, despite what the underlying zone allows for.

Clause 14.4.6 of the Environmental Living zone provides for a minimum lot size of 20ha, with the opportunity to create lots with an area less than that where the performance criteria can be met. This lot area provided for by the zone is significantly less than what is allowed by the Forestry area specific area plan. Therefore, the specific area plan, although it is not relevant, given the purpose statement, its applicability means that it is erroneously precluding development that can lawfully occur under the zone.

The use class Resource Development, defined as:

Use of land for propagating, cultivating or harvesting plants or for keeping and breeding or livestock or fishstock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include

8.4 Launceston Interim Planning Scheme 2015 - Amendment 20 - Remove Forestry Area Specific Area Plan from Environmental Living zoned properties...(Cont'd)

agricultural use, aquaculture, bee keeping, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry and turf growing.

The resource development use class is the use class applied for forestry activities, which in the Environmental Living zone is a prohibited use pursuant to Table 14.2. Yet forestry is the very use that the Forestry Area Specific Area plan seeks to facilitate by its standard. This contradiction is an error that is creating an unnecessary obstruction to development.

4 Special Considerations

4.1 Heritage Values

No known heritage values occur on the lands subject to this amendment.

4.2 Scenic Values

Some of the land has scenic values and the Scenic Management code applies to the areas where those values exist on the land. No changes are proposed to that code. The changes proposed in this amendment will not affect the application of the Scenic Management code in addressing scenic values.

4.3 Natural Values

The lands subject to this amendment contains significant native vegetation communities and/or threatened species. Conservation covenants have been registered on title to preserve high value areas and outline management requirements for owners to conserve those values.

The proposed removal of the specific area plan will enable reorganisation of those titles to assist with the preservation of those natural values.

4.4 Landslip

Where landslip is an issue, this matter is covered by the Landslides code in the interim scheme. This amendment does not affect the applicability or application of that code.

4.5 Infrastructure

The lands subject to this amendment are un-serviced. The servicing requirements for any use proposed are covered by the zone standards and also building and plumbing permitting requirements which are not proposed to be changed by this amendment.

The access arrangements may need to be addressed for certain titles. Reorganisation of titles to provide for a better access will be facilitated by the removal of the Forestry Area Specific Area Plan from that land.

5 Notification

All property owners were notified of the proposed amendments in the first week of November and were given until the 13 November 2015 to comment.

8.4 Launceston Interim Planning Scheme 2015 - Amendment 20 - Remove Forestry Area Specific Area Plan from Environmental Living zoned properties...(Cont'd)

The only feedback received during the consultation period was from the Tasmanian Land Conservancy. They are supportive of the change since it will enable them to better manage their land assets to achieve their environmental objectives.

6 Conclusion

The amendment proposed is consistent with the Act, relevant land use strategies and interim scheme. The amendment will allow for only the appropriate special areas to apply to the land and removes an error to the interim scheme to allow orderly development to occur in line with applicable interim scheme requirements.

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. Incorporating the amendment proposed will provide opportunities for those sites that optimise development in line with the interim scheme.

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The amendments have been assessed against those provisions and as such social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

- *Land Use and Planning Approvals Act 1993*;
 - Launceston Interim Planning Scheme 2015
 - Protection of Agricultural Land Policy 2009;
 - State Coastal Policy 1996;
 - State Policy on Water Quality Management 1997;
 - National Environmental Protection Measures (NEPMs);
 - Launceston Interim Planning Scheme 2012;
 - Regional Land Use Strategy of Northern Tasmania 2013;
 - North Bank Draft Master Plan;
-

8.4 Launceston Interim Planning Scheme 2015 - Amendment 20 - Remove Forestry Area Specific Area Plan from Environmental Living zoned properties...(Cont'd)

- North Bank Draft Land Use Study;
- Launceston Strategic Tourism Plan; and
- Open Space Strategy 2007
- Launceston Planning Scheme 1996
- Great Launceston Plan
- Launceston Flood Risk Management Deed 2008

City of Launceston Strategic Plan 2014-2024

Priority Area 6 - A city building its future

Ten-year goal - To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions

Key Directions -

3. To ensure that the planning system at a local and regional level is effective and efficient

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Location map - Amendment 20 (distributed electronically)
 2. Amendment 20 (distributed electronically)
-

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings

FILE NO: DA0367/2015

AUTHOR: Pip Glover (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Urban Design Solutions
Property:	5/43-47 Elizabeth Street, Launceston
Zoning:	Urban Mixed Use
Receipt Date:	23/07/2015
Validity Date:	24/07/2015
Further Information Request:	29/07/2015
Further Information Received:	02/02/2016
Deemed Approval:	16/03/2016
Representations:	4

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 DA0367/2015 Residential - multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings at 5/43-47 Elizabeth Street, Launceston subject to the following conditions:

1. ENDORSED PLANS

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

- a. Site Plan, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.04, Dated 21/01/2016.
 - b. Site Elevations, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.06, Dated 21/08/2015.
 - c. Site Sections, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.07, Dated 21/08/2015.
 - d. Unit 1 Floor Plans, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.09, Dated 21/08/2015.
-

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

- e. Unit 1 Elevation Plans, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.10, Dated 21/08/2015.
- f. Unit 1 Roof Plan, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.11, Dated 21/08/2015.
- g. Unit 2 Floor Plans, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.17, Dated 21/08/2015.
- h. Unit 2 Elevation Plans, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.18, Dated 21/08/2015.
- i. Unit 2 Roof Plan, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.19, Dated 21/08/2015.
- j. Unit 3 Floor Plans, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.25, Dated 21/08/2015.
- k. Unit 3 Elevation Plans, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.26, Dated 21/08/2015.
- l. Unit 3 Roof Plan, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.27, Dated 21/08/2015.
- m. Unit 4 Floor Plans, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.33, Dated 21/08/2015.
- n. Unit 4 Elevation Plans, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.34, Dated 21/08/2015.
- o. Unit 4 Roof Plan, Prepared by Urban Design Solutions, Drawing No. 5526, Sheet No. A.35, Dated 21/08/2015.

2. BUILDING CONDITION ASSESSMENT

- (1) Prior to the issue of a Building Permit, a building condition assessment be undertaken for the properties directly adjoining at 49 Elizabeth Street and Units 1-4/43-47 Elizabeth Street, Launceston.
- (2) That the obligation to undertake such a condition assessment as indication in (1) above be subject to gaining the approval of the adjoining property owners.

3. NUISANCE PREVENTION

The bedroom windows and glass doors of Townhouse 3 which are orientated to the south are to be installed with double glazing to reduce any noise emissions that may impact the residents from nearby uses.

4. LEGAL TITLE

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

5. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2015/01177-LCC) (attached).

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

6. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

7. SITE LANDSCAPING

The landscaping must be:

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

8. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

- a. Mail receptacles must be provided and appropriately numbered for each dwelling unit.
- b. Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

9. DRIVEWAY CONSTRUCTION

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

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

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

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

10. DAMAGE TO COUNCIL INFRASTRUCTURE

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

11. 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.

The explicit permission of Council's Roads & Hydraulics Department is required prior to undertaking works where the works:

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

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.

All works that involve the opening or breaking of trafficable surfaces within the road reserve must be undertaken by, or under the supervision of, a tradesman/contractor who is registered with Council as a "Registered Contractor".

12. OCCUPATION OF ROAD RESERVE (METERED PARKING BAYS)

Prior to the commencement of the occupation the applicant must make application to Council for the occupation of the metered parking spaces located along the southern side of Elizabeth Street. The applicant must pay the prescribed daily fee for each occupied metered space for the duration of the occupation, except where the Council's Manager Parking permits a variation.

13. AMENITY

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

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

14. NO BURNING OF WASTE

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

15. 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.

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 DA0367/2015. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.

This permit takes effect after:

- a. *The 14 day appeal period expires; or*
 - b. *Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.*
-

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or
- d. Any other required approvals under this or any other Act are granted.

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

E. Restrictive Covenants

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

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

F. Appeal Provisions

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

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

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

G. Street Addresses for Multiple Dwellings

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

<i>Unit No on the endorsed plan</i>	<i>Street Address</i>
<i>Unit 1</i>	<i>5/43-47 Elizabeth Street</i>
<i>Unit 2</i>	<i>6/43-47 Elizabeth Street</i>
<i>Unit 3</i>	<i>7/43-47 Elizabeth Street</i>
<i>Unit 4</i>	<i>8/43-47 Elizabeth Street</i>

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

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

REPORT:

1. THE PROPOSAL

The proposal is for the demolition of an existing shed and the use and development of four multiple dwellings at 5/43-47 Elizabeth Street, Launceston. The proposed dwellings are two storey and each will include two bedrooms, two bathrooms, laundry, and an open plan kitchen, dining and living area. A portico is located on ground level and a balcony located on the upper level and a garage is incorporated into the design on the ground floor. The walls of the dwellings will be clad in a mix of brick and render and the roofs will be colorbond. Services include storage within each garage, communal garbage storage and clothes lines for each dwelling.

Access to the site is from the shared access off Elizabeth Street via common property.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located on the southern side of Elizabeth Street between Charles Street and Wellington Street. The neighbouring properties in all directions are also zoned Urban Mixed Use and are primarily developed with business premises interspersed with some residential uses. Princes Square is nearby to the east.

The subject site is an irregular shape with an area of 446m² and is located within a strata corporation. Access to the site is directly off Elizabeth Street via common property. The front section of the parcel is developed with a commercial building that is separated into several tenancies.

The site is relatively flat and is not mapped as being within a landslip area.

The site is cleared of vegetation and currently consists of a shed which is proposed to be demolished and a sealed carpark. The site is not within 100m of bushfire prone vegetation. There are no watercourses within 50m of the site.

The site is already connected to all services, however upgrading of these connections is required by TasWater.

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

15.0 Urban Mixed Use Zone

15.1.1 Zone Purpose Statements

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

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

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

15.1.1.4 To create:

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

Consistent

The proposed multiple dwellings will add to the diverse range of urban uses within this area and will provide inner city residences that will support the nearby commercial businesses and is therefore consistent with the intent of the zone.

15.4 Development Standards

15.4.1 Building height, setback and siting

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.

Consistent

The acceptable solutions are met.

A1 Building height must be no greater than:

- (a) 12m; or
- (b) 1m greater than the average of the building heights on the site or adjoining lots; whichever is higher.

Complies

The proposed development will have a height of 6.4m. The adjoining buildings have an average height of approximately 8m and therefore the proposal complies.

A3 Setback from a side boundary:

- (a) must be built to the side boundaries at ground level; or
- (b) be setback a distance that is not more or less than the maximum and minimum setbacks of the buildings on adjoining lots.

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

Complies

Each of the four townhouses will be built to the side boundaries.

15.4.2 Location of car parking

Objective:

To ensure that car parking:

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

Consistent

The acceptable solution is met.

A1 Car parking must be located:

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

Complies

The four car parking spaces are located within garages which are located on the ground level of each townhouse.

15.4.3 Active ground floors

Objective:

To ensure that building facades promote and maintain high levels of pedestrian interaction and amenity.

Consistent

As the development is located on a strata lot behind the existing building facade these provisions are not applicable. The development meets the acceptable solutions for pedestrian access.

A3 The building must:

- (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.

Complies

A separate pedestrian gate provides access from the street to the residential townhouses behind.

15.4.4 Pedestrian access to dwellings

Objective:

To ensure pedestrian access to residential development is safe and convenient.

Consistent

The acceptable solution is met.

A1.1 New dwellings or residential developments must be provided with a pedestrian access independent of the access to any ground floor use in the building, or tenancies on the same site or within the same building; and

A1.2 Pedestrian access directly onto a road frontage must be no wider than 4m.

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

Complies

The existing pedestrian gate provides access to the car parking area at the rear of the existing tenancies and does not require access through any other ground floor use. The pedestrian access is no wider than 4m.

15.4.5 Daylight to windows

Objective:

To allow adequate daylight into habitable room windows.

Consistent

The acceptable solution is met.

A1 Where the minimum distance between:

- (a) a new window in a habitable room and an existing building; or
- (b) a new building constructed directly opposite an existing habitable room window, is less than 3m, a light court with an area of no less than 3m² and dimension of no less than 1m clear to the sky must be provided.

Complies

The proposed townhouses will be built up to the existing wall to the west and there are no windows within this wall. There are no other habitable room windows within 3m of the site.

15.4.6 Private open space

Objective:

To provide adequate and useable private open space for the needs of residents.

Consistent

The acceptable solutions and performance criteria is met for different units.

A1 Dwellings must have an area of private open space with direct access from a habitable room other than a bedroom, comprising:

- (a) on the ground floor, 24m² with a horizontal dimension of no less than 3m; or
- (b) wholly above ground floor, 8m² with a minimum horizontal dimension of 2m; or
- (c) a roof-top area, 10m² with a minimum horizontal dimension of 2m.

Relies on Performance Criteria

Unit 3 meets the acceptable solution as it has a ground floor courtyard with an area of 38m² and a patio on the first floor level with an area of 3.5m². All other townhouses do not have the required area for private open space and therefore assessment against the performance criteria is required.

P1 Dwellings must be provided with sufficient private open space to meet the reasonable needs of the residents having regard to:

- (a) the size and useability of the private open spaces;
- (b) the accessibility of the private open space;
- (c) the availability of common open space;
- (d) the availability of and access to public open space;
- (e) the orientation of the lot to the road; and
- (f) the ability of the private open space to receive adequate solar access.

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

Complies

Due to the density of the dwellings Units 1, 2 and 4 have private open space of approximately 10m²-14m² within the balconies and portico's. The common area within the site is utilised for vehicle manoeuvring and is unable to provide additional open space. The city centre has a number of parks and recreational spaces within five minutes' walk. The Princes Square Park, which is historically listed, is located within 50m of the site and provides ample space to provide for passive and active recreation. It is therefore considered that with the small balconies and porticos and the close proximity to parks, the open space needs for the residents is provided.

A2 Private open space must receive a minimum of four hours of direct sunlight on 21 June to 50% of the designated private open space area.

Relies on Performance Criteria

The first floor balconies of Townhouses 1, 2 and 3 are orientated north west and receive approximately three hours of sunlight on 21 June. Townhouse 4 is orientated north and therefore will receive four hours of direct sunlight on 21 June. Assessment against the performance criteria is required.

P2 Private open space must receive adequate sunlight having regard to:

- (a) the topography of the site;
- (b) site constraints, including any vegetation;
- (c) the orientation and shape of the site; and
- (d) the location and size of buildings on the site and adjoining lots.

Complies

Due to the site restrictions the four townhouses are not able to have balconies orientated to the north. Townhouses 1-3 are orientated north east and will receive approximately three hours of morning sunlight. As these are inner city townhouses with access to nearby parks, the three hours of sunlight is considered to be sufficient for the residential use and therefore meets the performance criteria.

15.4.7 Overshadowing private open space

Objective:

To ensure new buildings do not unreasonably overshadow existing private open space.

Consistent

The acceptable solution is met.

A1.1 Where new buildings reduce sunlight to the private open space of an existing dwelling, at least 75% of the private open space must receive no less than four hours of sunlight on 21 June; and

A1.2 Where less than 75% of the existing private open space receives four hours of sunlight on 21 June, new buildings must not further reduce the amount of sunlight.

Complies

The proposed townhouses are not directly adjoining any private open space of existing dwellings. To the rear of the development is a private car park and Fresh Cafe and to the west is a commercial premises. The development is likely to reduce the sunlight onto the deck at the rear of Fresh Cafe, however, as this deck is not private open space, it cannot be considered under this provision.

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

15.4.8 Storage

Objective: To provide adequate storage facilities for each dwelling.
Consistent The acceptable solution is met.
A1 Each dwelling must have access to six cubic metres of dedicated, secure storage space not located between the primary frontage and the facade of a dwelling.
Complies Storage has been provided within the garages and under the stairwells of the townhouses with a minimum area of six cubic metres provided.

15.4.9 Common property

Objective: To ensure that common areas are easily identified.
Consistent The acceptable solution is met.
A1 Site drawings must clearly delineate private and common areas, including: (a) driveways; (b) parking spaces, including visitor parking spaces; (c) landscaping and gardens; (d) mailboxes; and (e) storage for waste and recycling bins.
Complies The site plan has indicated the private and common areas which include driveways and manoeuvring areas, landscaped areas and waste storage. Letter boxes are located at the front entry on Elizabeth Street.

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to: (a) protect the safety and efficiency of the road and railway networks; and (b) reduce conflicts between sensitive uses and major roads and the rail network.
Consistent The traffic movements generated by the proposed residential development meet the acceptable solutions and are therefore consistent with code purpose.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

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

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

Consistent

The acceptable solution is met.

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

Complies

The proposed two bedroom townhouses are likely to generate an average of six vehicle movements per day each. This will create a total amount of 24 vehicle movements per day and therefore complies.

E4.6 Development Standards

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

An appropriate level of parking is provided on site for the residential use.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

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

Consistent

The performance criteria is met.

A1 The number of car parking spaces must:

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

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

Relies on Performance Criteria

Residential use within the Urban Mixed Use Zone requires one space per bedroom or two spaces per three bedrooms plus one visitor space for every five dwellings. The four townhouses have a total of eight bedrooms and therefore require five car parking spaces and one visitor car parking space. The development has only provided four car parking spaces within the garages of each townhouse and therefore assessment against the 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.

Complies

It is considered that due to the inner city location of the proposed townhouses, one car parking space for each dwelling is considered to be sufficient as it is more likely that people who choose to live within inner city areas don't own a vehicle. The site is quite restricted and there is no opportunity to provide additional onsite parking. Elizabeth Street provides on-street metered parking facilities for visitors during the day and the York Street West Public Car Park is located within 80m of the site. Additionally, the site is located close to public transport facilities including bus stops and taxi zones. Bicycle parking can be accommodated within each garage. It is therefore considered that the reduced number of car parking spaces meets the performance criteria.

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective: To ensure that parking areas are constructed to an appropriate standard.
Consistent The acceptable solution is met.
A1 All parking, access ways, manoeuvring and circulation spaces must: (a) have a gradient of 10% or less; (b) be formed and paved; (c) be drained to the public stormwater system, or contain stormwater on the site; (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.
Complies The proposed parking, driveway and manoeuvring areas have a gradient of less than 10% and will be appropriately formed and paved. The driveway will be drained to the public stormwater system.

E6.6.2 Design and layout of parking areas

Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.
Consistent The acceptable solution is met.
A1.1 Car parking, access ways, manoeuvring and circulation spaces must: (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces; (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2; (c) have parking space dimensions in accordance with the requirements in Table E6.3; (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are three or more car parking spaces; and (e) have a vertical clearance of not less than 2.1m above the parking surface level. A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building. A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more. A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

Complies

A turning bay has been provided on site which allows for all vehicles to enter and exit the site in a forward direction. The access to the site has a width of 4.8m for the first 7m from Elizabeth Street and reduces to 3.8m at the boundary of Townhouse 1, and widens again to approximately 6m within the turning areas. All car parking spaces proposed comply with Table E6.3 and have sufficient space for turning within the site.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Roads and Hydraulics	Conditional consent provided.
Environmental Health	Conditional consent provided.
Parks and Recreation	N/A
Heritage/Urban Design	N/A
Building and Plumbing	N/A
EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2015/01177-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 6 February 2016 to 19 February 2016. Four representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

ISSUE	COMMENTS
Concern regarding losing access to leased car parking space.	This cannot be controlled by Council.
The impact of building works causing damage to their heritage listed property.	It has been recommended a condition assessment be undertaken of the immediately adjoining buildings before the commencement of works. The report will often make recommendations to protect adjoining buildings. This does not include the building mentioned in the representation as this does not adjoin the subject site, however the care taken to ensure adjoining buildings are protected is likely to protect other buildings.
The development is considered to be too high density for the subject site.	The site is located within the Urban Mixed Use Zone and there are no provisions which control the density of dwellings. This is to encourage a higher density living within inner city areas.
The representor was also concerned that the restaurant and cafe is likely to cause noise during music events that may impact on the residents, which will result in noise complaints.	Townhouse 4 which is located closest to the deck of the restaurant is orientated the opposite direction and has no openings orientated towards the deck. Townhouse 3 does have bedrooms windows which are orientated south and may be impacted by noise during these events. A condition is recommended on the permit to require these bedroom windows to be fitted with double glazing which will assist to reduce noise within the dwelling. The use proposed is consistent with the intent of the zone and an urban location.
The representor requested further consultation time with the community and the owners of other businesses.	The representor was met by Council officers at their business premises to further discuss the proposal. The representor was advised of the date for the Council Meeting and the opportunity to speak at the Meeting.
Concerns were raised regarding access to the representor's car parking spaces during the construction phase and whether sufficient space for turning and manoeuvring can be provided once the development is completed.	The townhouses are proposed in the location of the old shed and existing car parking spaces that run parallel to the shed and is entirely within the strata Lot 5. The new development is not proposing to erect fences that would prohibit turning and therefore the access to the remaining five car parking spaces remains similar to the current arrangement. It will be the developer's responsibility to allow access to the existing five car parking spaces within the site during construction or alternatively provide

8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)

	alternate parking for these occupants during the construction phase.
The representor advised that the apartments upstairs were sold with allocated parking at the rear where the development is proposed and the landlords are concerned this has not been addressed.	Each of the units within the strata corporation has allocated car parking spaces which will not be impacted by the proposed development.

