



City of  
**LAUNCESTON**

# **COUNCIL AGENDA**

**COUNCIL MEETING  
THURSDAY 20 APRIL 2023  
1.00PM**

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

**Date: 20 April 2023**

**Time: 1.00pm**

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### **Certificate of Qualified Advice**

#### **Background**

To comply with section 65 of the *Local Government Act 1993* (Tas):

1. A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
2. A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless -
  - (a) the general manager certifies, in writing -
    - (i) that such advice was obtained; and
    - (ii) the general manager took the advice into account in providing general advice to the council or council committee; and
  - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

#### **Certification**

I certify that:

- (i) the advice of a qualified person has been sought where required;
- (ii) this advice was taken into account in providing general advice to the council or council committee; and
- (iii) a copy of the advice, or a written transcript or summary of advice provided orally, is included with the agenda item.



**Michael Stretton  
Chief Executive Officer**

### **AUDIO of COUNCIL MEETINGS**

An audio recording of this Council Meeting, except for any part held in Closed Session, will be made in accordance with our Council Meetings - Audio Recording Policy - 14-Plx-008.

This Council Meeting will be streamed live to and can be accessed at:  
[www.launceston.tas.gov.au/Council/Meetings/Listen](http://www.launceston.tas.gov.au/Council/Meetings/Listen).

### **PUBLIC ATTENDANCE AT THE COUNCIL MEETING**

At the Council Meeting, please take care to follow signage and the directions of Council Officers to ensure that physical distancing and other COVID-19 safe behaviour is observed.

### **PUBLIC QUESTION TIME - AGENDA ITEM 8**

A limit of three questions received in writing by Wednesday of the week prior to the Council Meeting are treated as Questions on Notice. Your question and an answer will be published in the Agenda of the Council Meeting. Questions may be submitted to the Chief Executive Officer at [contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au), PO Box 396, Launceston TAS 7250, or Town Hall, St John Street, Launceston.

If attending the Council Meeting in person, you may ask up to three questions during Public Question Time. If accepted, your questions will be either answered at the Meeting, or Taken on Notice and answered at a later Council Meeting.

## PUBLIC COMMENT ON AGENDA ITEMS

When attending the Council Meeting, you will be asked if you wish to comment on an item in the Agenda. Prior to debate on that Agenda Item, you will be invited by the Chair to move to the public microphone at the doors to the Council Chambers and state your name and address.

Please note the following important information:

- Each item on the Agenda includes a Recommendation prepared by a Council Officer.
- You may speak for up to two minutes, either for or against the Recommendation.
- You may not ask questions or enter into debate with Councillors or Council Officers.
- Your statement is not to be defamatory, inappropriate or abusive, or be intended to embarrass any person, including Councillors or Council Officers.
- The Chair may direct you to stop speaking if you do not follow these rules, or if your statement repeats points that have already been made.
- Audio from our Council Meetings is streamed live via YouTube.

Your respectful contribution is welcome and appreciated.

## LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

At the City of Launceston, the positions of General Manager Community and Place, General Manager Organisational Services, General Manager Infrastructure and Assets and General Manager Creative Arts and Cultural Services do not assume the functions and powers of the term *general manager* in a legislative sense: any legislative functions and powers to be delegated to these roles will be made by Council or the Chief Executive Officer. At the City of Launceston, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993 (Tas)*. For the avoidance of doubt, *Chief Executive Officer* means *General Manager* for the purposes of the *Local Government Act 1993 (Tas)* and all other legislation administered by or concerning Council.

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**ORDER OF BUSINESS**

<b>1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES.....</b>	<b>7</b>
<b>2. MAYORAL ACKNOWLEDGEMENTS .....</b>	<b>7</b>
<b>3. DECLARATIONS OF INTEREST .....</b>	<b>7</b>
<b>4. CONFIRMATION OF MINUTES.....</b>	<b>7</b>
<b>5. COUNCIL WORKSHOPS .....</b>	<b>8</b>
<b>5.1. Council Workshop Report - 6 and 13 April 2023 .....</b>	<b>8</b>
<b>6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS .....</b>	<b>11</b>
<b>7. COMMUNITY REPORTS .....</b>	<b>11</b>
<b>8. PUBLIC QUESTION TIME .....</b>	<b>12</b>
<b>8.1. Public Questions on Notice.....</b>	<b>12</b>
<b>8.1.1. Public Questions on Notice - Rafael Molina (Tamar Bicycle Users                 Group) - Cycling Infrastructure - 6 April 2023 and 12 April 2023 .....</b>	<b>12</b>
<b>8.1.2. Public Questions on Notice - The Hon. Rosemary Armitage MLC -                 Launceston Bypass Feasibility Study - 6 April 2023 .....</b>	<b>13</b>
<b>8.1.3. Public Questions on Notice - Samuel Butler - Hobart Road and                 Blaydon Street Intersection - 12 April 2023.....</b>	<b>14</b>
<b>8.1.4. Public Questions on Notice - Ray Norman - Queen Victoria Museum                 and Art Gallery Governance - 12 April 2023 .....</b>	<b>15</b>
<b>8.2. Public Questions Without Notice.....</b>	<b>16</b>
<b>9. PLANNING AUTHORITY .....</b>	<b>17</b>
<b>9.1. DA0610/2022 - 12 Olive Street, Newstead - Visitor Accommodation -                 Construction of Alterations to an Existing Outbuilding for Use as Short                 Term Accommodation (Retrospective) and Construction of a Carport .....</b>	<b>17</b>
<b>9.2. DA0053/2023 - 315-317 St Leonards Road, St Leonards - Business and                 Professional Services - Construction and Use of a New Building for a                 Funeral Parlour.....</b>	<b>26</b>

---

9.3. DA0695/2022 - 167-171 Invermay Road, Invermay - Bulky Goods Sales - Demolition of Existing Buildings and Construction of a Building for Use as a Showroom with Two Tenancies and Associated Car Park and Signage including Illuminated Signs.....	35
10. ANNOUNCEMENTS BY THE MAYOR.....	48
10.1. Mayor's Announcements.....	48
11. COUNCILLORS' REPORTS .....	49
12. QUESTIONS BY COUNCILLORS .....	50
12.1. Councillors' Questions on Notice.....	50
12.1.1. Councillors' Questions on Notice - Councillor A G Harris - Bicycle Parking and Storage for Football Games at University of Tasmania Stadium - 6 April 2023 .....	50
12.1.2. Councillors' Questions on Notice - Councillor S Cai - Community Bake Days - 6 April 2023 .....	51
12.2. Councillors' Questions Without Notice.....	52
13. ORGANISATIONAL SERVICES NETWORK .....	53
13.1. 2022/2023 Budget - Budget Amendments.....	53
13.2. Lease - King Billy Park.....	60
13.3. Representation at the Australian Local Government Association's 2023 National General Assembly Conference .....	63
13.4. Intention to close part of South Esk Road.....	65
14. CHIEF EXECUTIVE OFFICER NETWORK .....	68
14.1. Northern Tasmania Cricket Association Precinct Charter .....	68
15. CLOSED COUNCIL .....	71
16. MEETING CLOSURE.....	71
17. NEXT COUNCIL MEETING DATE.....	71

**1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES**

**2. MAYORAL ACKNOWLEDGEMENTS**

**3. DECLARATIONS OF INTEREST**

*Local Government Act 1993 (Tas) - section 48*

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

**4. CONFIRMATION OF MINUTES**

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

**RECOMMENDATION:**

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 6 April 2023 be confirmed as a true and correct record.

**5. COUNCIL WORKSHOPS**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 8(2)(c)*

**5.1. Council Workshop Report - 6 and 13 April 2023**

**FILE NO:** SF4401

**AUTHOR:** Kelsey Hartland (Team Leader Governance)

**ACTING GENERAL MANAGER APPROVAL:** Leanne Purchase (Organisational Services Network)

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**DECISION STATEMENT:**

To consider Council Workshops conducted since the last Council Meeting.

**RELEVANT LEGISLATION:**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 8(2)(c)*

**RECOMMENDATION:**

That Council, pursuant to Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, notes the Council Workshops conducted and attended since the last Council Meeting, for the purposes described:

1. pre-Council Workshop conducted on 6 April 2023:

**Scholarships and Bursary Policy**

*Councillors discussed the proposed Scholarships and Bursary Policy.*

**Delegations**

*Councillors were provided with an overview of delegations at the City of Launceston.*

*In Attendance:* Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton.