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

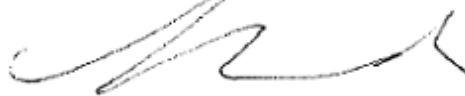
Not considered relevant to this report.

- 8.5 5/43-47 Elizabeth Street, Launceston - Residential - Multiple dwellings; demolition of existing shed and construction and use of four multiple dwellings...(Cont'd)
-

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Location Map (distributed electronically)
 2. Plans (distributed electronically)
 3. Representations (distributed electronically)
-

COUNCIL AGENDA

Tuesday 15 March 2016

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area

FILE NO: DA0658/2015

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:	My Build Homes
Property:	13 Olive Street, Newstead
Zoning:	Inner Residential
Receipt Date:	21/12/2015
Validity Date:	1/02/2016
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	9/04/2016
Representations:	7

PREVIOUS COUNCIL CONSIDERATION:

The following Development Applications have been approved for the subject property:

- DA0448/2011 - Construction of a building - extension to single dwelling (vary rear setback).

RECOMMENDATION:

It is recommended 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 DA0658/2015 Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area on land located at 13 Olive Street, Newstead

1. ENDORSED PLANS

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

- a. Existing Site Plan Job No. 17414 Drawing No. A02 prepared by My Build dated 18 December 2015 (revised date);
-

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

- b. Proposed Site Plan Job No. 17414 Drawing No. A03 prepared by My Build dated 18 December 2015 (revised date);
- c. Existing Floor Plan Job No. 17414 Drawing No. A04 prepared by My Build dated 18 December 2015 (revised date);
- d. Proposed Ground Floor Plan Job No. 17414 Drawing No. A05 prepared by My Build dated 18 December 2015 (revised date);
- e. Proposed Level 1 Floor Plan Job No. 17414 Drawing No. A06 prepared by My Build dated 18 December 2015 (revised date);
- f. Proposed Roof Plan Job No. 17414 Drawing No. A07 prepared by My Build dated 18 December 2015 (revised date);
- g. Proposed Elevations Job No. 17414 Drawing No. A08 prepared by My Build dated 18 December 2015 (revised date);
- h. Proposed Elevations Job No. 17414 Drawing No. A09 prepared by My Build dated 18 December 2015 (revised date);

2. LEGAL TITLE

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

3. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2016/00113-LCC) (attached).

4. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

5. 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.

6. AMENITY

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

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

7. SWIMMING POOLS IN CLOSE PROXIMITY TO NEIGHBOURING PROPERTIES

- a) All electrical equipment, including pumps and filters installed in association with the swimming pool must be housed so as not to create a noise nuisance to neighbouring properties;
- b) If an air conditioner (heat pump) is installed in association with the swimming pool it must operate in compliance with the *Environmental Management & Pollution Control (Miscellaneous Noise) Regulations 2014*, in particular, *Section 13 Noise emitted from air conditioners*; and
- c) Pool treatment chemicals must be stored in a location that will ensure that they are kept dry.

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 DA0658/2015. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).

This permit takes effect after:

- a. *The 14 day appeal period expires; or*
- b. *Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.*

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

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

E. Restrictive Covenants

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

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

F. Permit Commencement.

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

REPORT:**1. THE PROPOSAL**

The applicant is seeking planning approval for the construction of an extension to an existing dwelling, new swimming pool and associated deck area on land located at 13 Olive Street, Newstead (the subject property). The proposed extension will be in the form of a second storey addition which will be located to the front of the dwelling and will comprise a master bedroom, walk-in-robe and ensuite. Access to the extension will be via an internal staircase which will be situated at the front entrance to the dwelling. The proposed extension will be approximately 52.3m² in area and will have a height of approximately 6.2m.

The proposed swimming pool and associated deck will be located in the north-eastern corner of the subject property. The swimming pool will be in-ground approximately 19.15m² in area with the deck to encompass the pool. The deck will be elevated approximately 0.4m from finished ground level and will combine with the swimming pool to reach a total area of approximately 66.6m². Internal glass pool balustrading is proposed to secure the pool and two sections of the boundary fence are to be constructed to a height of 1.8m above the finished floor level of the deck to provide additional privacy to adjoining neighbours.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject property is located on the eastern side of Olive Street approximately 50m to the north of the Dalwood Street intersection. The subject property is a standard rectangular shaped lot approximately 564m² in area and is unaffected by significant

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

topographical constraints. The existing dwelling is located centrally on the lot and is approximately 225m² in area.

The subject property and adjoining land to the north, east and south is zoned Inner Residential. The subject property is located within an established residential area of Newstead which is characterised by a mixture of single and multiple dwelling use and development.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

11.0 Inner Residential Zone

11.1.1 Zone Purpose Statements

11.1.1.1 To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.

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

11.1.1.3 To allow increased residential densities where it does not significantly affect the existing residential amenity, ensure appropriate location of parking, and maintain vehicle and pedestrian traffic safety.

11.1.1.4 To maintain and develop residential uses and ensure that non-residential uses do not displace or dominate residential uses.

11.1.1.5 To provide for development that provides a high standard of amenity and contributes to the streetscape.

Consistent

The proposed development is considered to be consistent with the purpose of the Inner Residential zone insofar that:

- it will provide for development that is associated with an existing residential use within an established residential area; and
- it will provide for development that is compatible with the design, style and materiality of the existing dwelling and which is consistent with the character of the broader residential area;

11.4 Development Standards

11.4.1 Setback from a frontage for single dwellings

Objective:

To ensure that the setback from frontages:

- (a) assist in the establishment of the streetscape character;
- (b) enhance residential amenity;
- (c) provide a transition space between the road and private dwelling allowing mutual passive surveillance for community safety; and
- (d) respond to slope and other physical characteristics of a lot and assist in attenuation of traffic noise.

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions in the report below that demonstrate compliance with the standard.</p>
<p>A1 Unless within a building area shown on a plan of subdivision, the wall of a single dwelling (excluding minor protrusions) must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) no less than 4.5m from a primary frontage; and (b) no less than 3m to a frontage other than a primary frontage; or (c) a distance which is no more or less than the maximum and minimum setbacks of the dwellings on immediately adjoining lots; or (d) no less than the existing dwelling setback if less than 4.5m.
<p>Relies on Performance Criteria In this instance clause 11.4.1 (A1) provides four options in order to determine the required frontage setback distance. Subclause (b) is not applicable to the proposed development on the basis that the subject property is not a corner lot. The remaining three options are as follows (which are correctly referenced to align with their respective subclause character):</p> <ul style="list-style-type: none"> a) a frontage setback of no less than 4.5m from a primary frontage; or c) a frontage setback which is not more or less than the maximum and minimum setbacks of the dwellings on immediately adjoining lots; or d) a setback distance no less than the existing dwelling if the established setback is less than 4.5m. <p>In this instance, the existing dwelling is setback a minimum of 3.7m from the frontage. As such, it is considered that subclause (a) is not applicable on the basis that the existing dwelling has an established setback of less than 4.5m. It has also been determined that the proposed development will not be within the setback range which is specified by subclause (c). Accordingly the proposed development is subject to subclause (d).</p> <p>It has been determined that a portion of the proposed front entrance will be located approximately 1m closer to the frontage boundary which reduces the frontage setback to approximately 2.7m. Therefore assessment against the corresponding performance criteria is required.</p>
<p>P1 The setback from frontage must:</p> <ul style="list-style-type: none"> (a) provide transitional space between the road and private dwelling allowing mutual passive surveillance; (b) be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site; (c) provide measures to ensure that noise generated by traffic will not adversely impact on residential amenity and vehicular egress provides for the safe use of the road; and (d) have regard to streetscape qualities or assist the integration of new development into the streetscape.

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

Complies

It is considered that the proposed development complies with the performance criteria based on the following grounds:

- an existing frontage fence encloses the north-west section of the site which is the location of the front yard comprising lawn and established garden beds. The existing vehicular access to the property is ungated and free from fence and other obscuring structures. Pedestrian access to the entrance of the dwelling is also provided from the internal driveway.

The proposed frontage entrance will essentially be an extension of the existing entrance and will retain the existing access from the driveway area. Accordingly, adequate transitional space between the proposed entrance and the pedestrian footpath and road will be maintained which will adequately facilitate mutual passive surveillance;

- in this instance, the proposed entrance will protrude approximately 1m from the established building line and frontage setback of the existing dwelling. The entrance protrusion will be approximately 2.16m² in area and will be approximately 5m in height. The section of the entrance which will be located above the door will largely form an architectural detail of the building which will match the materiality of the proposed second story extension.

It is observed that the bulk of the proposed extension will be located behind the building line of the existing dwelling which is established by the garage and therefore complies with subclause (d). It is considered that the section of the entrance that will encroach into the required setback will not detract from the streetscape character of the area in terms of visual bulk and scale when taking into account the proportions of the proposed development that comply with the acceptable solution;

- the proposed entrance is a non-habitable portion of the dwelling. Accordingly, the reduction in frontage setback is not expected to adversely impact upon the residential amenity of this particular section of the dwelling in terms of noise generated by traffic along Olive Street. Furthermore, the entrance will be partially screened by the existing frontage fence which will provide additional noise attenuation;
- there is approximately 6.7m distance between the sealed pavement of Olive Street and the frontage boundary of the subject property which will ensure safe vehicular ingress and egress is maintained; and
- the proposed entrance will be in keeping with the materiality and design of the proposed second storey extension and modifications to the façade of the existing dwelling.

11.4.2 Site coverage and rear setback for single dwellings

Objective:

To ensure that the location and extent of building site coverage:

- (a) facilitates the provision of open space, gardens and other outside areas on the site that contribute to residential amenity;

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

<p>(b) assists with the management of stormwater;</p> <p>(c) provides for setback from the rear boundary; and</p> <p>(d) has regard to streetscape qualities.</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 in the report below that demonstrate compliance with the standard.</p>
<p>A1 A site coverage of no more than 50% excluding building eaves and access strips where less than 7.5m wide.</p>
<p>Complies</p> <p>In this case, the floor area of the dwelling, inclusive of the proposed development, will be approximately 233m². Accordingly, the site coverage has been calculated to be approximately 41.3% in area. Therefore the acceptable solution has been met.</p>
<p>A2 A rear setback of no less than 4m, unless the lot is an internal lot.</p>
<p>Relies on Performance Criteria</p>
<p>P2 The location of buildings in relation to the rear boundary must:</p> <p>(a) allow for adequate visual separation between neighbouring dwellings;</p> <p>(b) maximise solar access to habitable rooms; and</p> <p>(c) facilitate provision of private open space.</p>
<p>Complies</p> <p>In this instance, the assessment against the performance criteria only relates to the proposed pool and deck structure. The proposed pool will be excavated into the ground and will be setback approximately 1m from the rear boundary and 1.3m from the side boundary. The proposed deck will be constructed to the rear and side boundary for the length and width of the pool.</p> <p>It is considered that the proposed deck and pool structure comply with the performance criteria on the following basis:</p> <ul style="list-style-type: none"> the proposed pool and decking structure (and associated balustrading) will be below the height of the existing side (northern) and rear (eastern) boundary fences which are approximately 1.8m in height. Accordingly, the proposed structures will not be visible from adjoining properties. Furthermore, the proposed structures will not be of a scale that will interfere with existing solar access into the habitable rooms of adjoining dwellings; sufficient building-free area will be retained to the south-east and north-west of the dwelling for private open space purposes. In addition, it is considered that the proposed pool and deck will directly facilitate activities that are associated with the provision of private open space.

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

11.4.3 Building envelope for single dwellings

Objective:
 To ensure that the siting and scale of single dwellings:

- (a) allows for flexibility in design to meet contemporary dwelling requirements;
- (b) protects the residential amenity of neighbours through minimising visual bulk and overshadowing; and
- (c) has regard to streetscape qualities.

Consistent
 The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions in the report below that demonstrate compliance with the standard.

A1 All single dwellings (excluding minor protrusions extending less than 1.5m) must be contained within either of the following building envelopes:

- (a) determined by a setback of no less than 3m from side boundaries and no less than 4m from the rear boundary and a building height of no more than 5.5m; or
- (b) determined by projecting at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and at a distance of 4m from the rear boundary to a building height of no more than 8.5m above natural ground level (see Figures 11.4.3 A and 11.4.3 B); and walls are setback:
 - (i) no less than 1.5m from a side boundary; or
 - (ii) less than 1.5m, provided the wall is built against an existing boundary wall or the wall or walls have a total length of no greater than 9m or one third of the boundary with the adjacent property, whichever is the lesser.

Relies on Performance Criteria
 The following table illustrates the side and rear setbacks that the proposed second storey extension is required have in order to comply with the building envelope that is specified by subclause (b) and compares them to the proposed setbacks:

Boundary	Required Setback	Proposed Setback
Side (north)	3.2m	5.3m
Side (south)	3.2m	7.7m
Rear (east)	4m	17.5m

Therefore, the proposed second storey extension will be located within the building envelope required by subclause (b).

Notwithstanding, the proposed pool and deck structure will be located within 4m of the rear boundary. Therefore assessment against the corresponding performance criteria is required.

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

- P1 The siting and scale of single dwellings must be designed to:
- (a) ensure there is no unreasonable loss of amenity on adjoining lots by:
 - (i) overshadowing and reduction of sunlight to habitable rooms and private open space to less than three hours between 9.00am and 5.00pm on 21 June or by increasing existing overshadowing where greater than above;
 - (ii) overlooking and loss of privacy; and
 - (iii) visual impacts when viewed from adjoining lots: and
 - (b) take into account steep slopes and other topographical constraints; and
 - (c) have regard to streetscape qualities.

Complies

In this instance, the assessment against the performance criteria only relates to the proposed pool and deck structure. The proposed pool will be excavated into the ground and will be setback approximately 1m from the rear boundary and 1.3m from the side boundary. The proposed deck will be constructed to the rear and side boundary for the length and width of the pool.

It is considered that the proposed deck and pool structure comply with the performance criteria on the following basis:

- the proposed pool and decking structure (and associated balustrading) will be below the height of the existing side (northern) and rear (eastern) boundary fences which are approximately 1.8m in height. Accordingly, the proposed structures will not be visible from adjoining properties. Furthermore, the proposed structures will not be of a scale that will interfere with existing solar access into the habitable rooms of adjoining dwellings;
- the proposed pool and deck structure will be located to the rear of the lot and will be screened by the existing frontage fence and dwelling when viewed from Olive Street. Accordingly, the proposed pool and deck structure will not impact the established streetscape character of the area.

11.4.5 Privacy for single dwellings

Objective:

To ensure that the location and design of windows of habitable rooms, balconies, decks, roof gardens, parking spaces and carports maintain residential amenity by minimising the potential for overlooking between neighbours.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions in the report below that demonstrate compliance with the standard.

A1 Balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) that have a finished surface or floor level greater than 1m above natural ground level must have a side setback of no less than 3m and a rear setback of no less than 4m.

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

Complies		
A2 Windows of habitable rooms which have a floor level greater than 1m above natural ground level must:		
<ul style="list-style-type: none"> (a) have a side setback of no less than 3m; or (b) be offset no less than 1.5m from the windows of habitable rooms on adjacent lots where on the same horizontal plane; or (c) have a window sill height of no less than 1.7m. 		
Complies		
<p>In this instance four (4) windows have been proposed to be incorporated into the proposed second storey extension. Two windows will face the northern (side) boundary and two windows will face the southern (rear) boundary. The following table illustrates the required and proposed setback distance for each of the proposed windows (please note that the assigned window number in the table relates to the assigned window number on the plan with the reference Job No: 17414 Drawing No. A06):</p>		
Boundary/Window	Required Setback	Proposed Setback
W03 - northern (side)	3m	5.3m
W04 - northern (side)	3m	5.3m
W06 - eastern (rear)	4m	18m
<p>Therefore the acceptable solution has been met.</p> <p>It should be noted that window annotated as W07 and W08 on the plan with the reference Job No: 17414 Drawing No. A06 are to a non-habitable room (bathroom) and are therefore excluded from the standard.</p>		
11.4.21 Outbuildings and swimming pools		
Objective:		
To ensure that outbuildings and swimming pools:		
<ul style="list-style-type: none"> (a) do not detract from the character of the surrounding area; (b) are appropriate to the site and respect the amenity of neighbouring lots; and (c) dwellings remain the dominant built form. 		
Consistent		
<p>The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions in the report below that demonstrate compliance with the standard.</p>		
A2 A swimming pool must be located:		
<ul style="list-style-type: none"> (a) no closer to the primary frontage than the main building; or (b) in the rear yard; and (c) decking around a swimming pool must be no greater than 600mm above existing ground level. 		

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

Complies

In this instance, the proposed pool will be located in the rear yard of the subject property. In addition, the proposed decking to be located around the swimming pool will be approximately 0.4m above existing ground level. Therefore the acceptable solution has been met.

11.4.22 Earthworks and retaining walls

Objective:

To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions in the report below that demonstrate compliance with the standard.

A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must:

- (a) be located no less than 900mm from each lot boundary;
- (b) be no higher than 1m (including the height of any batters) above existing ground level;
- (c) not require cut or fill more than 1m below or above existing ground level;
- (d) not concentrate the flow of surface water onto an adjoining lot; and
- (e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.

Relies on Performance Criteria

In this instance, the proposed swimming pool will require excavation greater than 1m below existing ground level. Therefore assessment against the corresponding performance criteria is required.

P1 Earthworks and retaining walls must be designed and located so as not to have an unreasonable impact on the amenity of adjoining lots, having regard to:

- (a) the topography of the site;
- (b) the appearance, scale and extent of the works;
- (c) overlooking and overshadowing of adjoining lots;
- (d) the type of construction of the works;
- (e) the need for the works;
- (f) any impact on adjoining structures;
- (g) the management of groundwater and stormwater; and
- (h) the potential for loss of topsoil or soil erosion.

Complies

The proposed pool will be excavated into the ground and will be setback approximately 1m from the rear boundary and 1.3m from the side boundary. The proposed excavation will be approximately 1.2m below existing ground level. It is considered that the proposed earthworks comply with the performance criteria on the following basis:

- the subject property is unaffected by any significant topographical constraints;

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

- the proposed excavations will involve removing the earth and inserting a pool into the ground and will be below the height of the existing boundary fences. The proposed earthworks will not cause any overlooking or overshadowing of adjoining lots;
- the proposed earthworks will be hidden by the pool, deck and associated landscaping and will not be noticeable from public areas or from adjoining properties;
- given that the pool will be in ground and that the decking will be constructed around it, it is considered that the proposed earthworks will be protected from events that have the potential to cause topsoil disturbance and soil erosion;
- it is considered that the matters of impacts on adjoining structures and groundwater and stormwater management will be adequately dealt with through the building permit process. Before a building permit can be issued, the appropriate documentation will need to be prepared by the designer, engineer and building surveyor. The documentation takes into consideration structural matters, impacts on adjoining structures and groundwater management in accordance with the relevant standards of the National Construction Code and relevant Australian Standards.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

The proposed development has been assessed as being consistent with the purpose of the code. Refer to the assessment against the specific standards of the code in the report below.

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 new access has been assessed as being consistent with the objective of the standard. Refer to assessment against specific provisions of the standard in the report below.

A1 The number of car parking spaces must:

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

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

Complies

Table E6.1 requires 1 car parking space per bedroom or two car parking spaces per three bedrooms for single dwellings in the Inner Residential zone. In this case, the dwelling will have a total of four bedrooms which is inclusive of the proposed development.

Note (3) of table E6.1 specifies that fractions of car parking spaces are to be rounded to the nearest whole number. In this instance, it is considered that four bedrooms require a total of 2.3 car parking spaces where applying two car parking spaces per three bedrooms. Accordingly, two car parking spaces are required to be provided. In this case, the double garage will provide the two car parking spaces that are required. Therefore the acceptable solution has been met.

E6.6 Development Standards

E6.6.3 Pedestrian access

Objective:

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

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions in the report below that demonstrate compliance with the standard.

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	TasWater initially required further information in relation to the proposed development. The further information was

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

	received by TasWater on Thursday, 3 March 2016 which required a minor change to the site plan. Specifically, the site plan was amended to include an opening within the deck to allow access to the sewerage connection at the rear of the property. The change is not material to the proposed development. A SPAN was subsequently submitted.
State Growth	No referral required.
TasFire	No referral required.
Tas Heritage Council	No referral required.
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 6 February 2016 until Friday 19 February 2016. A total of seven representations were received during the public exhibition period.

All representors were invited to an onsite meeting which was held on Tuesday, 1 March 2016 at 5:15pm. The primary purpose of the meeting was to enable an open discussion of the issues and concerns raised and for the Council's assessment process to be outlined. The representors were advised of the key Sections of the planning scheme which applied to the proposed development and how the development application had been assessed. Whilst some concerns were clarified and addressed, the key issue that remained outstanding was the visual impact of the proposed development in terms of scale and bulk and how it would integrate within the streetscape, privacy issues from overlooking and potential impacts the pool may have on the amenity of adjoining properties.

The representors were advised that a recommendation would be prepared based on the assessment report and that the final decision would be made by Aldermen acting as a Planning Authority. The representors were advised of their capacity to attend the meeting and their ability to speak to the planning item for a period of two minutes. The representors were also advised of their appeal rights following a decision should they wish to enact that right.

The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

ISSUE	COMMENTS
<p>The excavation of the proposed pool has the potential to undermine structures on adjoining properties. In addition, rupturing and leakage of the pool will have a direct impact on adjoining properties.</p>	<p>It is considered that the matters of impacts on adjoining structures and groundwater and stormwater management will be adequately dealt with through the building permit process. Before a building permit can be issued, the appropriate documentation will need to be prepared by the designer, engineer and building surveyor. The documentation takes into consideration structural matters, impacts on adjoining structures, groundwater management, stormwater and overflow management in accordance with the relevant standards of the National Construction Code and relevant Australian Standards.</p>
<p>The proposed extension will be dominating in style and appearance within the streetscape.</p>	<p>The bulk of the proposed extension will be located within the building envelope and frontage setback required by the planning scheme. The section of the proposed development that breaches the frontage setback has been assessed as complying with the relevant performance criteria of the planning scheme.</p>
<p>The pool pump and filter unit will likely be intrusive to adjoining residences in terms of noise.</p>	<p>The planning scheme exempts minor attachments to the side or rear of buildings that are incidental to uses such as heat-pumps, air-conditioning systems and hot water tanks. In this instance, it is considered that the pool pump and filter unit meet the exemption. Accordingly, there is little weight within the planning scheme to regulate such equipment particularly when it is associated with a 'no permit required' use within a zone. Rather, noise matters are dealt with through the <i>Environmental Management & Pollution Control (Miscellaneous Noise) Regulations 2014</i>, in particular, Section 13 Noise emitted from air conditioners. A condition has been recommended by environmental health services requiring the pool to be operated in accordance with the regulations.</p>

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

<p>The contemporary design and style is not sympathetic to the established streetscape.</p>	<p>The property is not subject to scenic or heritage controls. As such, the matters of materiality and design are unable to be regulated. The proposed development has been assessed as meeting the relevant provisions of the planning scheme.</p>
<p>The proposed dwelling has not been designed to meet the building envelope and privacy requirements of the planning scheme.</p>	<p>This concern primarily relates to the proposed second storey extension. In this instance, it has been determined that the second storey extension is setback from the side and rear boundaries the appropriate distances to ensure compliance with the relevant building envelope and privacy acceptable solutions of the planning scheme.</p>
<p>General concerns about the boundary fences.</p>	<p>In this instance, boundary fence matters are largely civil matters. Furthermore, the planning scheme exempts side and rear boundary fences to a height of 2.1m above existing ground level. Therefore, planning approval is only required where a fence exceeds this height. Accordingly, there is limited ability within the planning scheme to regulate boundary fences. Notwithstanding, it is understood that the property owner intends to construct all new fences within their property boundary on the inside of the existing boundary fences. This should eradicate the concern in relation to the existing fences.</p>
<p>The proposed development has the potential to reduce sunlight and overshadow adjoining properties.</p>	<p>The building envelope sets the requirements for building height and distances from boundaries in order to limit the level of overshadowing that occurs to adjoining properties. Where a proposed development meets the required building envelope then it is deemed to have a satisfactory impact on adjoining properties in terms of overshadowing. In this instance, the proposed second storey extension will be located wholly within the required building envelope. Whilst some overshadowing may occur to the adjoining property to the south as a result of the proposed development, the level is expected to be minimal and not result in an unreasonable loss of amenity to the adjoining dwelling.</p>

8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)

6. CONCLUSION

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

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

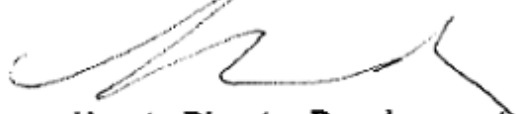
Not considered relevant to this report.

- 8.6 13 Olive Street, Newstead - Residential - single dwelling; construction of extensions to existing dwelling; swimming pool and deck area...(Cont'd)
-

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Location Map (distributed electronically)
 2. Plans (distributed electronically)
 3. Representations (distributed electronically)
-

COUNCIL AGENDA

Tuesday 15 March 2016

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)

FILE NO: DA0056/2016

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:	Rainbow Garden Playgroup
Property:	34-40 Howick Street, South Launceston
Zoning:	Urban Mixed Use
Receipt Date:	10/02/2016
Validity Date:	11/02/2016
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	24/03/2016
Representations:	8

PREVIOUS COUNCIL CONSIDERATION:

The following development applications have been considered by Council for the subject property:

- DA0640/2009 - Construction of a building - intern and patient accommodation;
- DA0640/2015 - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective) (refused).

RECOMMENDATION:

It is recommended 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 DA0056/2015 Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective) on land located at 34-40 Howick Street, South Launceston subject to the following conditions:

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)

1. ENDORSED PLANS & DOCUMENTS

The use 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 Letter and Supporting Information (x2) dated 8 February 2016;
- b. Site Analysis Plan.

2. CAR PARKING

- a. Within one month of this permit taking effect in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*, the two allocated car parking spaces located at the end of French Street designated on the endorsed Site Analysis Plan must be located in an area and appropriately line-marked to enable vehicles to enter and exit the car parking area in a forward direction to the satisfaction of Council's Manager Planning Services; and
- b. The two car parking spaces located at the end of French Street are limited to the use by staff of the kindergarten and playgroup only; and
- c. The car parking spaces located within the 'Spurr Wing' must be made available at all times for drop-off and pick-up purposes for the exclusive use of the playgroup and kindergarten during normal operating hours.

3. USE LIMITATION

Car Parking

The use approved by this permit must cease should the car parking spaces no longer be available for the exclusive use of the playgroup and kindergarten as specified by Condition 2 of this permit.

Student Numbers

The use is limited to 12 enrolled kindergarten and/or playgroup students to be on the premises at any one time.

4. OPERATING HOURS

The operation of playgroup and kindergarten must be confined to:

- a. 8:00am and 4:00pm Monday to Friday; and
- b. Closed Saturday, Sunday and Public Holidays.

5. 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.

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)

Notes

A. Occupancy Permit Required for Changed Use

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

B. General

This permit was issued based on the proposal documents submitted for DA0056/2015. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).

This permit takes effect after:

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Resource Management and Planning Appeal Tribunal is withdrawn or determined; or.*

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

C. 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.

D. Signage

Separate approval may be required for any signage proposed on the site.

E. Potentially Contaminated Site

There is a current 'potentially contaminated site' alert for this property and the source of the potential contamination is fuel tanks. The proposed change of use does not require any further investigation at this time however if the site is significantly developed (disturbance of more than 1m² of land) then an Environmental Site Assessment in accordance with the requirements of EMPCA will be required by Council prior to the development commencing.

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)

REPORT:

1. THE PROPOSAL

The applicant is seeking retrospective planning approval for the use of an existing building as a playgroup and kindergarten on land located at 34-40 Howick Street, South Launceston (the subject property). The existing building was historically utilised as a recreation hall for nurses employed at the Launceston General Hospital and is located to the north-east of the subject property. Whilst the subject property is addressed as Howick Street, the existing building is located within close proximity to the western end of French Street and for this reason it is unofficially addressed as 41 French Street, South Launceston.

Since 2007, the building has been occupied by Launceston Friends of Steiner Education Incorporated which has been operated as Rainbow Garden Playgroup, albeit without acquiring the necessary Council approvals. The playgroup use operates three days per week for approximately two -three hours per session which is typically held between 9:30am and 11:30am. The Council only became aware of the operation when the applicants contacted the planning department to enquire about the procedure required to be undertaken in order to increase the scope of the use.

The usage of the building can be summarised as follows:

Activity	Kindergarten	Playgroup
Max. No. Students	12	10
Staff	1	1
Hours of Operation	9:00am - 3:00pm	9:30am - 11:30am
No. Days Per Week	4	1
No. Parents onsite	1 (9:00am - 12:00pm)	All parents to remain onsite.

It is noted that the kindergarten and playgroup use will occur on alternative days. The applicant has also advised that board meetings and other meeting activities associated with school uses such as parent teacher interviews are likely to occur outside the specified hours.

Due to the size of the building, the maximum number of students that can be enrolled at the playgroup/kindergarten is 18 which is determined and enforced by education department registration guidelines. There are currently six confirmed kindergarten enrolments for 2016 and it is anticipated that this number will reach approximately ten. Notwithstanding this, it is noted that the applicant has limited the maximum number of students to 12 at any one time.

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)

An application (DA0640/2015) for the same proposal has previously been considered by Council. The application was ultimately refused on the basis that the car parking area was not considered appropriate for the nature of the kindergarten and playgroup use in terms of pedestrian safety. The current application at hand seeks to address the safety concerns related to DA0640/2015 by way of the following:

- reducing the maximum number of students enrolled at the school from 18 (proposed by DA0640/2015) to 12. This will reduce the number of vehicles travelling to and from the site which is expected to have a positive impact on pedestrian safety within surrounding road network. To put this in perspective, the reduction in student numbers will result in 30% less students travelling to and from the site in comparison to the previous application. Furthermore, this will result in 24 additional vehicle movements in the morning and 24 additional vehicle movements in the afternoon;
- having all drop-off and pick-up of kindergarten students occur from the Spurr-Wing carpark which is located adjacent to the building to be utilised for the school use and is accessed off Howick Street or from the available on-street car parking spaces further along French Street; and
- utilising the two designated car parking spaces located adjacent to the building at the end of French Street for staff parking requirements only. This is expected to reduce ingress and egress into the informal car park at the end of French Street and therefore reducing the conflict between vehicles and pedestrians;

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject property is a large irregular shaped lot approximately 2.4ha in area and is located on the northern side of Howick Street. In addition to the Howick Street frontage, the subject property also has frontage onto Charles Street to the west and Frankland Service Street to the north. The subject property comprises a number of buildings which are currently utilised for administrative, consultation, accommodation and technical services for the Department of Human Health Services. Primary access to the site is obtained off Howick Street from a well formed junction which is located opposite the junction of Howick Street and Mulgrave Street. Notwithstanding, access to the building will primarily be via French Street and the broader road network leading into French Street.

The subject property is located on the western face of a hillside which encompasses French Street, the southern end of St John Street and Lord Street. As such the subject property has a gradient of approximately 16%. The existing building is located at the western end of French Street. The road maintenance responsibility for French Street ends where the street transitions from asphalt to concrete. The concrete section is currently utilised as a Care Park parking facility and is not located on a specific land title, however the land is under the administration of the Department of Human Health Services. Four parking spaces of the Care Park parking facility are proposed to be dedicated to the

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)

playgroup use in addition to one car parking space within the property boundaries which will act as an accessible space.

The land to the east of the subject property is zoned Inner and General Residential and is an established residential area of Launceston. This land is primarily characterised by single dwellings built within close proximity to road frontages frontage. The land to the west of the subject property contains The Charles complex and further west beyond Charles Street is the location of the Launceston General Hospital.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

15.0 Urban Mixed Use Zone

15.1.1 Zone Purpose Statements

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

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

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

15.1.1.4 To create:

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

Consistent

It is considered that the playgroup and kindergarten use is consistent with the purpose of the Urban Mixed Use zone insofar that:

- it will provide for the integration of a community service within close proximity to an established residential location;
- the educational use is considered compatible with the established community service use of the subject property and surrounding area which includes the Launceston General Hospital and John Calvin School which is located approximately 200m to the south-west beyond Howick Street; and
- the appropriate number of car parking spaces have been provided as required by Table E6.1 of the Sustainable Car Parking and Transport Code.

15.3 Use Standards

15.3.1 Hours of operation

Objective:

To ensure that non-residential uses do not cause unreasonable loss of amenity to nearby sensitive uses.

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)

Consistent

The playgroup and kindergarten uses have been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard below.

15.3.2 Mechanical plant and equipment

Objective:

To ensure that the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to sensitive uses.

Consistent

The playgroup and kindergarten uses have been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard below.

15.3.3 Light spill and illumination

A1 The use must:

- (a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the General Residential, Inner Residential, and Low Density Residential zones; and
- (b) contain direct light from external light sources within the boundaries of the site.

Complies

The supporting information which accompanied the application indicates that only domestic security lighting will be utilised. The use does not include the operation of permanent, fixed flood lighting. Therefore the acceptable solution has been met.

15.3.4 Noise level

A1 Noise generated by a use on the site must:

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

Complies

In this instance, the noise that is likely to be generated by the playgroup and kindergarten include the movement of children and parents from their vehicles and the building and high-pitched noise from children playing and fraternising within the outdoor play area. These noises will be generated between the hours of 8:30am and 3:30pm where background noises are likely to be higher. It is not expected that the noise generated by the playgroup and kindergarten use will exceed a noise level of 5dB(A) above background during operating hours. On this basis, it is considered that the use meets acceptable solution 15.3.4 (A1) (a).

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)

15.4 Development Standards

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

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

Consistent

The playgroup and kindergarten uses have been assessed as being consistent with the purpose of the code. Refer to the assessment against the relevant standards of the code in the report below.

E6.5 Use Standards

E6.5.1 Car parking numbers

A1 The number of car parking spaces must:

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

Relies on Performance Criteria

Table E6.1 requires 1 car parking space per employee plus 1 car parking space per 6 tertiary students for all educational and occasional care uses. In this case, no tertiary education use has been proposed. Approximately 1.5 full time equivalent staff are required for the playgroup and kindergarten use. Therefore 2 car parking spaces are required to be provided.

It should be noted that the acceptable solution and Table E6.1 does not specify where the car parking spaces are to be located. In this case, the applicant has demonstrated that the required number of car parking spaces can be provided, albeit outside the boundary of the site. A conservative position has been adopted in relation to the interpretation of the acceptable solution insofar that it is considered that the acceptable solution requires the specified number of car parking spaces to be provided for onsite.

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)

In this instance, no on-site car parking spaces have been allocated for the playground and kindergarten use. 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.

Complies

In this instance, the proposal is largely the same as the previous development application (DA0640/2015). Key differences between the applications include the reduced number of students that are to be enrolled in the kindergarten from 18 to 12 in addition to the use of the two allocated car parking spaces for staff only and for pick up and drop off of students to occur within the 'Spurr Wing' car park and within French Street. Accordingly the assessment against the performance criteria is largely the same as the previous application (DA0640/2015).

It is considered that the playgroup and kindergarten use complies with the performance criteria on the following basis:

- it is observed that the road maintenance responsibility of French Street ends where the street transitions from asphalt to concrete. The concrete section at the end of French Street is not located on a specific title, however the land is under the administration of the Department of Human Health Services (DHHS) and is currently utilised as a Care Park parking facility which does not allow free

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)

public use. The applicant has advised that DHHS have agreed to allocate two car parking spaces for the exclusive use by the playgroup and kindergarten. It is recommended that a condition be applied to the permit tying the allocated car parking spaces to the playgroup use to ensure the car parking spaces are made available during operating hours. It is therefore considered that the playground and kindergarten use indirectly provides for the required number of car parking spaces;

- there are a number of bus stops located within 400m of the building to be utilised for the playgroup and kindergarten which include;
 - two located at Charles Street adjacent to the Launceston General Hospital entrance to the north-west;
 - two located along High Street to the east;
 - two along Mulgrave Street to the south-west; and
 - one located along Howick Street to the south-west.

All the bus stops, apart from the ones located along High Street, require uphill walks. Notwithstanding, these services are available within reasonable distance of the playgroup and kindergarten. The applicant has indicated that some families walk to playgroup from their homes;

- due to the proximity of the building to the northern boundary of the lot in addition to the topographical constraints of the site it is not feasible to provide additional off-road car parking within the leased area of the subject property;
- French Street is a wide street with good visibility. 90 degree parking is available for the length of French Street (where safe and practical) and footpaths are located either side of the street for pedestrian access. The playgroup and kindergarten use will utilise 2 allocated car parking spaces adjacent to the building on land located at the end of French Street. The number of car parking spaces that will be allocated to the use indirectly meets the number of car parking spaces required by Table E6.1, albeit they are located outside of the property boundaries. It is considered that the playgroup and kindergarten use will not interfere with the car parking at the eastern end and middle of French Street, given that the majority of vehicular manoeuvring, circulation and car parking will occur at the western end of French Street. Furthermore, Infrastructure Services have advised that the increase in traffic is likely to have a minimal impact on the amenity of French Street on the basis that the traffic volumes (including the potential increase) have been determined to be well within the limits for a residential street;
- the applicant has specified that the current playgroup activity utilises two allocated car parking spaces on the land at the end of French Street in addition to other on-street car parking spaces along French Street for the two hour duration. The applicant anticipates that a similar impact on the car parking infrastructure will occur with the addition of the kindergarten activity, however two additional allocated car parking spaces will be available. Furthermore, the kindergarten use will primarily involve children being dropped-off and picked-up between 8:30 and 9:00am and 2:50 and 3:15pm where the likely period of

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)

parking use will be between five and ten minutes. Accordingly there will be a relatively quick turnover of car parking spaces until all the children are picked up where the spaces will become vacant. Furthermore, should the area within the car park associated with the 'Spurr Wing' be available for drop-off and pick-up of students then this arrangement is expected to alleviate traffic volume and associated impacts from French Street and the associated road network;

- it should be noted that the majority of on-street car parking spaces toward the western end of French Street have a two hour parking limit which should theoretically regulate the use of on-street car parking spaces;
- the applicant observes that at first glance, French Street appears to be a quiet street. However, the street currently experiences busy periods anecdotally from 7:00am through to 9:00am where employees from the LGH park and walk down French Street, through the DHHS subject property to the hospital. The applicant has observed on one day, 24 vehicles parking between 8:00am and 9:00am. This coupled with the movements of residents of French Street creates a busy period of activity. The drop-off and pick-up periods will typically be outside of the initial rush of hospital employees moving to and from the hospital. Overall it is considered that the playgroup and kindergarten use will have a negligible impact upon the streetscape and amenity of French Street when taking into consideration the current activity and usage of the street;
- finally, it should be observed that the playgroup and kindergarten use requires a maximum of two car parking spaces based on the information provided. If the car parking spaces were to be allocated within the existing car parking area on-site then the use would comply with the planning scheme and the matter of people parking within French Street to commute to work and for the playgroup and kindergarten use would be largely out of the control of the planning scheme.

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 playgroup and kindergarten uses have been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard below.
A1 The number of bicycle parking spaces must be provided on either the site or within 50m of the site in accordance with the requirements of Table E6.1.
Complies Table E6.1 requires 1 bicycle parking spaces per five employees and tertiary education students. Accordingly, one bicycle parking space is required to be provided. Whilst a bicycle parking space has not been explicitly detailed within the supporting plans and information, it is considered that there is sufficient room within the existing building to store a bicycle. Therefore it is considered that the acceptable solution can be met.

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)

E6.5.3 Taxi spaces

Objective: To ensure that access for taxis is provided to meet the needs of the use.
Consistent The playgroup and kindergarten uses have been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard below.

E6.5.4 Motorcycle parking

Objective: To ensure that motorcycle parking is provided to meet the needs of the use.
Consistent The playgroup and kindergarten uses have been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard below.

E6.6 Development Standards

E6.6.3 Pedestrian access

Objective: To ensure pedestrian access is provided in a safe and convenient manner.
Consistent The playgroup and kindergarten uses have been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard below.

E6.6.5 Bicycle facilities

Objective: To ensure that cyclists are provided with adequate facilities.
Consistent The playgroup and kindergarten uses have been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard below.
A1 Uses that require five or more bicycle spaces by Table E6.1 must provide one shower and change room facility on site, with one additional shower and change room on site for each ten additional bicycles spaces required.
Complies In this instance, less than five bicycle parking spaces are required. Therefore the provision is not applicable to the assessment.

E6.6.6 Bicycle parking and storage facilities

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

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)

<p>The playgroup and kindergarten uses have been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard below.</p>
<p>A1 Bicycle parking and storage facilities for uses that require five or more bicycle spaces by Table E6.1 must:</p> <ul style="list-style-type: none"> (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.
<p>Complies In this instance, less than five bicycle parking spaces are required. Therefore the provision is not applicable to the assessment.</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>Complies In this instance, the singular bicycle parking space required to be provided will be located inside the existing building where there will be sufficient area to the acceptable solutions to be met. No rail or hoops are considered necessary given that the space will be located within the building. It is considered that the acceptable solution will be met on this basis.</p>

4. REFERRALS

REFERRAL	COMMENTS
<p>INTERNAL Roads and Hydraulics</p>	<p>Infrastructure Services have completed a comprehensive assessment of the application. The assessment detailed that the increase in traffic is likely to have a minimal impact on the amenity of French Street on the basis that the traffic volumes (including the potential increase) have been determined to be well within the limits for a residential street. Notwithstanding, the primary infrastructure concern with the proposed use relates to the</p>

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)

	<p>lack of off-street car parking. The assessment concluded that the impact of the proposed use on Council infrastructure is likely to be minimal, provided that the commitments made within the supporting information are adhered to. Although, it was acknowledged that the proposed use has the potential to exacerbate car parking issues within the area.</p> <p>No conditions have been recommended by Infrastructure Services.</p>
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	No referral required.
State Growth	No referral required.
TasFire	No referral required.
Tas Heritage Council	No referral required.
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 17 February 2016 until 2 March 2016. Eight representations were received during this period.