2. Workshop conducted on 13 April 2023:

**Draft Regional Sports Facility Plan**

*Ross Planning presented an overview of the draft Sports Facility Plan, current trends and facility provision, and provided a list of key recommendations for the City of Launceston and Northern Local Government Areas.*

**Strategic Asset Management Plan**

*Councillors received an overview of a revised Strategic Asset Management Plan (SAMP).*

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**Queen Victoria Museum and Art Gallery Futures Plan Overview**

*The General Manager Creative Arts and Cultural Services provided a high-level overview of the QVMAG Futures Plan.*

**City of Launceston Submission - Discussion Paper - Addressing Councillor Misconduct**

*Councillors were asked to read the Discussion Paper – Addressing Councillor Misconduct and consider which option/s for reform are preferred, ahead of a City of Launceston submission being prepared by Council Officers.*

*In Attendance:* Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton.

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**REPORT:**

Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015* says that the Agenda of an Ordinary Council Meeting is to include the date and purpose of any Council Workshops held since the last Meeting.

Attendance is recorded for noting and reporting in the Council's Annual Report.

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The Author and General Manager have no interests to declare in this matter.

**ATTACHMENTS:**

Nil

**6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS**

**No Councillors' Leave of Absence Applications have been identified as part of this Agenda.**

**7. 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 Councillors).*

**No Community Reports have been identified as part of this Agenda**

**8. PUBLIC QUESTION TIME**

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

**8.1. Public Questions on Notice**

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

**8.1.1. Public Questions on Notice - Rafael Molina (Tamar Bicycle Users Group) -  
Cycling Infrastructure - 6 April 2023 and 12 April 2023**

**FILE NO:** SF6381

**AUTHOR:** Kelsey Hartland (Team Leader Governance)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS AND RESPONSES:**

The following questions, submitted to Council on 6 April 2023 and 12 April 2023 by Rafael Molina (Tamar Bicycle Users Group), have been answered by Shane Eberhardt (General Manager Infrastructure and Asset Network).

**Questions:**

1. What type of cycling infrastructure is the city of Launceston considering to build or improve in order to make the city of Launceston more attractive for cycling as a transport option?
2. Does Council have a cycling plan i.e. a plan to promote and facilitate the uptake of bike riding and cycling as a means of transportation & recreation and/or a plan to guide the city's investments in bike riding and cycling infrastructure?

If yes, can Council provide details of such a plan?

If no, would Council consider developing such a plan?

**Response:**

*The City of Launceston adopted its Transport Strategy in 2021, which details our planning and strategy around cycling infrastructure.*

*A copy of this is available on the Council website.*

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**8.1.2. Public Questions on Notice - The Hon. Rosemary Armitage MLC - Launceston Bypass Feasibility Study - 6 April 2023**

**FILE NO:** SF6381

**AUTHOR:** Kelsey Hartland (Team Leader Governance)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS AND RESPONSES:**

The following question, submitted to Council on 6 April 2023 by The Honourable Rosemary Armitage MLC has/have been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

**Questions:**

1. [With regard to the Eastern bypass and work that Council and the Department of State Growth to progress a study into freight handling facilities] .... Do we have a timeframe for the further study?

**Response:**

*The City of Launceston is a stakeholder in the project, however the project is being led by the Department of State Growth (DSG). From checking the DSG website there is currently no information publicised on the project timeframe however we will seek advice from DSG to confirm.*

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**8.1.3. Public Questions on Notice - Samuel Butler - Hobart Road and Blaydon Street Intersection - 12 April 2023**

**FILE NO:** SF6381

**AUTHOR:** Kelsey Hartland (Team Leader Governance)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS AND RESPONSES:**

The following questions, submitted to Council on 12 April 2023 by Samuel Butler, have been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

**Questions:**

1. When will the turning lane arrows be replaced at the Hobart Street [Road] and Blaydon Street intersection?

**Response:**

*The remaining turning lane arrows will be replaced along with other line marking works set to occur at the intersection of Hobart Road and Riseley Street.*

*These works need to be coordinated with associated works to the traffic signals at the intersection, and Council are working with the Department of State Growth and our line marking contractors to complete these works as soon as possible. The present climate of the civil construction industry has made it difficult for Council to secure a line marking contractor to undertake these works within our normal timelines, however, we are intending to have the works complete within the next three weeks.*

*Whilst Council agrees that the situation is not ideal, it is not considered to be unsafe. The lane is intended to operate as a dedicated right turn lane and will be remarked as such, however, if a driver proceeds straight ahead from this lane in the interim, they must merge with the adjacent traffic as would occur at many other signalised intersection with multiple approach lanes.*

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**8.1.4. Public Questions on Notice - Ray Norman - Queen Victoria Museum and Art Gallery Governance - 12 April 2023**

**FILE NO:** SF6381

**AUTHOR:** Kelsey Hartland (Team Leader Governance)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS AND RESPONSES:**

The following questions, submitted to Council on 12 April 2023 by Ray Norman have been answered by Shane Fitzgerald (General Manager Creative Arts and Cultural Services Network).