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 use of the Spurr Wing car park for drop off and pick up has not been consented to by the land owner and is not considered appropriate on the basis that it will conflict with the current users, result in safety problems and require parents and students of the school to traverse an	The applicants have advised that they received consent from the Department of Human Health Services to utilise the Spurr Wing car parking area for drop-off and pick-up purposes. Conditions have been recommended tying the use to the availability of the designated car parking areas. It is expected that discretion and caution will be

8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)

<p>unsafe walkway between the car park and school building.</p>	<p>undertaken by users of the internal driveway and Spurr Wing car parking area when utilising the facility.</p>
<p>The application was advertised incorrectly by not properly referencing French Street as the correct address.</p>	<p>The application was correctly described and advertised in accordance with the regulations of the <i>Land Use Planning and Approvals Act 1993</i>. For the benefit of the public, the description was altered to include reference to the informal address of the property.</p>
<p>The proposed changes still do not go far enough to fully prevent French and Lord Streets from being utilised by parents dropping off and picking up children. Accordingly, there remain outstanding traffic safety concerns with the use of French and Lord Streets.</p>	<p>It is acknowledged that the use will increase traffic movements within French and Lord Street. Notwithstanding, the reduction in student numbers will result in a 30% reduction in traffic movements throughout French and Lord Streets in comparison to the previous application (DA0640/2015). This is considered to be a positive outcome and alleviate the previous concerns that related to the previous application. Furthermore, the applicant is relying on drop-off and pick-up to occur between the Spurr Wing car park and on-street parking along French Street. It is considered that there is sufficient capacity within French Street alone to accommodate the demands of the use, particularly given that the use will incur 24 additional vehicle movements in the morning and afternoon within French Street.</p>
<p>Two letters in support of the development application were received from residents of French Street.</p>	<p>Noted.</p>

6. CONCLUSION

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

ECONOMIC IMPACT:

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

- 8.7 34-40 Howick Street, South Launceston - Educational and occasional care - kindergarten and playgroup; change of use of existing hall to kindergarten and playgroup (retrospective)...(Cont'd)**
-

ENVIRONMENTAL IMPACT:

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

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

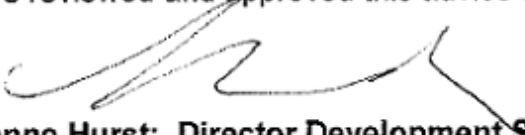
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Location Map (distributed electronically)
 2. Plans (distributed electronically)
 3. Representations (distributed electronically)
-

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

Tuesday 23 February 2016

- Officiated at the BRAAAP 2016 Conference at BRAAAP Motorcycles
- Officiated at the launch of the Switchitaround Exhibition at the Sawtooth Gallery

Wednesday 24 February 2016

- Attended the 2016 Official Launceston Cup luncheon

Thursday 25 February 2016

- Attended the opening of Aurora Energy George Street Launceston premises
- Attended the Launceston College production of the Lion King

Friday 26 February 2016

- Attended the launch of the State WiFi network at the Gorge
- Officiated at the RSL Women's Auxiliary Annual Conference

Saturday 27 February 2016

- Presented medals at the 2016 Cycling Junior Track National Championships at the Silverdome
- Attended the Riverside Aquatic Club Regional Meet
- Attended the 2016 Launceston Beerfest

Monday 29 February 2016

- Officiated at the All Australian Vigoro Titles Opening Ceremony
- Officiated at the welcome function for Women in Tourism International Alliance 2016

Tuesday 1 March 2016

- Attended the Ulysses Club Welcome Barbecue

Wednesday 2 March 2016

- Attended the Ulysses Club site tour
-

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

Thursday 3 March 2016

- Attended and assisted with judging the Ulysses Club Show and Shine Bike Competition
- Participated in the Mayoral Croquet Challenge at the St Leonards Sports Centre

Saturday 5 March 2016

- Officiated at the Ulysses Club Grand Parade and Civic Welcome Ceremony
- Attended the Ulysses Club Annual General Meeting Event Dinner

Sunday 6 March 2016

- Officiated at the Women's 5km Run
- Officiated at the Ulysses Club Closing Ceremony and Volunteer's Lunch

Wednesday 9 March 2016

- Attended the Launceston Christian School Thanksgiving Assembly and Morning Tea
-

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.)

11.1.1 Aldermen's Questions on Notice - Council Meeting - 25 January 2016**FILE NO:** SF2375**AUTHOR:** Tegan West (Committee Clerk)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

QUESTIONS and RESPONSES:

Alderman D C Gibson asked the following question:

1. Could Aldermen be provided with information regarding the strategy behind the new banners that have been installed in the CBD?

Response:

(Mrs L Hurst Director Development Services)

This project was an initiative of the internal Business Improvement Group (BIG), which was formed in February 2015 and is representative of members across City of Launceston's (CoL) Directorates.

Part of BIG's core objectives is to improve efficiency and effectiveness and to undertake projects which socially and economically revitalise the Launceston CBD. Following an audit that identified the CoL banner infrastructure was being underutilised or displaying out of date information, BIG initiated a project to utilise this infrastructure to better promote the positive attributes of the CoL to visitors and locals and to fill gaps in the City Banners' booking calendar.

BIG consulted with CoL's community, the Tourism and Events Department, Tourism Northern Tasmania (TNT), Cityprom, CoL Communications Department and Infrastructure Services. It was agreed by all parties that the banner infrastructure would provide a great platform to promote Launceston and that the banners should publicise the newly updated and endorsed CoL Visitor Information Centre website - www.destinationlaunceston.com.au as a resource for visitors and locals to discover what's on, where to eat, what local experiences are available as well as using dynamic imagery to showcase our built and natural heritage, local food and wine and vibrant arts culture.

BIG worked with the Launceston City Heart Project team and Communication team to ensure the design of the banners was informed by, and supportive of, the adopted Launceston City Heart Master Plan and its Wayfinding and Connectivity Strategy, as well as the CoL Corporate Style Guide. BIG, Customer Service and Infrastructure Services formed a working group to develop updated Banner Guidelines to provide to third parties when making a booking. The group also identified the need to remove unused or defective banner infrastructure from the city.

11.1.1 Aldermen's Questions on Notice - Council Meeting - 25 January 2016...(Cont'd)

Part of BIG's vision for the banner project was to engage student and novice photographers which provides the dual benefit of showcasing and supporting our up-and-coming photographers as well as providing CoL with some fresh destination imagery for use in printed and digital collateral.

The banner project was presented to and endorsed by the Executive Management Committee (EMC) on 10 November 2015 and a media release with comments from the Mayor about the new banners was uploaded to the City of Launceston website on 21 January 2016.

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 Pedestrian and Bike Committee Meeting - 9 February 2016****FILE NO:** SF0618**AUTHOR:** Julie Tyres (Administration Officer - Roads & Hydraulics)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Meeting of the Pedestrian and Bike Committee held on 9 February 2016.

RECOMMENDATION:

Pending further investigation by officers as part of the Stage 2 Launceston City Heart Project and in consultation with Department of State Growth, that Council considers reducing the speed limit on CBD streets to 40km/h.

REPORT:

That Pedestrian and Bike Committee, at its Meeting held on 9 February 2016, received:

- a presentation from Tourism Northern Tasmania on the Cycling Strategy for Northern Tasmania and agreed to endorse the strategy for presentation to Council
- a presentation on the Bridge Road Area Pedestrian and Bike Facilities Assessment
- an update on the City Heart Project and the proposal to drop speed limits on CBD streets to 40km/h
- a report from Tamar Bicycle Users Group, including a number of suggested infrastructure improvements and concerns regarding a crash that occurred at a blind spot on the West Tamar Trail
- a report from Bike Network, including presentation of 12 BMX bikes to Ravenswood Heights Primary School, to promote health and wellbeing and a submission to Healthy Tasmania five Year Strategic Plan.

ECONOMIC IMPACT:

Not considered relevant to this report.

12.1 Pedestrian and Bike Committee Meeting - 9 February 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 2 - A city where people choose to live

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

Key Direction -

6. To promote active and healthy lifestyles

Priority Area 3 - A city in touch with its region

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

Key Direction -

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

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 Direction -

5. To offer equitable access to services and facilities, including the design of public spaces that are accessible and suited to all abilities

Priority Area 8 - A secure, accountable and responsive Organisation

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

Key Direction -

1. To strategically manage our assets, facilities and services

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

12.1 Pedestrian and Bike Committee Meeting - 9 February 2016...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

12.2 Audit Panel Meeting - 18 February 2016**FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To receive and consider a report from the Audit Panel following the meeting on 18 February 2016.

RECOMMENDATION:

That the report from the Audit Panel Meeting held 18 February 2016 be received.

REPORT:

The following is a precis of the substantive agenda items dealt with at the Meeting.

6.2 - 6.4 Internal Audit

Details Issues raised by the Internal Auditors (Crowe Horwath) were discussed, issues resolved agreed on and progress on issues not yet resolved discussed.

The audit reviews covered so far have been:

- Risk Review;
- Fraud Management and Prevention;
- Privacy Management; and
- Contract Management

A Payroll Review and Rates Management Review have been completed with Council Officers now to provide responses and determine actions, with only minor matters being raised.

Action Issues not yet resolved have been allocated to responsible Officers and deadlines set. The responses by Council Officers regarding the Payroll Review and Rates Management Review will also allocate actions to responsible Officers with deadlines set and will be presented to the next Audit Panel Meeting in March 2016.

12.2 Audit Panel Meeting - 18 February 2016...(Cont'd)

7.2 External Audit

Details Minor issues discussed related to the Terms of Engagement Letter from the Tasmanian Audit Office and discussion about changes to some Accounting Standards and Auditing Standards. Progress on the seven remaining outstanding issues was also discussed and it was noted that five of these issues are nearing resolution.

Action The Panel noted the reports.

9.1 Budget Amendments

Details The Panel received the report that detailed the projects that need to be reclassified from Operations to Capital, Capital to Operations and to recognise changes in external grant funds received or not received.

Action The Panel recommended to the Council that the changes be made (see separate item in this agenda).

9.2 Budget Reallocations

Details The Panel received the report on transfers within the budget that do not require a change to the total budget.

Action The Panel noted the reallocations and transfers.

9.3 - 10.5 Financial Reports and KPI's

Details The Panel received the operating results for the six months to 31 December 2015 as well as reports on Capital, Debts and Investments.

Action The Panel noted the reports.

11.1 Audit Panel Charter

Details A change was necessary in the Council's Audit Panel Charter to comply with the *Local Government (Audit Panels) Order 2014*. Under the Section of the Charter relating to Financial and Management Reporting the following was added word for word from the legislation:

'Integration of plans under Part 7 of the Local Government Act 1993
Review the Council's performance, whether and how the strategic plan, annual plan, long-term financial management plan and long-term strategic asset management plan are integrated and the processes by which, and assumptions under which, those plans are prepared.'

12.2 Audit Panel Meeting - 18 February 2016...(Cont'd)

Actions As this was strictly required as part of the legislation the Panel agreed that this not need to go to Council for a decision as it was merely specifically mentioning this requirement in the Audit Panel Charter and the Panel approved the amendment to the Charter.

13.2 Delegation Register Presentation

Details The Audit Panel received a presentation on the City of Launceston Draft Delegations Register.

Action The Panel noted the work done and the Delegations Register will be presented to Council for approval at a future Meeting.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

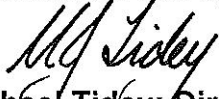
STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 8 - A secure, accountable and responsive Organisation
Ten-year goals - To continue to ensure the long-term sustainability of our Organisation
Key Direction -
6. To maintain a financially sustainable organisation

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

12.3 Heritage Advisory Committee Meeting - 25 February 2016**FILE NO:** SF2965**AUTHOR:** Fiona Ranson (Urban Design & Heritage Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the Heritage Advisory Committee's Meeting on 25 February 2016.

RECOMMENDATION:

That Council receives the report from the Heritage Advisory Committee Meeting held on 25 February 2016.

REPORT:

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

At its Meeting the Committee noted the following items:

- Heritage List Review - progress update
- Strathroy Bridge Lighting - approved contribution payment for repairs and relocation of solar panels
- Adaptive Reuse and Access Issues for Heritage Buildings - request for update from Launceston Chamber of Commerce
- Duck Reach Power Station - progress update

The following items were discussed:

- **Launceston's City Heart Project**

Project Officer (Urban Design) Aaron Mullins provided an update on the progress of the Launceston City Heart Project including:

- The Quadrant Mall redevelopment
- Public Artwork and Heritage Interpretation Strategy implementation
- Signage and Wayfinding Project

- **Derelict Heritage Properties**

The Committee noted that Council approved the following motion at the Council Meeting held on 25 January 2016.

12.3 Heritage Advisory Committee Meeting - 25 February 2016...(Cont'd)

*That Council Officers prepare a report to be considered by Council to:
Investigate options and models that have been used to address sites of cultural and strategic significance; including to consider the feasibility of purchasing sites of heritage significance.*

- **Commercial Traveller's Association (CTA) Foundation Stone**

The Committee noted that the CTA will be reinstating the foundation stone of their former headquarters at its original site in Charles Street, along with a stone plaque telling the story of the association and the significance of its building, subject to final approval from the owner and lessee of the site.

- **Launceston Heritage Awards 2016**

The Committee confirmed the categories and timelines for the 2016 Awards. It was agreed that the Heritage Snap! Junior photography awards' theme will be 'Rediscovering Launceston's Public Spaces'. This is intended to tie in with the National Trust's Heritage Festival theme 'Discovery and Rediscoveries' and the Launceston City Heart focus on enriching the city's public spaces.

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

12.3 Heritage Advisory Committee Meeting - 25 February 2016...(Cont'd)

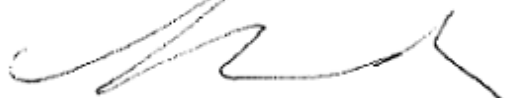
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

13 COUNCIL WORKSHOPS

Council Workshops conducted on 29 February 2016 and 7 March 2016 were:

- Rating Models
 - Strategic Financial Management
 - Asian Engagement
 - CBD Promotion Service Agreement 2016/2017
 - Cityprom Budget 2016/2018
 - City Centre Smoke Free Zones
-

14 NOTICES OF MOTION

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

14.1 Notice of Motion - Alderman D C Gibson - Signature Events Sponsorship 2016/2017

FILE NO: SF5547/SF6274

AUTHOR: Tegan West (Committee Clerk)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider funding for the 2016 New Year's Eve Event.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting - 25 January 2016 - Agenda Item 15.2 - Signature Event and Signature Celebration Events Sponsorship

RECOMMENDATION:

That Council reconsiders the decision passed at the Council Meeting on 25 January 2016: "*Pre-commits up to \$20,000 from the 2016/2017 Signature Events Sponsorship budget for a 2016 New Year's Eve event*" and allocates up to \$40,000 for the purpose of funding the 2016 New Year's Eve event from the Event Sponsorship budget.

REPORT:

In my view, a New Year's Eve event should be regarded as a City of Launceston Unique Event. The event delivers a memorable community experience, which results in positive social, economic, environmental and city image outcomes and attracts significant numbers of patrons but it fits neither the Signature Event or Celebration Event classifications.

A New Year's Eve event may encourage residents to stay within the area over the Christmas and New Year period and provides an event celebration opportunity for visitors to the region.

It also supports local businesses by attracting people/visitors to Launceston, who will patronise hotels, restaurants and attractions.

An event of this nature fosters a sense of community, enhancing resident's experiences.

14.1 Notice of Motion - Alderman D C Gibson - Signature Events Sponsorship 2016/2017...(Cont'd)

Bringing together family and friends during the festive season can contribute to a sense of community pride and belonging.

The Festivale Committee, Inc. notified Council in October 2015 that they would not continue coordinating a New Year's Eve Event past 2015. This decision leaves Launceston without a New Year Eve's event for 2016.

While this event clearly sits outside all elements of the City of Launceston funding levels for deliverables consistent with its scale and scope, it is nonetheless imperative that every opportunity is provided for a New Year's Eve event to take place in 2016.

It is for this reason that I suggest that Council revisits its previous decision.

Correspondence from Cityprom (attached) suggests that they themselves (and indeed others that they were working with) were interested when funding was perceived to be at \$40,000 but not at the up to \$20,000 level, as determined by Council on 25 January 2016.

It is imperative that this event is regarded as unique and is not seen as fitting into a system of funding which it cannot fit.

OFFICER COMMENTS:Mrs L Hurst (Director Development Services):

Following the decision of Council on 25 January 2016, officers advertised an expression of interest process inviting applicants to seek a contribution of up to \$20,000 towards the coordination of an event for New Year's Eve. No submissions were received.

As the New Year's Eve event had previously received City of Launceston sponsorship of \$40,000, and officers had recommended that this level of contribution continue if a new event organiser is identified, provision has already been made for that amount in the draft 2016/17 budget.

Mrs L Purchase (Governance and Planning Coordinator):

The following information is provided in accordance with Regulations 18(2) and (3) of the *Local Government (Meeting Procedures) Regulations 2015* (the Regulations).

This Notice of Motion, if resolved in the affirmative and by an absolute majority, overturns the decision made by Council on 25 January 2016 in respect of Item 15.2 Signature Event and Signature Celebration Events Sponsorship, Motion 6. The Minutes for this item are included as attachment 1.

14.1 Notice of Motion - Alderman D C Gibson - Signature Events Sponsorship 2016/2017...(Cont'd)

The action to be taken and that was carried out in respect of Council's decision of 25 January 2016 is detailed by Mrs Hurst in the Officer Comments above.

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:

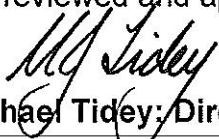
Michael Tidey (Director Corporate Services)

Council will be considering the budget on 21 March 2016. Consideration of the available funding from all sources should occur as part of these discussions.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey; Director Corporate Services

ATTACHMENTS:

1. Council Minutes - Monday 25 January 2016 - Agenda Item 15.2 Signature Event and Signature Celebration Events Sponsorship
-

City of Launceston

Attachment 1 - Council Minutes - Monday 25 January 2016 - Agenda Item 15.2 Signature Event and Signature Celebration Events Sponsorship

Monday 25 January 2016

15.2 Signature Event and Signature Celebration Events Sponsorship

FILE NO: SF5791

AUTHOR: Eve Gibbons (Grants and Sponsorship Officer)

ACTING DIRECTOR: Wendy Newton (Manager Community, Tourism and Events)

DECISION STATEMENT:

To consider Signature Event Sponsorship and Celebration Event Sponsorship for the 2016/2017 financial year.

PREVIOUS COUNCIL CONSIDERATION:

Council - 11 May 2015 - Item 15.2 - Approved one year extension to Signature Events Sponsorship Agreements, 2015/2016 financial year.
 Workshop - 8 April 2015 - Signature Events Sponsorship Program
 Council - 27 May 2013 - Approval of Signature Celebration Events funding
 Council - 29 April 2013 - Item 14.1 - Approved review of Event Sponsorship Policy to include a new 'Signature Celebration' event funding tier
 Council - 9 July 2012 - Item 14.1 - Approval of the Signature Events Sponsorship funding

RECOMMENDATION:

That Council:

1. Approves a one year extension to the following Signature Event Sponsorship agreements pending the completion of the City of Launceston Events Strategy and as a result, a revised Event Sponsorship Policy.

No	Organisation	Event	Proposed Signature Event Sponsorship 2016/2017 F/Y
1	Tasmanian Symphony Orchestra	Symphony Under the Stars (February)	\$20,000
2	Tasmanian Sports & Events (previously Events South)	Launceston 10 (June)	\$15,000
3	Launceston Cycling Classic Inc.	Stan Siejka Launceston Cycling Classic (December)	\$15,000
4	Festivale Committee	Festivale (February)	\$20,000

City of Launceston

Monday 25 January 2016

15.2 Signature Event and Signature Celebration Events Sponsorship...(Cont'd)

No	Organisation	Event	Proposed Signature Event Sponsorship 2016/2017 F/Y
5	Junction Arts Festival Note: Junction Arts Festival also receives in-kind assistance in rent free accommodation, estimated at \$25,000.	Junction Arts Festival (September)	\$35,000
	TOTAL		\$105,000

- Approves a one year extension to the following Signature Celebration Event Sponsorship agreements pending the completion of the City of Launceston Events Strategy and as a result, a revised Event Sponsorship Policy.

No	Organisation	Event	Proposed Signature Event Sponsorship 2016/2017 F/Y
1	Launceston Competitions Association Inc.	Launceston Competitions (May/June)	\$3,750
2	Launceston Festival of Dance Inc.	Launceston Festival of Dance (September)	\$5,000
3	Royal National Agricultural and Pastoral Society of Tasmania.	Royal Launceston Show (October)	\$10,000
4	Apex Club of Tamar Inc.	Launceston Christmas Parade (November)	\$5,000
5	Rotary Club of Tamar Sunrise	Carols by Candlelight (December)	\$5,000
6	Launceston & Henley Regatta Inc.	Launceston Henley Regatta (March)	\$1,500
	TOTAL		\$30,250

- Pre-commits \$40,000 from the 2016/2017 Signature Events Sponsorship budget for a 2016 New Year's Eve event.
- Endorses an Expressions of Interest process to allow event organisers to apply for City of Launceston funding to stage the 2016 New Year's Eve event.

City of Launceston

Monday 25 January 2016

15.2 Signature Event and Signature Celebration Events Sponsorship...(Cont'd)

Ms Wendy Newton (Manager Community, Tourism and Events) and Ms Eve Gibbons (Grants and Sponsorship Officer) were in attendance to answer questions of Council in respect of recommendations 1-4. Mrs L Hurst (Director Development Services) was in attendance to answer questions of Council in respect of recommendations 3 and 4.

Due to a declaration of interest in Agenda Item 15.3 - Signature Event and Signature Celebration Events Sponsorship, Item 1.3 - Launceston Cycling Classic - Stan Siejka Launceston Cycling Classic, Alderman D H McKenzie withdrew from the Meeting at 3.58pm.

DECISION: 25 January 2016

MOTION 1

Moved Alderman D C Gibson, seconded Alderman R L McKendrick.

That Council:

- Approves a one year extension to the following Signature Event Sponsorship agreement pending the completion of the City of Launceston Events Strategy and as a result, a revised Event Sponsorship Policy.

No	Organisation	Event	Proposed Signature Event Sponsorship 2016/2017 F/Y
3	Launceston Cycling Classic Inc.	Stan Siejka Launceston Cycling Classic (December)	\$15,000
	TOTAL		\$15,000

CARRIED 10:0

FOR VOTE: Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

ABSENT DUE to DECLARATION of INTEREST: Alderman D H McKenzie

Alderman D H McKenzie re-attended the Meeting at 3.59pm.

City of Launceston

Monday 25 January 2016

15.2 Signature Event and Signature Celebration Events Sponsorship...(Cont'd)

Due to a declaration of interest in Agenda Item 15.3 - Signature Event and Signature Celebration Events Sponsorship, Item 2.5 - Rotary Club of Tamar Sunrise - Carols by Candlelight Alderman D C Gibson withdrew from the Meeting at 3.59pm.

DECISION: 25 January 2016

MOTION 2

Moved Alderman R L McKendrick, seconded Alderman J Finlay.

That Council:

2. Approves a one year extension to the following Signature Celebration Event Sponsorship agreement pending the completion of the City of Launceston Events Strategy and as a result, a revised Event Sponsorship Policy.

No	Organisation	Event	Proposed Signature Event Sponsorship 2016/2017 F/Y
5	Rotary Club of Tamar Sunrise	Carols by Candlelight (December)	\$5,000
	TOTAL		\$5,000

CARRIED 10:0

FOR VOTE: Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman R J Sands, Alderman J G Cox, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

ABSENT DUE to DECLARATION of INTEREST: Alderman D C Gibson

Alderman D C Gibson re-attended the Meeting at 4.00pm.

City of Launceston

Monday 25 January 2016

15.2 Signature Event and Signature Celebration Events Sponsorship...(Cont'd)

DECISION: 25 January 2016

MOTION 3

Moved Alderman D C Gibson, seconded Alderman R J Sands.

That Council:

1. Approves a one year extension to the following Signature Event Sponsorship agreements pending the completion of the City of Launceston Events Strategy and as a result, a revised Event Sponsorship Policy.

No	Organisation	Event	Proposed Signature Event Sponsorship 2016/2017 F/Y
1	Tasmanian Symphony Orchestra	Symphony Under the Stars (February)	\$20,000
2	Tasmanian Sports & Events (previously Events South)	Launceston 10 (June)	\$15,000
4	Festivale Committee	Festivale (February)	\$20,000
5	Junction Arts Festival Note: Junction Arts Festival also receives in-kind assistance in rent free accommodation, estimated at \$25,000	Junction Arts Festival (September)	\$35,000
	TOTAL		\$90,000

CARRIED 11:0

FOR VOTE: Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman R J Sands, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

City of Launceston

Monday 25 January 2016

15.2 Signature Event and Signature Celebration Events Sponsorship...(Cont'd)

MOTION 4

Moved Alderman D H McKenzie, seconded Alderman D C Gibson.

That Council:

2. Approves a one year extension to the following Signature Celebration Event Sponsorship agreements pending the completion of the City of Launceston Events Strategy and as a result, a revised Event Sponsorship Policy.

No	Organisation	Event	Proposed Signature Event Sponsorship 2016/2017 F/Y
1	Launceston Competitions Association Inc.	Launceston Competitions (May/June)	\$3,750
2	Launceston Festival of Dance Inc.	Launceston Festival of Dance (September)	\$5,000
3	Royal National Agricultural and Pastoral Society of Tasmania	Royal Launceston Show (October)	\$10,000
4	Apex Club of Tamar Inc.	Launceston Christmas Parade (November)	\$5,000
6	Launceston & Henley Regatta Inc.	Launceston Henley Regatta (March)	\$1,500
	TOTAL		\$25,250

No Vote was Taken as an Amendment was Put

City of Launceston

Monday 25 January 2016

15.2 Signature Event and Signature Celebration Events Sponsorship...(Cont'd)

DECISION: 25 January 2016

AMENDMENT

Moved Alderman R J Sands, seconded Alderman D W Alexander.

That Council:

- Approves a one year extension to the following Signature Celebration Event Sponsorship agreements pending the completion of the City of Launceston Events Strategy and as a result, a revised Event Sponsorship Policy for the following organisations.

No	Organisation	Event	Proposed Signature Event Sponsorship 2016/2017 F/Y
1	Launceston Competitions Association Inc.	Launceston Competitions (May/June)	\$3,750
2	Launceston Festival of Dance Inc.	Launceston Festival of Dance (September)	\$5,000
4	Apex Club of Tamar Inc.	Launceston Christmas Parade (November)	\$5,000
6	Launceston & Henley Regatta Inc.	Launceston Henley Regatta (March)	\$1,500
	TOTAL		\$15,250

And that further consideration be given to Item 2.3 - Royal National Agricultural and Pastoral Society of Tasmania upon receipt of a report from the Show Society in accordance with their obligations.

CARRIED 10:1

FOR VOTE: Deputy Mayor Alderman R I Soward, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

AGAINST VOTE: Alderman R L McKendrick

The Amendment becomes the Motion

City of Launceston

Monday 25 January 2016

15.2 Signature Event and Signature Celebration Events Sponsorship...(Cont'd)

DECISION: 25 January 2016

MOTION 5

Moved Alderman R J Sands, seconded Alderman D W Alexander.

That Council:

2. Approves a one year extension to the following Signature Celebration Event Sponsorship agreements pending the completion of the City of Launceston Events Strategy and as a result, a revised Event Sponsorship Policy for the following organisations:

No	Organisation	Event	Proposed Signature Event Sponsorship 2016/2017 F/Y
1	Launceston Competitions Association Inc.	Launceston Competitions (May/June)	\$3,750
2	Launceston Festival of Dance Inc.	Launceston Festival of Dance (September)	\$5,000
4	Apex Club of Tamar Inc.	Launceston Christmas Parade (November)	\$5,000
6	Launceston & Henley Regatta Inc.	Launceston Henley Regatta (March)	\$1,500
	TOTAL		\$15,250

And that further consideration be given to Item 2.3 - Royal National Agricultural and Pastoral Society of Tasmania upon receipt of a report from the Show Society in accordance with their obligations.

CARRIED 9:2

FOR VOTE: Deputy Mayor Alderman R I Soward, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman E K Williams and Alderman K P Stojansek
AGAINST VOTE: Alderman R L McKendrick and Alderman S R F Wood

City of Launceston

Monday 25 January 2016

15.2 Signature Event and Signature Celebration Events Sponsorship...(Cont'd)

DECISION: 25 January 2016

MOTION 6

Moved Alderman D C Gibson, seconded Alderman J Finlay.

That Council:

3. Pre-commits up to \$20,000 from the 2016/2017 Signature Events Sponsorship budget for a 2016 New Year's Eve event.

CARRIED 7:4

FOR VOTE: Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman E K Williams and Alderman K P Stojansek

AGAINST VOTE: Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D W Alexander and Alderman S R F Wood

Deputy Mayor, Alderman R I Soward, handed the Chair to Alderman R L McKendrick at 4.36pm.

Deputy Mayor, Alderman R I Soward, resumed the Chair at 4.38pm.

DECISION: 25 January 2016

MOTION 7

Moved Alderman R L McKendrick, seconded Alderman D H McKenzie.

That Council:

4. Endorses an Expressions of Interest process to allow event organisers to apply for City of Launceston funding to stage the 2016 New Year's Eve event with a report for decision brought before Council.

CARRIED 11:0

FOR VOTE: Deputy Mayor Alderman R I Soward, Alderman R J Sands, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**15.1 Visit by Putian Delegation to City of Launceston****FILE NO:** SF0175**AUTHOR:** Bruce Williams (Economic Development Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider a request from Putian City to visit the City Of Launceston and enter a sister City relationship by Signing a "Letter of Establishment for Friendship Cities between Putian and Launceston".

PREVIOUS COUNCIL CONSIDERATION:

SPPC 7 March 2016 - Workshop

Council 13 July 2015 - Item 20.1

- Council authorised Mayor, General Manager and Economic Development Officer to participate in the State Government Delegation to China, 3-13 September 2015.

Council 25 May 2015 - Item 15.1

- Received Report of Council Delegation to China 24-31 March 2015.
- To seek advice from the Sister City Committee and the Economic Development Committee on an appropriate budget and resources required to implement an engagement program for the opportunities.
- Authorised the General Manager to progress engagement and liaison with Taiyuan and Putian Cities and to participate in the facilitation of joint City of Launceston, Hobart City Council and State Government initiatives with Fuzhou City and Fujian Province.

Council 23 February 2015 - Item 15.1 - decided to send a delegation from Council to Putian City, Fuzhou City and Taiyuan Sister City. The delegation was to:

- to sign a Letter of Intent for the Establishment of a Friendship Relationship between Launceston, Tasmania, Commonwealth of Australia and Putian, Fujian Province, The People's Republic of China.
- to investigate engagement opportunities according to the role and policy criteria adopted for Asian engagement

Council 8 September 2014 - Item 14.3

- Adopted criteria for evaluation of proposals and approaches by international city and regions.
-

15.1 Visit by Putian Delegation to City of Launceston...(Cont'd)

Council 26 May 2014 - Item 13.2

- Decided to develop a strategy to guide co-ordination and engagement with opportunities in China/Asia.

Council 3-4 July 2014 hosted a delegation from Fujian Province and Putian City, Peoples Republic of China.

RECOMMENDATION:

That Council:

1. Commits to the development of a "Letter of Establishment for Friendship Cities between Putian and Launceston".
 2. Agrees to support the Fujian Week in Tasmania and Tasmanian Week in Fujian Province China, subject to funding in the 2016/2017 budget.
 3. Commits to receive a delegation from Putian City in 2016.
-

REPORT:**Background**

From the 3-13 September 2015, Mayor Albert van Zetten, General Manager Robert Dobrzynski and Economic Development Officer Bruce Williams visited the cities of Hong Kong, Shanghai, Beijing, Fuzhou and Putian as participants in the Minister of State Growth's trade and investment delegation to China.

Prior to leaving, Council invited local businesses to express their interest in the mission and potential business matching opportunities. Nine businesses responded to the advertisements. Business matching opportunities were explored as appropriate.

Council also facilitated the preparation and presentation of two cultural exchange proposals from Breath of Fresh Air of Festival (BOFA) and Tas Dance and one education proposal from Launceston College. These proposals were presented to Putian City, in the Fujian Province, for their consideration two weeks prior to the visit.

During the delegation visit, Council also supported both Launceston College and Scotch Oakburn College in their endeavours to explore opportunities by participating in their visits to secondary colleges.

15.1 Visit by Putian Delegation to City of Launceston...(Cont'd)

Council further explored and developed opportunities with Putian City in accordance with the recently signed letter of intent, for the establishment of friendship relationship between Launceston Tasmania, the Commonwealth of Australia, and Putian, Fujian Province, the People's Republic of China. This letter commits Council to:

- a) make joint efforts to formally establish a friendship relationship in the future
- b) promote contacts and friendly exchanges in fields such as:
 - i) Education
 - ii) Science and technology
 - iii) Culture
 - iv) Public health sports and tourism

During the delegation, the key strategic events for engagement were:

- Banquet and meeting with Putian Mayor, Weng Yu Yao in Putian.
- Meeting with Putian Municipal Government officials in Putian.
- Joint Committee meeting to develop Fujian Week in Tasmania and Tasmanian Week in Fuzhou.

Since the delegation, we have received correspondence from Mr Liang Chen, Director of Office of Foreign and Overseas Chinese Affairs of Putian Municipality; regarding proposals for (a) visit from Putian City in 2016 and (b) signing of a "Letter of Establishment for Friendship Cities between Putian and Launceston" during the visit.

Fujian Week in Tasmania and Tasmanian Week in Fujian Province

The Tasmanian Department of State Growth have advised that there are no confirmed arrangements for Fujian Week in Tasmania and that it is now unlikely arrangements will be confirmed for a visit during the first half of 2016. However, a large delegation from Fujian Province may visit Tasmania in the second half of the year and this may form the basis of a Fujian Week celebration.

The Department has advised that a delegation will visit China in April 2016 to participate, on behalf of Tasmania, in Australian Week in China. The Hon Will Hodgman and the Hon Dr Vanessa Goodwin will head the Tasmanian contingent on this delegation. It is anticipated that their involvement will commence in Fujian Province. The City of Launceston will receive a letter of invitation to participate in this delegation in the near future.

Launceston Sister City Relationship Review

In 2014 Council adopted criteria to assess the merit of Asian engagement opportunities and the development of Sister City relationships. It was agreed that all of the following four criteria must be met prior to entering into a relationship:

15.1 Visit by Putian Delegation to City of Launceston...(Cont'd)

1. Existing Australian and State Government relationships or agreements, which can be further leveraged for mutual benefit,
2. Demonstrable and significant economic and cultural opportunity,
3. Leverages Launceston City's role as a regional service centre,
4. Ability to allocate adequate resources (financial and human) to service engagement and relationships.

In 2009, Melbourne City Council also undertook a review of its international program and commissioned the Centre for Local Government (University of Technology Sydney (UTS)) to review and benchmark Melbourne's performance against a number of other international cities. Melbourne City currently has six (6) Sister City relationships.

The review identified a different approach to the international program which focussed on more relevance to the business community and defined business outcomes and finite timeframes for engagement. An engagement framework was developed which proposed that at least 50% of resource allocation be targeted to developing business prosperity (exports and inward investment in education tourism and services sectors).

This signalled a shift away from the traditional Sister City Relationships, towards developing alliances or partnerships that were project based and which had defined outcomes and finite timeframes.

The engagement process of the City of Launceston with Indonesia has been undertaken using a similar approach, being largely business focussed without an overarching formal political / cultural framework. This has proven successful with opportunities being developed in education (nursing), maritime studies, boat building and design and a trade in agricultural products. These achievements have benefited both local and state businesses. Our limited resources have been focussed specifically on facilitating business outcomes.

The total cost of Indonesian engagement to date is approximately half the cost already expended on China engagement. In contrast to recent Indonesian engagement the only tangible outcomes with China to date have been the development of a relationship, a letter of intent and a potential Sister City relationship with Putian City.

Nevertheless cultural factors should be considered when determining the most effective pathways to achieve the outcomes we seek. It is unlikely that opportunities with China will develop outside the umbrella of a Sister City relationship. The Sister City relationship is the "passport and vehicle for permission" for a Chinese City to engage. Without evidence of a relationship, engagement is not supported and travel is not permitted by the Central Government.

It is therefore recommended that Council agree to sign a "Letter of Establishment for Friendship Cities between Putian and Launceston", with a view to establishing future specific cultural and business outcomes.

15.1 Visit by Putian Delegation to City of Launceston...(Cont'd)

On 4 February 2016 the Sister City Committee met to discuss and provide feedback on the draft agenda item. That input has been included within the report.

ECONOMIC IMPACT:

There are significant potential business opportunities for the Launceston community and local business owners to develop and grow business relationships with China.

There are many opportunities to grow the economy by engagement with China. Some of this potential is identified in the paper. The full impact would require further analysis and realistically the opportunity will need time and investment to develop.

Our two visits to Putian City and Fujian Province indicate there are significant opportunities in developing a relationship such as:

- cultural exchange (BOFA, Tas Dance, exhibitions in QVMAG);
- educational relationships with Launceston College and Scotch Oakburn College and other secondary schools;
- tourism promotion and collaborative exchanges;
- agricultural opportunities (Bellamy's etc.).

These opportunities are articulated in greater detail in the Delegation to China - Report to Council, also contained within this Agenda.

Further analysis will be required to assess the extent of the potential economic and other impacts of a formal relationship with Putian City.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

There is an opportunity to broaden the cultural awareness of the community through engagement with Asia. This has special significance to increasing awareness in the tourism sector and the engagement of the community with Asian visitors.

15.1 Visit by Putian Delegation to City of Launceston...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

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 -

1. To actively market the City and Region and pursue investment
2. To facilitate direct investment in the local economy to support its growth

BUDGET & FINANCIAL ASPECTS:

The cost estimate of hosting delegation visits from China each year (six persons) or travelling to China (three persons) is approximately \$35,000 per annum. This will need to be factored into the draft 2016/2017 budget and subsequent years should Council approve continued active engagement with China.

Although there are few details about the proposed State Government Fujian Week and Tasmanian Week Activities an estimated \$25,000 per annum may be required to support these initiatives. These funds are not within the current Economic Development budget.


Director Corporate Services Michael Tidey

Provision for this expenditure of \$60,000 is in the draft 2016/2017 budget. The importance and potential of this opportunity is acknowledged but any decision to include additional funding will require consideration of where offsets to the Council Budget can be achieved.

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

15.2 Delegation to China - Report to Council**FILE NO:** SF0175**AUTHOR:** Bruce Williams (Economic Development Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider a report on the City of Launceston's engagement with the Hon Mathew Groom, Minister of State Growth, Delegation to China (3-13 September 2015) and determine future action.

PREVIOUS COUNCIL CONSIDERATION:

SPPC 7 March 2016 - Workshop

Council 13 July 2015 - Item 20.1

- Council authorised Mayor, General Manager and Economic Development Officer to participate in the State Government Delegation to China, 3-13 September 2015.

Council 25 May 2015 - Item 15.1

- Received Report of Council Delegation to China 24-31 March 2015.
- To seek advice from the Sister City Committee and the Economic Development Committee on an appropriate budget and resources required to implement an engagement program for the opportunities.
- Authorised the General Manager to progress engagement and liaison with Taiyuan and Putian Cities and to participate in the facilitation of joint City of Launceston, Hobart City Council and State Government initiatives with Fuzhou City and Fujian Province.

Council 23 February 2015 - Item 15.1 - decided to send a delegation from Council to Putian City, Fuzhou City and Taiyuan Sister City. The delegation was to:

- to sign a Letter of Intent for the Establishment of a Friendship Relationship between Launceston, Tasmania, Commonwealth of Australia and Putian, Fujian Province, The People's Republic of China.
- to investigate engagement opportunities according to the role and policy criteria adopted for Asian engagement

Council 8 September 2014 - Item 14.3

- Adopted criteria for evaluation of proposals and approaches by international city and regions.
-

15.2 Delegation to China - Report to Council...(Cont'd)

Council 26 May 2014 - Item 13.2

- Decided to develop a strategy to guide co-ordination and engagement with opportunities in China/Asia.

Council 3-4 July 2014 hosted a delegation from Fujian Province and Putian City Peoples Republic of China.

RECOMMENDATION:

That Council:

1. Receives the Report of the Council Delegation to China, 3-13 September 2015.
2. Authorises the General Manager to progress further investigation and dialogue on the opportunities identified or as they develop.
3. Agrees to participate in the facilitation of joint City of Launceston, Hobart City Council and State Government initiatives with Putian City, Fuzhou City and Fujian Province.
4. Authorises the General Manager to progress participation in opportunities relating to hosting the Fujian Week in Tasmania and Tasmania Week in Fujian Province.
5. Agrees to pursue a Memorandum of Understanding between the City of Launceston, Hobart City Council and the State Government of Tasmania to clarify the roles and responsibilities in facilitation of engagement with Putian City, Fuzhou City and Fujian Province.

REPORT:

From the 3-13 September 2015, Mayor Albert van Zetten, General Manager Robert Dobrzynski and Economic Development Officer Bruce Williams visited the cities of Hong Kong, Shanghai, Beijing, Fuzhou and Putian as participants in the Minister of State Growth's trade and investment delegation to China.

Prior to leaving, Council invited local businesses to express their interest in the mission and potential business matching opportunities. Nine businesses responded to the advertisements. Business matching opportunities were explored as appropriate.

Council also facilitated the preparation and presentation of two cultural exchange proposals from Breath of Fresh Air of Festival (BOFA) and Tas Dance and one education proposal from Launceston College. These proposals were presented to Putian City for their consideration two weeks prior to the visit.

15.2 Delegation to China - Report to Council...(Cont'd)

During the delegation visit, Council also supported both Launceston College and Scotch Oakburn College in their endeavours to explore opportunities by participating in their visits to secondary colleges.

Council further explored and developed opportunities with Putian City in accordance with the recently signed letter of intent, for the establishment of friendship relationship between Launceston Tasmania, the Commonwealth of Australia, and Putian, Fujian Province, the People's Republic of China. This letter commits Council to:

- a) make joint efforts to formally establish a friendship relationship in the future
- b) promote contacts and friendly exchanges in fields such as:
 - i) Education
 - ii) Science and technology
 - iii) Culture
 - iv) Public health sports and tourism

During the delegation, the key strategic events for engagement were:

- Banquet and meeting with Putian Mayor, Weng Yu Yao in Putian
- Meeting with Putian Municipal Government officials in Putian
- Joint Committee meeting to develop Fujian Week and Tasmanian Week in Fuzhou

Banquet and meeting with Mayor of Putian City

This ceremonial dinner was the first meeting of both Mayors.

Meeting with Putian Municipal Government

The hosts and guests each spoke about the delegation visit, the history of engagement, various meetings, the recent meeting of both Mayors, and good will expressions regarding co-operations, letters of intent and other activities. A wide range of statistics and data were presented, such as the fact that 1.5 million people from Putian live overseas.

The Putian City representatives then went on to focus on three themes:

1. Cultural co-operations

- Mazu culture is important.
 - BOFA and Tasdance opportunities were mentioned.
 - Chinese Oil painting exhibition in the QVMAG, something to show in Fujian week in Tasmania.
 - Fujian drama is world class and a performance could come to Launceston.
-

15.2 Delegation to China - Report to Council...(Cont'd)

Council responded:

- We will welcome an exhibition and dance performance in Launceston in the near future and that we could display art works in the QVMAG.
- Arrangements could be made for our collections of art to also be displayed in Putian.
- It is possible to have a school performance exchange.

2. Education

- There are some challenges to forming a sister school relationship between Putian Number 2 Middle School and Launceston College. Committed that the Putian Mayor would progress support for this. Requested that we seek support at the Joint Committee Meeting in Fuzhou.
- No 2. School is willing to cooperate and teachers and students willing to work together.
- Putian City is looking forward to communications in relation to teacher exchange and teaching theory exchange.

Council responded:

- That we will seek to support this proposal at the Joint Committee Meeting in Fuzhou.

3. Tourism

- Recommend that Travel agents could connect for cooperation regarding tourism opportunities.
- Tourism Bureau and travel agents could exchange and co-promote tourism opportunities and products by providing information to one another.
- Travel agents could promote, recommend and publicise products.
- We could jointly develop a structure to facilitate this exchange.

Council responded:

- The Council's Department of Community, Tourism and Events could establish a connection.
- We look forward to progressing these proposals.

In conclusion

The Office of Foreign and Overseas Chinese Affairs of Putian has considered proposing a Delegation visit to Launceston in 2016 and will put a proposal to the City of Launceston in the future. The progress of this proposal needs to be approved by the Putian Municipal Government for final approval.

Council responded that we would be delighted to receive a proposal from Putian City for a delegation in 2016.

15.2 Delegation to China - Report to Council...(Cont'd)

The Municipal Peoples Government expressed thanks and an interest to exchange in the future and suggested that we use electronic communications to progress arrangements in the future.

We have now been notified that Putian City wish to visit Launceston in the first half of 2016 and preliminary discussions relating to this visit have commenced. These discussions include entering into a Sister City Agreement by signing a "Letter of Establishment for Friendship Cities between Putian and Launceston" during the visit.

Joint Committee meeting follow-up meeting

The State Government offered to bring a Tasmanian agriculture delegation to Fujian including Tasmanian Institute of Agriculture, TasTAFE, Skills Tasmanian re skills training and research sharing.

Putian City committed to consensus for cooperation in forestry, education, mineral resources, cultural exchange aquatic products and food processing (as per items identified in the letter of intent, signed March 2015). They also committed to seek support for the City of Putian to visit Launceston in the future.

1. Education

Priorities from the Fujian / Putian include:

- The establishment of a Confucius School in Tasmania will be supported by the Education Department.
- In early 2014 Ji Mei University contacted UTAS Australian Maritime College and an agreement for maritime collaboration has been reached. Progress has already been made in regard to this and a revised agreement needs to be signed.
- Ming Jiang University and UTAS have cooperated for 15 years. This is the only independent legal entity in Fujian Province and is now awaiting approval for the development of an undergraduate program.

2. Tourism

Priorities from the Fujian / Putian include:

- An exchange for tourism professionals.

3. Agriculture

- A Chinese company has visited Tasmania twice and held discussions to rent farmland to grow vegetables with local farmers. The company will send a delegation of six people to Tasmania in late November 2016, to do a thorough and detailed study of opportunity and they are interested in establishing a headquarters in Tasmania.
 - Fujian Yonghui Superstore Group already imports abalone and cherries from Tasmania and they want more information about Tasmanian Agricultural Produce.
-

15.2 Delegation to China - Report to Council...(Cont'd)

4. Cultural exchange

Confirmed that City of Fuzhou has approved the friendship agreement with Hobart City and this now needs higher approval from the Party prior to sign off in 2016.

5. Fujian Week

State growth outlined the proposal for holding Fujian Week in Tasmania in February 2016, coinciding with the Chinese New Year as per the meeting briefing paper. There was no formal response to this, however, there was a commitment from Fujian officials to support the development of Fujian Week.

Council:

- Committed to grow the relationship and support the development of Fujian Week with State Government and Hobart City.
- Discussed the BOFA proposal and our support for a 2016 film festival as part of Fujian Week.
- Discussed the Tas Dance proposal as part of Fujian Week.
- Committed support for proposals from Putian and Fujian regarding Tourism.
- Supported our local Secondary Colleges in the development of exchange programs, specifically the establishment of a program partnership between Launceston College and No 2 School Putian.
- Noted that it will host a delegation from Putian University in November 2015. To date this has not yet occurred.
- Supported engagement and facilitation of business to business contact.

Conclusion and future activity and engagement

1. The opportunities identified in the delegation that relate to Council should be followed up and brought to conclusion, with particular focus on supporting outcomes related to:
 - i. Fujian Week in Tasmania and Tasmanian Week in Fujian Province.
 - ii. Supporting secondary Colleges in Launceston and their engagement with middle schools in China.
 - iii. UTAS, particularly programs that relate to the Australian Maritime College
 - iv. Progressing proposals from BOFA and Tas Dance.
 - v. Business matching opportunities.
 2. Future delegations need to be shorter [less than one week] and more regionally targeted to Putian City and Fujian Province.
 3. Chinese cultural paradigms indicate progress will be slow.
 4. Funding and resources will need to be realistic. A funding commitment to a program of activity over a five year period is required. It is estimated that at least \$60,000 will be required each year to realistically progress engagement and there is little guarantee of an outcome.
 5. Given that we have undertaken two delegations and presented proposals for consideration and implementation during 2015, it is now reasonable to see what level of interest and resources are committed by Putian City to develop this relationship.
-

15.2 Delegation to China - Report to Council...(Cont'd)

6. Pending the commitments by Putian over the next six months, consideration and decisions are required on resourcing all the elements of Asian engagement. Given our anticipated commitments and need for additional resources, we should consider reducing our commitment to the relationship with Taiyuan City.
7. The tripartite arrangements between City of Launceston, Hobart City and the State Government require clarification and agreement. A MoU might be a reasonable mechanism to establish roles, responsibility to guide activity.

Progress since the Tasmanian State Government Delegation to China 3-13 September 2015**Engagement with the Launceston Community 3 November 2015**

On 3 November, 2015 a China Briefing was held in the City of Launceston reception room to discuss the engagement with China over 2015 and to report back on what is currently happening.

Thirty one people attended the event. The Mayor, the General Manager and the Economic Development Officer provided reports on the September delegation. Reports were also given from three local Launceston businesses that participated with City of Launceston in the September trade mission. The Department of State Growth also reported on State Government initiatives and progress towards the development of Fujian Week and Tasmanian Week.

There were networking opportunities after the event.

Follow up from Putian City

On the 20 November 2015 we were contacted by email Mr Liang Chen, Director of Office of Foreign and Overseas Chinese Affairs of Putian Municipality; regarding proposals for [a] visit from Putian City in 2016 and [b] signing of a "Letter of Establishment for Friendship Cities between Putian and Launceston" during the visit.

A full discussion of this visit is contained in the agenda item "Visit by Putian Delegation to The City of Launceston".

Follow up on Fujian Week in Tasmania and Tasmania Week in Fujian Province

The Tasmanian Department of State Growth have advised that there are no confirmed arrangements for Fujian Week in Tasmania and that it is now unlikely arrangements will be confirmed for a visit during the first half of 2016. However, a large delegation from Fujian Province may visit Tasmania in the second half of the year and this may form the basis of a Fujian Week celebration.

15.2 Delegation to China - Report to Council...(Cont'd)

The Department has advised that a delegation will visit China in April 2016, to participate on behalf of Tasmania, in Australian Week in China. The Hon Will Hodgman and the Hon Dr Vanessa Goodwin will head the Tasmanian contingent on this delegation. It is anticipated that their involvement will commence in Fujian Province. The City of Launceston will receive a letter of invitation to participate in this delegation in the near future.

ECONOMIC IMPACT:

There are significant potential business opportunities for the Launceston community and local business owners to develop and grow business relationships with China.

There are many opportunities to grow the economy by engagement with China. Some of this potential is identified in the paper. The full impact would require further analysis and realistically the opportunity will need time and investment to develop.

On 4 February 2016 the Sister City Committee met to discuss and provide feedback on the draft agenda item.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

There is an opportunity to broaden the cultural awareness of the community through engagement with Asia. This has special significance to increasing awareness in the tourism sector and the engagement of the community with Asian visitors.

STRATEGIC DOCUMENT REFERENCE:

Annual Plan 2014/15

Priority Area: 7 - A city that stimulates economic activity and vibrancy.

1. To actively market the City and Region and pursue investment
2. To facilitate direct investment in the local economy to support its growth

BUDGET & FINANCIAL ASPECTS:

The cost estimate of hosting delegation visits from China each year (six persons) or travelling to China (three persons) is approximately \$35,000 per annum. This will be factored into future budget requests should Council approve continued active engagement with China.

15.2 Delegation to China - Report to Council...(Cont'd)

Although there are few details about the proposed State Government Fujian Week and Tasmanian Week Activities, an estimated \$25,000 per annum may be required to support these initiatives. These funds are not within the current Economic Development budget.

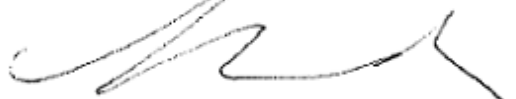
Director Corporate Services Michael Tidey

Provision for this expenditure of \$60,000 is in the draft 2016/2017 budget. The importance and potential of this opportunity is acknowledged but any decision to include additional funding will require consideration of where offsets to the Council Budget can be achieved.

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

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS**16.1 Cemeteries and Crematorium Policy****FILE NO:** SF5167**AUTHOR:** Andrew Frost (Manager Parking & Carr Villa)**DIRECTOR:** Rod Sweetnam (Director Facilities Management)

DECISION STATEMENT:

That Council implements the Cemeteries and Crematorium Policy.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - SPPC Meeting 16 November 2016

RECOMMENDATION:

That Council adopts the Cemeteries and Crematorium Policy as detailed below.

Cemeteries and Crematorium Policy***PURPOSE:***

The policy is intended to control the administration, management and maintenance of the City of Launceston cemeteries and crematorium.

It provides direction to assist in carrying out the functions of cemeteries and crematorium. It takes into account statute and common law, regulations and standards that affect the management and operation of cemeteries and crematorium. It also sets reasonable and practical standards of conduct for those entering the cemeteries, crematorium and memorial gardens.

SCOPE:

The policy applies to all cemeteries, the crematorium and memorial gardens controlled, managed, administered, operated and maintained by the City of Launceston in the Launceston municipal area.

16.1 Cemeteries and Crematorium Policy...(Cont'd)

POLICY:**GENERAL REQUIREMENTS**

A funeral, interment or works must not be carried out at a cemetery under the control of the City of Launceston without the approval of the Manager.

Any person carrying out work (including contractors, burials and cremations) in a cemetery must comply with requirements of the *Work Health and Safety Act 2012* and any other City of Launceston policy of which they have notice.

FUNERALS**Days and Times when funerals can be held**

A funeral may be conducted at a cemetery between 8.30am and 3.30pm on weekdays other than public holidays, finishing no later than 3.30pm and between 8.30am and 11.30am on Saturdays, finishing no later than 11.30am. The time the funeral is to be held will be the decision of the Manager.

Applications for funerals to be conducted outside these hours on weekdays may be made in writing to the Manager. Permission to conduct funerals outside these hours will be at the discretion of the Manager. The late arrival fee will apply to these funerals.

A funeral must not be held at a cemetery on a:

- a) Saturday afternoon;
- b) Sunday; or
- c) Public holiday.

The exception to this is if the Chief Environmental Health Officer certifies that it is necessary for it to be conducted for reasons of public health.

Request for cremation or burial

A request for a cremation or burial from the funeral director or other person conducting the service must be lodged with the Manager:

- a) in the case of a cremation, not less than four working hours before the cremation service; and
 - b) in the case of a burial, not less than seven working hours before the burial.
-

16.1 Cemeteries and Crematorium Policy...(Cont'd)

GRAVES

Digging of Graves

1. All graves, other than those described in sub-clause 2 must be dug by City of Launceston.
2. Any person desiring a brick grave, vault, or monument must have these structures excavated, constructed or erected under the supervision and direction of a person approved by the Manager and appropriate building permits must be obtained, if required.

Location of grave

The Manager will determine the location of a grave.

Minimum Grave depths

1. A burial will not be permitted unless the minimum cover of earth over the coffin is 1220mm from the lowest part of the ground surrounding the grave, except as provided by sub-clause 2.
2. If, when the grave is excavated, the minimum cover cannot be provided, concrete must, on payment of a miscellaneous fee, be used on the formula of 50mm of concrete being the equivalent of 310mm of earth.

Conversion of a common site

1. A common site may be converted to a private site upon payment of the fee prescribed in the *Schedule of Fees* for Carr Villa Memorial Park for new *pre-purchase Right of Burial*, provided that:
 - a) a minimum of ten years has expired since the date of burial;
 - b) no subsequent burials, excluding the burial of cremated remains, can take place in such a site.

CREMATORIUM

Use of Crematorium Chapel

The crematorium chapel must not be used for any purpose other than for cremation, memorial and burial services.

Fittings on coffins

Any non-combustible fittings on coffins and caskets must be removed prior to cremation. All coffins delivered for a cremation must have handles affixed to the side for safe handling.

16.1 Cemeteries and Crematorium Policy...(Cont'd)

Family members present during cremation

Immediate family members of the deceased may be present when the coffin or casket is placed in the furnace, provided prior notification is given to the Manager.

Floral tributes at the crematorium

Floral tributes at the crematorium may be displayed for a maximum of twenty-four hours from the time of the cremation, after which they may be removed and disposed of by an employee of the City of Launceston.

Removal or placement of cremated remains

All removal of ashes is to be made by an authorised employee of City of Launceston.

The placement of ashes is to be made by an authorised employee of City of Launceston. The Manager can authorise a Funeral Director to conduct a placement service for their clients on the day of placement.

An authorised employee of City of Launceston will attend the placement if a family member wishes to place the ashes themselves.

City of Launceston will manage the disposal of items such as surgical implants in an environmentally sensitive manner.

PLANTING OF TREES, SHRUBS AND PLANTS**Planting of trees, shrubs or plants restrictions**

1. A person must not plant a tree, shrub or other plant in any ground in a cemetery without the consent of the Manager.
2. If a person plants a tree, shrub or other plant in any ground in a cemetery without consent of the Manager, cemetery staff may remove and dispose of that tree, shrub or other plant as City of Launceston deems appropriate.
3. If the tree, shrub or other plant is not maintained to the satisfaction of the Manager, the Manager may direct the tree, shrub or other plant be removed under direction of an employee of the City of Launceston.

MONUMENTS AND OTHER WORKS**Approval to Construct a Monument or other structure**

1. A person erecting a monument or other structure in a cemetery must be authorised in writing by the Manager of Carr Villa Memorial Park to do so.
-

16.1 Cemeteries and Crematorium Policy...(Cont'd)

2. A person must not erect a monument or other structure in a cemetery unless that person is either a qualified monumental mason, or in the opinion of the Manager, a person who is experienced in carrying on such work.

Standard of Construction

Any structure to be erected in the cemetery will not be authorised by the Manager unless the proposed structure conforms to any relevant and current Australian Standard and correct building approvals are obtained.

Grave Numbers

The grave number, in accordance with City of Launceston's plan of the cemetery, must be marked on the base of every monument so as to be clearly visible from the foot of the grave.

Times of Construction

A person, who has been authorised in writing by the Manager, must not carry out any monumental mason's work in connection with a grave site on weekends, a public holiday or otherwise than between 7:30am and 4:30pm on weekdays.

Maintenance of Structures

City of Launceston is not responsible for the upkeep, maintenance or repair of any monument or structure over a burial place. The cleaning, maintenance, repair or restoration of a structure in a cemetery is the responsibility of the senior next of kin.

Construction Equipment

A person erecting a monument, headstone, wall, railing or memorial of any description must not place any plant, equipment, or surplus materials on any adjoining grave or ground, unless authorised by the Manager.

Construction Debris

A person erecting a monument, headstone, wall, railing or memorial of any description must remove all stones, refuse, and rubbish remaining after construction work is completed and must leave the area clean and tidy.

Registration at Cemetery Office

1. A person, who has been authorised in writing by the Manager, must not commence any works in a cemetery unless that person has registered their attendance at the office of the cemetery.
 2. A person must display evidence of such registration, or produce evidence of such registration on request by the Manager or an authorised officer, whilst carrying out works in a cemetery.
-

16.1 Cemeteries and Crematorium Policy...(Cont'd)

Monuments on a Common Site

A person must not erect any monument on a common site.

Fences

All fences erected must be of metal construction and must not exceed 760mm in height.

Inscriptions and Design

Prior to its erection, the Manager must approve of the design of any monument proposed to be erected, including the epitaph or inscription.

Headstones in Limited Monumental Lawn Cemetery

1. The maximum overall allowable dimensions for a headstone in a limited monumental lawn cemetery are 1220mm wide, 760mm high and 250mm deep. The base of the headstone has to have a 90mm clearance from the edge of the beam.
2. Any receptacles for floral tributes must be provided within the dimensions in clause (1) above.
3. A grave number is required to be permanently and clearly inscribed on the base of the headstone for a lawn style monument.

Joint Monuments

1. A joint monument is permissible for adjacent graves if it meets the height and depth dimensions provided for headstones in a limited monumental lawn cemetery. A joint monument will attract twice the usual permit fee.
2. The width of a monument that includes more than one plot must not exceed the width of individual monuments for the same number of plots.

Removal and replacement of structures for the purpose of burial

1. A person may apply to the Manager for approval to open a grave or associated structure:
 - a) At their cost;
 - b) For a lawful purpose; and
 - c) In accordance with this policy.
-

16.1 Cemeteries and Crematorium Policy...(Cont'd)

2. It is the applicant's responsibility to ensure that:
 - a) A safe system of work is provided during the approved works; and
 - b) Any damage to the grave or the cemetery is made good as directed.
3. The Manager may require complete removal of the monumental work if this action is deemed to be necessary for safety reasons.

Repair of monuments, vaults, graves or fences

1. The applicant acknowledges that City of Launceston is not responsible for keeping a monument, vault, grave, or graveside fence in good repair and that the applicant must make arrangements to ensure that repairs take place.
2. If the person fails to keep any monument, vault, grave or fence in good repair, or if the terms and conditions upon which permission to erect or construct it have not been met, the Manager may arrange to take down and remove that monument or other construction or do any other work considered necessary. The City of Launceston reserves the right to recover any associated costs from the person responsible for failing to carry out the repairs.

Wooden and Temporary Structures

1. A person must not place in a cemetery any catacomb or wooden structure without approval.
2. A person may apply for approval to place at a grave, a temporary wooden memorial such as a wooden cross. The structure must be removed when directed or after a period not exceeding two years.

PLAQUES, VASES AND FLORAL TRIBUTES**Standard plaques**

All plaques and vases must meet the standard as detailed in the catalogue available to view at the office of Carr Villa Memorial Park.

Vases

Only the approved plastic vase (as supplied by Carr Villa) is permitted in the Rose Gardens; Claygrove; Barakee Waters; Water Features; Kooyong Gardens; Lawn Cemetery and other areas as determined by the Manager. All other vases, glass jars, bottles, ornaments and statues will be removed.

16.1 Cemeteries and Crematorium Policy...(Cont'd)

Affixing of plaques

All plaques must be affixed or removed by an authorised employee of City of Launceston. All plaques not purchased through Carr Villa Memorial Park attract an installation fee which must be paid prior to the plaque being affixed.

Floral Tributes

Floral tributes placed on a grave may be displayed for a maximum of seventy-two hours from the time of the funeral, after which they may be removed and disposed of by cemetery staff.

Compliance with Conditions and Directions

1. Any approval given by under this policy may be subject to conditions; and
2. A person, while in a cemetery, must follow the directions of the Manager or an authorised City of Launceston employee.

PRINCIPLES:

City of Launceston's Organisational Values apply to all activities.

RELATED POLICIES & PROCEDURES:

N/A

RELATED LEGISLATION:

Burial and Cremation Regulations 2015 Statutory Rules 2015, No.33
Dog Control Act 2000

REFERENCES:

N/A

DEFINITIONS:

“applicant” means any person who is seeking to carry out any works or other activity within a City of Launceston cemetery, crematorium or similar facility;

“authorised City of Launceston employee” means a cemetery-based employee authorised to carry out those duties by the Manager;

“cemetery” means the area set aside for burials, cremations and memorials, including landscaping, roads, paths, together with all buildings and structures;

“common site” means a grave for which no exclusive right of burial has been granted by the City of Launceston and upon which no monument may be erected;

16.1 Cemeteries and Crematorium Policy...(Cont'd)

“funeral” means the procession and service for burial or cremation and the interment of remains;

“grave” means:

- (a) an interment plot;
- (b) a vault; or
- (c) any other site or structure in which human remains are interred.

“Manager” means the Coordinator Carr Villa Memorial Park or, in his or her absence, the Manager Carr Villa;

“plaque” means a metal casting, etching, or engraving, approved by the Manager and placed as a memorial to the deceased;

“private site” means a grave for which an exclusive right of burial has been granted and upon which a monument or plaque can be erected;

“limited monumental lawn cemetery” means that area of the cemetery so designated by the Manager;

“monument” includes any concrete, granite, marble, stone or metal structure or plaque erected or placed on a grave in memory or in honour of a deceased person.

REVIEW:

This policy will be reviewed no more than 5 years after the date of approval (version) or more frequently, if dictated by operational demands and with the City of Launceston's approval

REPORT:

A review of the Cemeteries and Crematorium Policy has been completed. The policy was presented to Aldermen at a Workshop on 16 November 2015. At that Workshop, Aldermen requested an extended public consultation period be provided for stakeholders and members of the public. On 19 December 2015 a notice was placed in the local newspaper requesting community feedback. The consultation period closed on 29 January 2016. Two responses were received, one from a funeral director (written) and another from a stonemason (verbal).

The Co-ordinator Carr Villa has discussed the issue with the Funeral Director and this has been resolved. The query from the stonemason was about the requirement of all works to be completed by 4:00pm weekdays. The stonemason believes this will have an adverse effect on his business. It was agreed to change that time from 4:00pm to 4:30pm and this has been reflected in the policy.

16.1 Cemeteries and Crematorium Policy...(Cont'd)

FEEDBACK	OFFICER RESPONSE
<p>Email received by the Funeral Director:</p> <p><i>The only point that seems unreasonable is the following:</i></p> <p>Inscriptions and Design</p> <p><i>Prior to its erection, the Manager must approve of the design of any monument proposed to be erected, including the epitaph or inscription.</i></p> <p><i>Happy to discuss this.</i></p>	<p>The Section referred to has always been part of previous By-Laws and more recently the Cemetery Policy.</p> <p>The requirement to have this reference in the Policy is manyfold, for example as the Managing Authority to apply the principle of consideration of decency and respect regarding the design and inscription on memorials.</p>
<p>Verbal comment from representative of Industry</p> <p>Times of Construction</p> <p><i>A person, who has been authorised in writing by the Manager, must not carry out any monumental mason's work in connection with a grave site on weekends, a public holiday or otherwise than between 7:30am and 4:00pm on weekdays)</i></p> <p>The representative indicated that this will have an adverse effect on their business and should be later, ie 4:30pm.</p>	<p>Time has been changed from 4:00pm to 4:30pm, as requested</p>

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

16.1 Cemeteries and Crematorium Policy...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goal - To communicate and engage consistently and effectively with our community and stakeholders

Key Direction -

5. To strategically manage our assets, facilities and services


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.



Rod Sweetnam

Rod Sweetnam: Director Facilities Management

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 Street Lighting Project - Forward Commitment for 2016/2017 and 2017/2018****FILE NO:** SF6158/SF6159/SF0582**AUTHOR:** Shane Eberhardt (Manager Technical Services)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a financial commitment to the energy efficient street lighting project for the 2016/2017 and 2017/2018 financial years.

RECOMMENDATION:

That Council approves the allocation of \$2.0 million in 2016/2017 and \$1.0 million in 2017/2018 from Roads to Recovery grant funding for the Energy Efficient Street Lighting Program.

REPORT:

Lead by the City of Launceston, Local Government Association Tasmania and other northern Councils have been investigating and negotiating with TasNetworks for opportunities to replace existing street lighting with more efficient LED lighting.

Public street lighting in Tasmania is owned and operated by TasNetworks. Charges for operating the lights are paid by either local government or state government depending on road ownership. Prices are set by the Australian Energy Regulator under the National Electricity Law and National Energy Rules. There is currently no LED lighting type tariffs approved for use in Tasmania. Glenorchy City Council and City of Hobart have both undertaken small trials with TasNetworks using LEDs.

The municipality of Launceston has around 4,800 street lights with an annual expenditure on street lighting of \$1.7 million.

A business case has been developed analysing various ownership models and economic factors. Based on the business case it is proposed that Council replace all minor street light globes and take on ownership of the globe and fitting. The economic outlook is provided in the table below.

18.1 Street Lighting Project - Forward Commitment for 2016/2017 and 2017/2018...(Cont'd)

Table 1 Summary of business case for Council ownership

Scenario Results	Pessimistic	Average	Optimistic
Number of lights changed	4,802	4,802	4,802
Net cost savings in 1st year	\$302,102	\$313,043	\$314,943
Cumulative cost savings	\$7,269,970	\$8,458,857	\$9,835,836
Total cumulative cost	\$3,457,395	\$2,938,930	\$2,448,785
Cumulative capital cost	\$2,772,627	\$2,328,130	\$1,883,585
Cumulative WDV	\$684,768	\$610,800	\$565,200
Cumulative net simple savings	\$3,812,576	\$5,519,927	\$7,387,051
Net Present Value	\$2,214,300	\$3,587,545	\$5,053,521
Year cash flow is positive	10	8	7
Cumulative greenhouse savings from commencement (t CO ₂ -e)	3,848	3,848	3,848
Average greenhouse savings pa (t CO ₂ -e)	183	183	183

Chart 1 Summary of business case for Council ownership

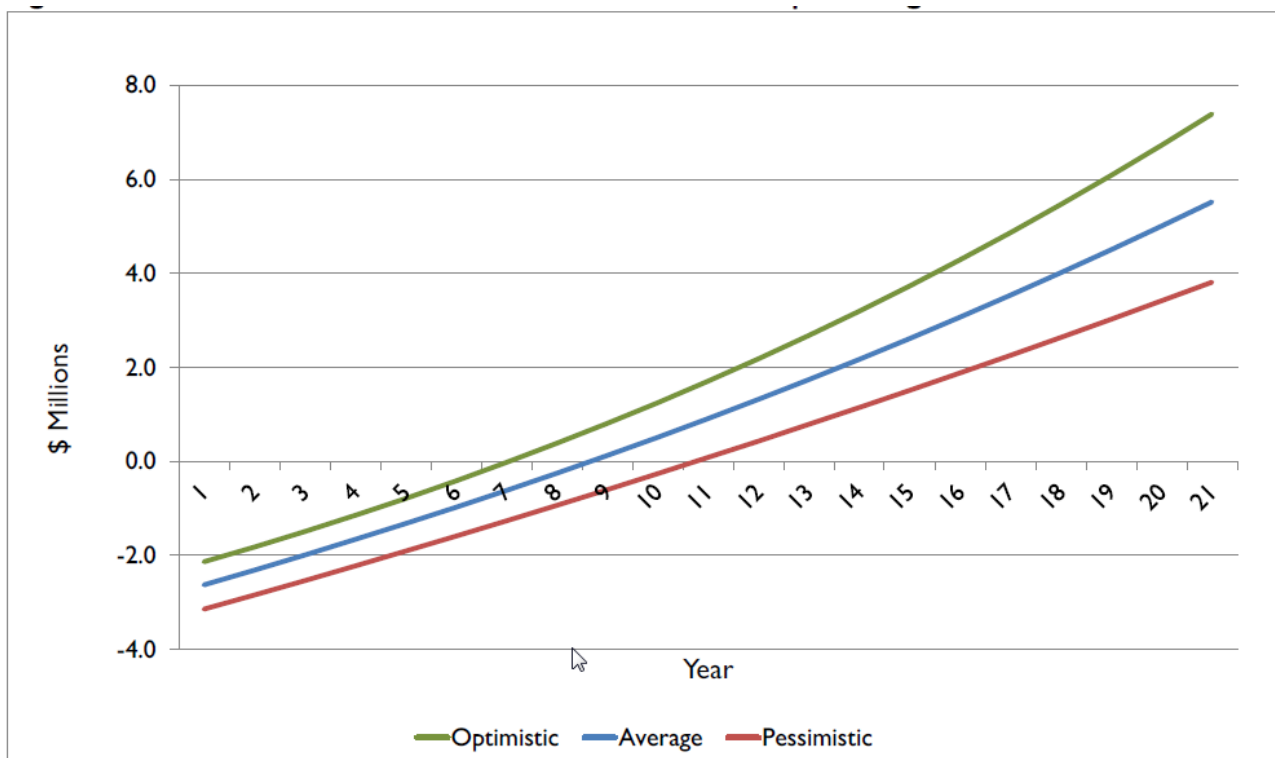


Table 1 and Chart 1 represent savings based on a discounted cash flow over 20 years. Variables are capital cost, future energy pricing and maintenance tariffs.

Based on negotiations with TasNetwork the *Average* outlook is the most likely outcome with further opportunity to refine the capital cost. The total implementation cost is likely to be \$2,938,930.

18.1 Street Lighting Project - Forward Commitment for 2016/2017 and 2017/2018...(Cont'd)

The draft capital program currently includes an allocation for street lighting of \$1.7 million in 2016/2017 and an additional \$2.0 million in 2017/2018, which will need to be amended to reflect the current estimate of \$2,938,930. It is proposed the project be wholly funded through Roads to Recovery grant funding consisting of \$2.0 million in 2016/2017 (\$2.8 million available) and \$1.0 million in 2017/2018 (\$1.7 million available).

A requirement of the Roads to Recovery is that the funds are spent in the year that it is allocated and therefore requires an early commitment to ensure it can be delivered within the allocated year plus the implementation is proposed over two years and Council's budget is only approved annually. Therefore, approval is being sought for the funding of the street lighting program for both 2016/2017 and 2017/2018 to enable Council to enter in to a contract with TasNetwork's for delivery of this project. Potential alternative use of the Roads to Recovery funding would be for rural road upgrades.

At this stage Meander Valley, West Tamar, George Town, Northern Midlands and Break O'Day Councils' are considering being part of this project.

In addition to lowering operational expenditure the benefits of the street lighting project are:

1. LEDs are 77% more efficient than the current mercury vapours.
2. Greater uniformity of lighting in our urban streets.
3. Better colour rendering and visibility as the light is whiter than the current lights.
4. Less depreciation of the light output over time.
5. Lower glare.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Average greenhouse gas savings are around 180 tonnes of carbon dioxide equivalents a year. This is equivalent to 235 less light vehicles on our roads a day.

SOCIAL IMPACT:

There will be a significant improvement to lighting quality (clearer light) and will reduce current light spill impacts. It is believed the community will have an appetite and will be supportive for the financial, environmental and social benefits this project delivers.

18.1 Street Lighting Project - Forward Commitment for 2016/2017 and 2017/2018...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 8 - A secure, accountable and responsive Organisation
Ten-year goal - To continue to ensure long-term sustainability of our Organisation
Key Directions:
5. To strategically manage our assets, facilities and services

BUDGET & FINANCIAL ASPECTS:

The project to be wholly funded using Roads to Recovery grant funds.

The net present value over 20 years is around \$3.6 million (i.e. savings over a 20 year period in today's dollars including initial capital outlay less annual savings).

Cash saving for lighting expenses in the first year is \$300,000 with an initial annual operating saving (cash plus depreciation) of \$200,000.

There will be an expense of \$600,000 in the first two years associated paying the written down value of the TasNetwork lights to be replaced. This is included in the \$3 million request for funding.

The Director Corporate Services has been consulted in regards to the business case and financial treatment of expenditure.

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

18.2 Proposed Street Name - Deek Street**FILE NO:** SF0621; DA0225/2013**AUTHOR:** Sonia Smith (Engineering Officer - Development)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a new street name for the new street constructed off Jinglers Drive in Kings Meadows.

RECOMMENDATION:

That pursuant to the provisions of Section 54 of the *Local Government (Highways) Act 1982* and Section 20E of the *Survey Co-ordination Act 1944*, Council determines to approve the name Deek Street for the new street running in an easterly direction off Jinglers Rise for a distance of 390m.

REPORT:

The proposed name is a family name of one of the developers.

The neighbouring Councils have advised no conflict with the name, the Nomenclature Board have advised that 'Deek' is unique and does not exist in Tasmania as a street name.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

18.2 Proposed Street Name - Deek Street...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 3 - A city in touch with its region

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

Key Direction -

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

BUDGET & FINANCIAL ASPECTS:

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.

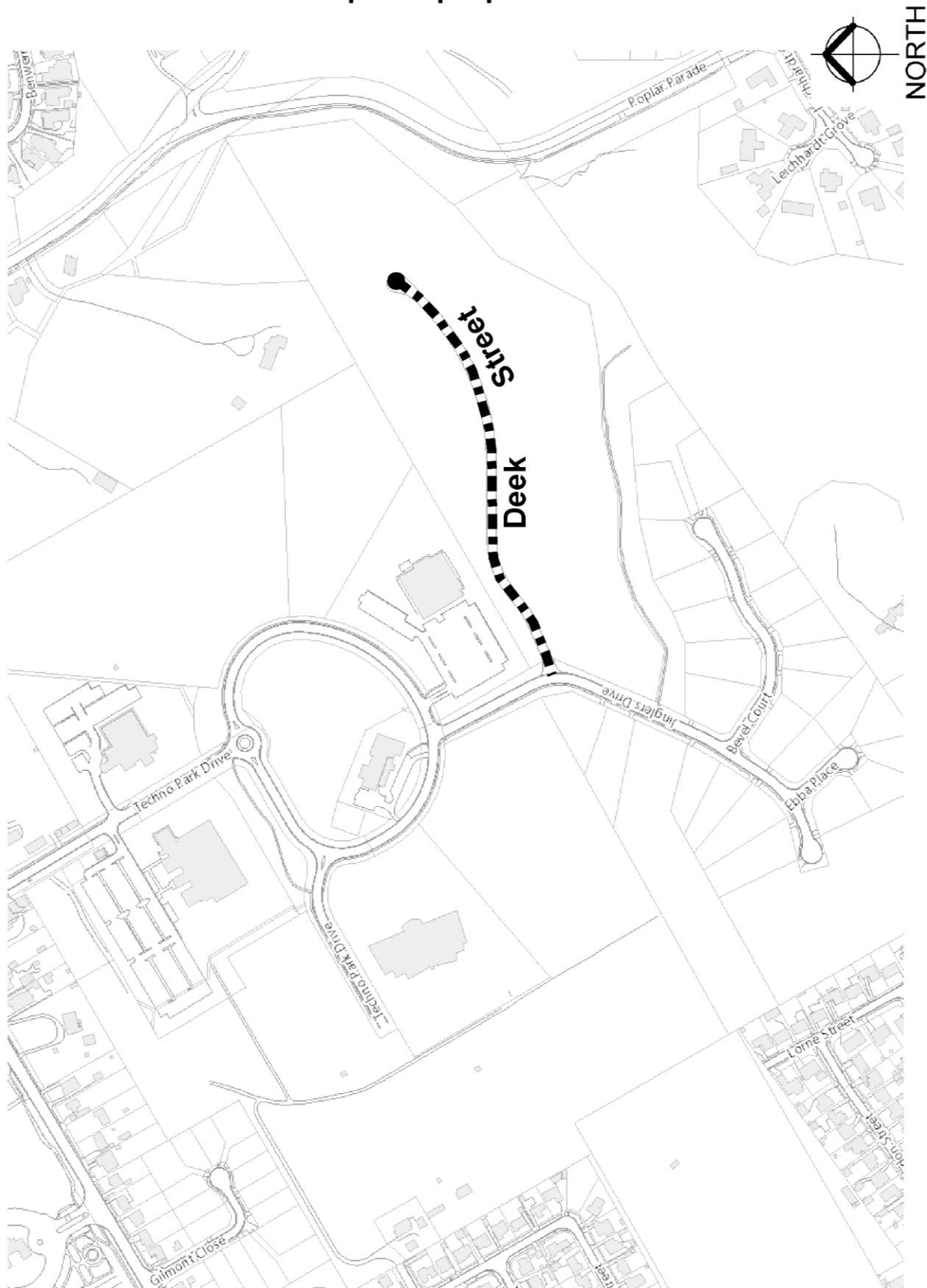


Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Location plan - proposed Deek Street
-

Attachment 1: Location plan - proposed Deek Street



19 CORPORATE SERVICES DIRECTORATE ITEMS

19.1 Quarterly Financial Report to Council - 31 December 2015

FILE NO: SF6183

AUTHOR: Paul Gimpl (Manager Finance)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the Council's financial performance for the quarter ended 31 December 2015.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 18 February 2016 - *The financial review for the quarter ended 31 December 2015 was noted.*

RECOMMENDATION:

That Council adopts the financial report for the quarter ended 31 December 2015 which discloses:

	Actual \$'000	Budget \$'000	Variance Fav/(Unfav) \$'000
Revenue			
Rates	31,112	30,888	224
Fees	10,988	10,400	588
Capital Grants and Contributions	1,645	1,400	245
Financial Assistance Grants	1,020	3,192	(2,172)
Revenue Operations Grants	2,411	2,571	(160)
Interest (Revenue)	1,060	879	181
Distributions	989	1,330	(341)
Other Revenues	1,231	1,309	(78)
Total Revenue	50,456	51,969	(1,513)
<i>Note: Adjusting for Financial Assistance Grant prepayment</i>	<i>2,098</i>	<i>-</i>	<i>2,098</i>
	52,554	51,969	585

19.1 Quarterly Financial Report to Council - 31 December 2015...(Cont'd)

	Actual \$'000	Budget \$'000	Variance Fav/(Unfav) \$'000
<u>Expenses</u>			
Labour	18,042	18,885	843
Materials and Services	17,236	16,848	(388)
Bad Debts Provision	53	47	(6)
Interest Expense (Loans)	178	218	40
Provision for Rehabilitation	177	177	-
Depreciation	9,479	9,774	295
Asset Disposal Losses	106	-	(106)
Levies	3,351	3,351	-
Remissions and Abatements	801	723	(78)
Other	300	158	(142)
Total Expenses	49,723	50,181	458
Surplus/(Deficit)	733	1,788	(1,055)
Remove			
Capital Grants and Contributions	(1,645)	(1,400)	(245)
Committed Interest (Capital)	(18)	(3)	(15)
Financial Assistance Grants	2,098	-	2,098
Underlying Result Surplus/(Deficit)	1,168	385	783

Note: The budget of \$385,000 is year to date (31 December 2015). The full year estimate is an underlying deficit of \$79,000 as indicated in the Budget Amendments agenda item.

REPORT:

At the end of the December 2015 quarter the Council achieved a \$0.733m surplus. After removing Capital Grants and Interest earned on Capital Grants as well as adding Financial Assistance Grant money received in the 2014/15 financial year, the underlying result shows a \$1.168m surplus.

Detailed financial reports have been reviewed in the Audit Panel meeting on 18 February 2016 with all Aldermen receiving copies of the agenda and detailed papers. The purpose of this item is for Aldermen to formally review the Council's financial position and the Council's operating results for the first six months of 2015/2016.

19.1 Quarterly Financial Report to Council - 31 December 2015...(Cont'd)

This report provides an overall summary of the operations for the first six months of the 2015/2016 financial year. The key issues arising from the period ended 31 December 2015 are as follows.

Operations

The following variances are worth noting:

- Revenue Variances
 - Rate revenue is \$224,000 favourable
 - Parking Meter fees are \$128,000 favourable
 - Launceston Waste Centre fees are \$117,000 favourable overall and this is despite scrap metal income (\$59,000 unfavourable) and gas extraction revenue (\$30,000 unfavourable) being \$89,000 unfavourable.
 - Interest revenue is \$180,000 favourable
 - Investment Distributions are \$341,000 unfavourable but it is expected that this will improve in the next quarter.

- Expense Variances
 - Labour expenses are \$842,000 favourable
 - Material and Services expenses are \$288,000 unfavourable
 - Depreciation expenses are \$295,000 favourable due mainly to Roads depreciation which will align more closely with Year to Date budget in January 2016.

Capital Works

As at 31 December 2015, 35.7 percent (in value) of projects are in the preliminary design, 46.5 percent (in value) are in progress and 11.7 percent (in value) of the projects have been completed.

Financial Position

- Overall - The Council's balance sheet and cash reserves continue to be in accordance with current and long term budgets.
- Loan balances are in accordance with budget.
- Cash balances remain in accordance with long term strategy and are consistent with budgeted project requirements.

As at 31 December 2015 the Council is in a positive operating position compared to budget.

ECONOMIC IMPACT:

Not considered relevant to this report.

19.1 Quarterly Financial Report to Council - 31 December 2015...(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 ensure decisions are made in a transparent and accountable way; To continue to ensure the long-term sustainability of our Organisation

Key Directions -

6. To maintain a financially sustainable organisation

BUDGET & FINANCIAL ASPECTS:

As per the report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey, Director Corporate Services

ATTACHMENTS:

1. Income Statement to 31 December 2015
 2. Balance Sheet as at 31 December 2015
-

CITY OF LAUNCESTON
Quarterly Statement of Comprehensive Income
For Year to Date 31 December 2015

	2015/16 YTD	2015/16 YTD
	\$ Actual	\$ Budget
REVENUES FROM ORDINARY ACTIVITIES		
Rates	31,112,366	30,887,741
Fees and Charges	10,988,414	10,399,993
Revenue Grants		
Financial Assistance	1,019,959	3,191,655
Other Grants	2,411,281	2,571,437
Interest	1,059,888	879,370
Interest Committed	18,387	3,000
Investment Revenue	989,411	1,330,437
Bequests	56,165	125,000
Other	1,155,398	1,180,144
	<u>48,811,268</u>	<u>50,568,775</u>
EXPENSES FROM ORDINARY ACTIVITIES		
Maintenance of Facilities and Provision of Services		
Employee Benefits	18,042,439	18,885,394
Materials and Services	17,533,491	17,003,165
Impairment of Debts	53,333	47,400
Finance Costs		
Interest on Loans	178,373	218,409
Provision for Rehabilitation	177,369	177,369
Depreciation	9,479,070	9,774,822
State Government Fire Service Levy	3,351,241	3,351,241
Rate Remissions and Abatments	801,529	723,250
	<u>49,616,845</u>	<u>50,181,049</u>
OPERATING SURPLUS / (DEFICIT)	(805,576)	387,726
Capital Grants	1,645,047	1,400,267
Infrastructure Take Up	-	-
	<u>1,645,047</u>	<u>1,400,267</u>
Non Operating Expenses		
Loss on Disposal of Fixed Assets	106,367	-
Comprehensive Result	<u><u>733,103</u></u>	<u><u>1,787,993</u></u>

**CITY OF LAUNCESTON
QUARTERLY STATEMENT OF FINANCIAL POSITION
As at 31 December 2015**

	2015/16 YTD \$	2014/15 YTD \$	2013/14 YTD \$
EQUITY			
Capital Reserves	161,324,758	157,030,411	153,662,206
Revenue Reserves	888,793,651	881,406,003	863,726,764
Asset Revaluation Reserves	607,044,375	426,370,618	425,562,965
Trusts and Bequests	2,352,662	1,996,192	1,674,726
Operating Surplus	733,103	3,876,597	3,035,104
TOTAL EQUITY	<u>1,660,248,550</u>	<u>1,470,679,821</u>	<u>1,447,661,765</u>
Represented by:-			
CURRENT ASSETS			
Cash at Bank and on Hand	1,272,085	1,389,060	4,842,485
Rate and Sundry Receivables	28,863,529	29,105,196	27,449,521
Less Rates not yet Recognised	(30,928,111)	(29,914,029)	(28,652,666)
Short Term Investments	64,959,666	58,902,150	58,744,633
Inventories	707,255	752,718	672,071
Assets Held for Sale	415,000	180,000	-
	<u>65,289,423</u>	<u>60,415,095</u>	<u>63,056,044</u>
NON-CURRENT ASSETS			
Deferred Receivables	257,556	257,556	229,607
Investments	229,156,688	227,331,482	262,303,000
Employee Benefits	-	-	-
Intangibles	4,402,302	4,195,495	4,448,958
Infrastructure and Other Assets	1,154,127,333	970,898,079	920,555,704
Museum Collection	236,034,766	235,709,148	232,237,877
	<u>1,623,978,645</u>	<u>1,438,391,760</u>	<u>1,419,775,145</u>
TOTAL ASSETS	<u>1,689,268,068</u>	<u>1,498,806,855</u>	<u>1,482,831,189</u>
CURRENT LIABILITIES			
Deposits and Prepayments	1,321,851	1,160,482	1,329,566
Employee Provisions	6,239,407	6,066,978	6,059,574
Interest-bearing Liabilities	2,131,602	2,591,615	2,706,541
Sundry Payables and Accruals	8,491,278	3,888,529	2,975,260
	<u>18,184,138</u>	<u>13,707,603</u>	<u>13,070,941</u>
NON-CURRENT LIABILITIES			
Employee Provisions Non Current	1,416,691	1,182,943	836,215
Superannuation Obligation	457,080	1,850,080	2,550,080
Interest-bearing Liabilities Non Current	4,315,241	6,220,205	8,727,000
Sundry Provisions	4,646,369	5,166,203	9,985,187
	<u>10,835,380</u>	<u>14,419,430</u>	<u>22,098,482</u>
TOTAL LIABILITIES	<u>29,019,519</u>	<u>28,127,034</u>	<u>35,169,423</u>
NET ASSETS	<u>1,660,248,550</u>	<u>1,470,679,821</u>	<u>1,447,661,765</u>

19.2 Budget Amendments 2015/2016 - 18 February 2016**FILE NO:** SF3611 / SF6183**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider changes to the Council's 2015/2016 Statutory Estimates.

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

PREVIOUS COUNCIL CONSIDERATION:

Item 9.1 - Audit Panel 18 February 2016 - *It was resolved that the item go to Council for a decision.*

RECOMMENDATION:

1. That pursuant to Section 82(4) of the *Local Government Act 1993* Council approves the following amendments to the Statutory Estimates:
 - a) Revenue
 - i. The decrease in revenue from external grants of \$124,730.
 - b) Operating Expenditure
 - i. The net increase in expenses from transfers from Capital of \$46,622.
 - ii. The decrease in expenses from transfers to Capital of \$46,450.
 - c) Capital Works Expenditure
 - i. The net decrease in expenditure from transfers to Operations of \$46,622.
 - iii. The net increase from transfers from Operations to Capital of \$46,450.
 2. That Council notes the amendments from Point 1 result in:
 - a) the operating surplus (including \$14.034m in capital grants) being amended to \$13.955m; and
 - b) the capital budget being decreased to \$32.356m.
-

REPORT:

The budget amendments are changes to budget estimates that require a Council decision. The changes relate to external grant revenue and transfers from Operations to Capital and Capital to Operations expenditure.

19.2 Budget Amendments 2015/2016 - 18 February 2016...(Cont'd)

	Operations \$'000	Capital \$'000
Statutory Budget	6,249	24,650
Adjustments approved by Council	7,831	7,831
Balance previously advised as at 31 October 2015	14,080	32,481
Capital to Operations	(47)	(47)
External Funds	(125)	(125)
Operations to Capital	47	47
Balance as at 31 December 2015	13,955	32,356
Deduct Capital Grants and Contributions	(14,034)	
Underlying Operating Budget Surplus	(79)	

The table summarises all the other budget agenda items and includes reconciliations of the budgeted operating result and capital expenditure.

Details of the amendments are as follows:

The following items need to be reallocated from Operations to Capital.

Project	Description	Current Approved Amount	Transfer From	Transfer To	New Budget
OP 20082	LWC Transfer Station	925,353	27,000	-	898,353
CP 23512	LWC Mattress Stripping Shed	-	-	27,000	27,000
		925,353	27,000	27,000	925,353

The project scope of works:

City of Launceston has been awarded a grant of \$20,000 from Northern Tasmanian Waste Management Group (NTWVG) for installation of a mattress stripping shed at the Launceston Waste Centre. Additional funding of \$27,000 has been approved by the Manager, ISD Operations, to be transferred from Launceston Waste Centre Transfer Station operational funds to complete this work.

19.2 Budget Amendments 2015/2016 - 18 February 2016...(Cont'd)

Project	Description	Current Approved Amount	Transfer From	Transfer To	New Budget
OP 20181	CP Sustainability (DSD Directorate)	42,000	6,000	-	36,000
OP 44403	YPIPA Inveresk Site Maintenance (FGD Inveresk)	214,239	2,500	-	211,739
OP 22341	City Wide Recreation	22,660	10,950	-	11,710
CP 23516	City Wide Drinking Fountains	-	-	19,450	19,450
	TOTALS	278,899	19,450	19,450	278,899

City of Launceston is receiving a \$10,000 grant from the Stronger Communities Program to fund the purchase and installation of drinking fountains across the city. The four locations which have been agreed to are Inveresk Precinct, Heritage Forest, Punchbowl Reserve and the Cataract Gorge First Basin. As these sites are managed across three Directorates and the project will cost in excess of the grant the remainder of the funds is being contributed by ISD Parks and Recreation Planning, DSD Community Tourism and Events and FGD Inveresk Precinct.

The following item needs to be reallocated from Capital to Operations.

Project	Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP 23455	Pedder Service Road Retaining Wall	80,000	6,014	-	73,986
CP 21400	Westbury Rd (Normanstone-Bertha)	50,000	7,290	-	42,710
CP 21752	Lilydale Flood Mitigation	25,000	10,897	-	14,103
CP 23402	Cambridge St Erosion Remediation	30,000	22,421	-	7,579
OP 22373	Roads Transfer from Capital	-	-	46,622	46,622
	TOTALS	185,000	46,622	46,622	185,000

19.2 Budget Amendments 2015/2016 - 18 February 2016...(Cont'd)

Part of the expenditure incurred on the above projects does not meet the threshold required under the Capitalisation Framework Document. As these costs cannot be capitalised, or the assets are not valued, actuals have been moved to operations and requires the matching budget amount to be transferred to the applicable operations projects.

The following items have been affected by external funding changes and affects both the Capital and Operations budgets.

Project	Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP 23060	John Lees Drive Shared Pathway	53,270	-	53,270	106,540
	TOTALS	53,270	-	53,270	106,540

The external funding amount for this project was not initially included as part of the overall budget cost at the time of project bidding.

Project	Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP 23506	Kings Park Peace Garden	-	-	17,000	17,000
	TOTALS	-	-	17,000	17,000

The Tamar Peace Trust has received a \$17,000 Community Grant. Council are providing project management and undertaking the installation of the Peace Garden and will be invoicing the Tamar Peace Trust to the sum of the grant funds.

Project	Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP 23516	City Wide Drinking Fountains	19,450	-	10,000	29,450
	TOTALS	19,450	-	10,000	29,450

19.2 Budget Amendments 2015/2016 - 18 February 2016...(Cont'd)

City of Launceston is receiving a \$10,000 grant from the Stronger Communities Program to fund the purchase and installation of drinking fountains across the city. The four locations which have been agreed to are Inveresk Precinct, Heritage Forest, Punchbowl Reserve and the Cataract Gorge First Basin. As these sites are managed across three Directorates and the project will cost in excess of the grant the remainder of the funds is being contributed by ISD Parks and Recreation Planning, DSD Community Tourism and Events and FGD Inveresk Precinct.

Parks & Recreation Planning will be project managing the works.

Project	Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP 23394	Reimagining the Cataract Gorge	700,000	250,000	-	450,000
	TOTALS	700,000	250,000	-	450,000

This project budget of \$700,000 is made up as follows:

\$140,000 External Funds Received (carry over from last FY)

\$60,000 External Funds Received

\$250,000 Council Funds

\$250,000 External Funds Not Received

The \$250,000 External Funds Not Received is no longer going to be received and requires removing from this project budget.

Impact of reduction in External Funds Received

The original scope of work was very ambitious; particularly with the time frame remaining after the consultation was complete. The scope of work was reduced to meet the reduced external funding and the existing grant spending deadline of December 2015.

Project	Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP 21625	Aurora Stadium Replay Screen	425,000	-	50,000	475,000
	TOTALS	425,000	-	50,000	475,000

A contribution has been received from the Hawthorn Football Club. This funding is to be substituted for Council funds.

19.2 Budget Amendments 2015/2016 - 18 February 2016...(Cont'd)

Project	Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP 23512	LWC Mattress Stripping Shed - from NTWMG	27,000	-	20,000	47,000
	TOTALS	27,000	-	20,000	47,000

The project scope of works:

City of Launceston has been awarded a grant of \$20,000 from the Northern Tasmanian Waste Management Group (NTWMG) for installation of a mattress stripping shed at the LWC. It was decided by all stakeholders, including Launceston Waste Centre and Launceston City Mission staff, that the best place for the shed was near the walking floor. Additional funding of \$27,000 has been approved by ISD Operations to be transferred from operations to complete this work.

Project	Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP 23467	University Trail Shared Path	250,000	25,000	-	225,000
	TOTALS	250,000	25,000	-	225,000

The project scope of works:

This project budget of \$250,000 is made up as follows:

\$100,000 Council Funds

\$100,000 Grant

\$25,000 External Funds Received (UTAS)

\$25,000 External Funds Not Received (UTAS)

A total of \$50,000 external funds was anticipated from the University of Tasmania (UTAS) however they will now only contribute \$25,000 which has already been received. Therefore the \$25,000 external funds not received needs to be removed from this project budget.

Impact of reduction in External Funds Received

The impact of the external budget reduction is minimal. Final design indicates that entire scope will be achieved and likely under budget.

19.2 Budget Amendments 2015/2016 - 18 February 2016...(Cont'd)

Summary Table for External Funds

John Lees Drive Shared Pathway	53,270
Kings Park Peace Garden	17,000
City Wide Drinking Fountains	10,000
Reimagining the Cataract Gorge	(250,000)
Aurora Stadium Replay Screen	50,000
LWC Mattress Stripping Shed - from NTWVG	20,000
University Trail Shared Path	(25,000)
Subtotal of Net External Funds Reduction	<u>(124,730)</u>

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.

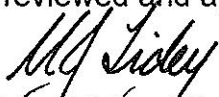
BUDGET & FINANCIAL ASPECTS:

Dealt with in the body of the report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey; Director Corporate Services

19.3 Draft Local Government (Model Code of Conduct) Order 2016**FILE NO:** SF2213**AUTHOR:** John Davis (Manager Corporate Strategy)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider requesting that the draft *Local Government (Model Code of Conduct) Order 2016* (Draft Order) includes examples under each of its headings to provide context for Aldermen and supporting the proposed prescribed fee of 50 fee units for lodging a code of conduct complaint.

PREVIOUS COUNCIL CONSIDERATION:

Strategic Planning and Policy Committee Meeting 7 March 2016: Item 4.3 Draft *Local Government (Model Code of Conduct) Order 2016*.

RECOMMENDATION:

That Council:

1. Requests that the draft Local Government (Model Code of Conduct) Order 2016 (Draft Order) includes examples under each of its headings to provide context for Aldermen.
 2. Supports the proposed prescribed fee of 50 fee units for lodging a code of conduct complaint.
-

REPORT:

Correspondence has been received from the Local Government Association of Tasmania (LGAT) (*Attachment 1*) seeking comment on the Draft Order and advising that they are proposing to prescribe a fee of 50 fee units (currently \$75.50) for lodging a code of conduct complaint.

Section 28S of the *Local Government Amendment (Code of Conduct) Act 2015* (Amendment Act) (*Attachment 2*) outlines the proposed requirements for the contents of the Aldermen's Code of Conduct.

The headings within Section 28S of the Amendment Act align with the headings within the existing City of Launceston Code of Conduct (*Attachment 3*). The Draft Order (*Attachment 4*) follows the same format.

19.3 Draft Local Government (Model Code of Conduct) Order 2016...(Cont'd)

However, the content beneath each of the headings in the Draft Order has been completely revised and differs considerably from the current content in Council's Code of Conduct. As a result, it is not possible to succinctly outline the differences between the current Code of Conduct and the Draft Code.

There is one major difference between the documents, however, and that is the inclusion in Council's current Code of Conduct of supporting examples under each of the headings to provide some context. Inclusion of similar examples may be helpful in the new document. It is suggested that Council provide comment back to LGAT to include the examples in the new Model Code of Conduct.

Section 28V(3)(g) of the Amendment Act outlines that a complaint is to be accompanied by any prescribed fee. LGAT is proposing 50 fee units as the prescribed fee which is consistent with LGAT's current fee structure for referring a code of conduct complaint to their Standards Panel.

Aldermen discussed this matter at the Strategic Planning and Policy Committee Meeting on 7 March 2016 and no further suggestions were made at this meeting regarding changes to the Model Code of Conduct. There was also a discussion at the meeting regarding the proposed prescribed fee, with one Alderman questioning the affordability of this fee for low income people. Agreement on the Council position regarding this matter was not reached and the recommendation of this report is to have the fee aligned with the current LGAT practices as outlined above.

The purpose of this report has been to specifically address the matters outlined in the attached LGAT letter relating to sections 28S and 28V(3)(g) of the Amendment Act. Matters relating to other sections of the Amendment Act are outside of the scope of this report.

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:

19.3 Draft Local Government (Model Code of Conduct) Order 2016...(Cont'd)

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive organisation

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

Key Direction -

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

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey: Director Corporate Services

ATTACHMENTS:

1. LGAT Correspondence
 2. *Local Government Amendment (Code of Conduct) Act 2015* (distributed electronically)
 3. City of Launceston Code of Conduct (distributed electronically)
 4. *Draft Local Government (Model Code of Conduct) Order 2016* (distributed electronically)
-

Subject: Draft Model Code of Conduct for comment

Dear General Managers,

Please find attached for comment the draft *Local Government (Model Code of Conduct)* made under the *Local Government Amendment (Code of Conduct) Act 2015*. Also attached for comment is the proposed fee for lodging a code of conduct complaint, which will be prescribed under the *Local Government (General Regulations)*.

Draft Model Code of Conduct

The draft code has been developed by the Local Government Division (LGD) of the Department of Premier and Cabinet in consultation with LGAT, the Integrity Commission and the current Members of the LGAT Standards Panel.

The draft model code of conduct incorporates the prescribed matters under section 28S of the Amendment Act. It also incorporates the matter of 'fair decision making', which has been included in accordance with subsection 28S(2).

The draft model code of conduct strictly limits the ability of councils to vary the model code, in accordance with section 28T of the Amendment Act. The draft provides that a council may only vary the model code by the addition of further council policies and procedures relating to the relevant standard, which are to be provided in a schedule to the model code.

LGD intends to develop a recommended 'information sheet' to accompany the model code of conduct, which will be provided to councils. The information sheet is proposed to include:

- the purpose and application of the model code of conduct;
- overarching principles of good governance;
- relevant legislation; and
- further assistance (including councillor dispute resolution, making a complaint under the *Local Government Act 1993*, Public Interest Disclosure and key contacts).

Fee for lodging a code of conduct complaint

Implementation of the new code of conduct framework under the Amendment Act also involves amending the Regulations to prescribe a fee for lodging a code of conduct complaint.

Section 28V (Making code of conduct complaint against councillor) of the Amendment Act provides that a code of conduct complaint is to be accompanied by any prescribed fee.

It is proposed to prescribe a fee of 50 fee units (currently \$75.50) for lodging a code of conduct complaint in Schedule 3 (Fees) of the Regulations. This is consistent with the current fee under Schedule 3 of the Regulations for referring a code of conduct complaint to the LGAT Standards Panel. A code of conduct fee of between \$60 and \$80 was conveyed throughout stakeholder consultation of the *Local Government Amendment*

(Code of Conduct) Bill 2015 and the Parliamentary debate on the Bill.

Section 28ZO (Refund of fee accompanying lodgement of code of conduct complaint) prescribes the instances in which a council refunds a code of conduct complaint lodgement fee. This includes when the complaint is referred to the Director of Local Government or another person/authority, and when the complaint is withdrawn by the complainant or upheld by the Code of Conduct Panel.

The Regulations will also be amended to remove the 'old' code of conduct provisions, as the new framework (under the Amendment Act) will be contained within the *Local Government Act 1993*.

Providing comment

If you could please review the attached documents and provide comment to me by COB 2 March 2016 LGAT will then develop a sectoral response to the draft. The draft will also be provided to the current standards panel members for comment. If you have any questions in relation to the matter please do not hesitate to contact me.

Kind regards

Georgia Palmer
Senior Policy Officer
Local Government Association of Tasmania
326 Macquarie Street, Hobart
Ph: 03 6233 5965 | Mobile: 0467 057 696 | Fax: 03 6233 5986
Please note I work on Thursday and Fridays

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

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

22.2 General Manager's Proposal Review**RECOMMENDATION:**

That Agenda Item 22.2 - General Manager's Proposal Review be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(a) 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)(a) personnel matters, including complaints against an employee of the council and industrial relations matters.

23 MEETING CLOSURE