**Questions:**

1. ...who/what in fact is the 'governance body' that the QVMAG's management is accountable to...?

**Response:**

*The Local Government Act 1993 (Tas), Division 2 - Queen Victoria Museum and Art Gallery, provides for the endowment and management of QVMAG.*

*QVMAG operates and is managed as a distinct organisational Network within the City of Launceston and in accordance with the requisite characteristics defined by the Federal government on what constitutes an endorsed public institution.*

2. ... who approves, monitors and oversights the QVMAG's Strategic Plan...?

**Response:**

*The General Manager Creative Arts and Cultural Services in association with the Chief Executive Officer and the Executive Leadership Team of the City of Launceston monitors the the progress against the Strategic Plan.*

*The Strategic Plan is developed and endorsed by Council, endorse the Annual Plan and receive regular updates on progress against the Annual Plan and Strategic Plan.*

3. ...who approves QVMAG accession and deaccessions...?

**Response:**

*In accordance with the requisite characteristics defined by the Federal government on what constitutes an endorsed public institution the Collection activities of QVMAG are managed by the institution by a team of professionals qualified in the various standards, legislative requirements, policies, procedures and ethical practices attributable to material cultural collections.*

**8.2. Public Questions Without Notice**

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



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**9. PLANNING AUTHORITY**

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 9 - Planning Authority.

**9.1. DA0610/2022 - 12 Olive Street, Newstead - Visitor Accommodation - Construction of Alterations to an Existing Outbuilding for Use as Short Term Accommodation (Retrospective) and Construction of a Carport**

**FILE NO:** DA0610/2022

**AUTHOR:** Catherine Mainsbridge (Senior Town Planner Development)

**GENERAL MANAGER APPROVAL:** Dan Ryan (Community and Place Network)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Plans To Build
Property:	12 Olive Street, Newstead
Zoning:	General Residential
Receipt Date:	10/10/2022
Validity Date:	8/02/2023
Further Information Request:	21/10/2022
Further Information Received:	08/02/2023
Deemed Approval:	20/04/2023
Representations:	4

**RELEVANT LEGISLATION:**

*Land Use Planning and Approvals Act 1993*  
Tasmanian Planning Scheme Launceston

**STANDARDS REQUIRING PLANNING DISCRETION:**

8.3.2 P1 - Visitor Accommodation  
8.5.1 P1 - Non dwelling development

**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme Launceston, a permit be granted pursuant to a delegation from Council, for DA0610/2022 Visitor Accommodation - Construction of alterations to an existing outbuilding for use as short term accommodation (retrospective) and construction of a carport at 12 Olive Street, Newstead, subject to the following conditions:

## **1. ENDORSED PLANS**

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

- a. Site Plan, prepared by Plans to Build, Project No: 2118, Drawing No: A01, Dated 8/02/2023.
- b. Demolition Plan, prepared by Plans to Build, Project No: 2118, Drawing No: A03, Dated 8/02/2023.
- c. Ground Floor Plan, prepared by Plans to Build, Project No: 2118, Drawing No: A04, Dated 8/02/2023.
- d. Elevation, prepared by Plans to Build, Project No: 2118, Drawing No: A06, Dated 8/02/2023.
- e. Ground Floor Plan (visitor accommodation), prepared by Plans to Build, Project No: 2118, Drawing No: A07, Dated 8/02/2023.
- f. Elevations (visitor accommodation), prepared by Plans to Build, Project No: 2118, Drawing No: A08, Dated 8/02/2023.

## **2. CAR PARKING**

Prior to the commencement of the use, areas set aside for parking vehicles and access lanes must be constructed as shown on the endorsed plans.

The front space is to have signage installed to clearly mark the allocated car parking space for the Visitor Accommodation use and must be positioned and line marked to allow clear access to the other two spaces within the driveway.

## **3. LEGAL TITLE**

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

## **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 the repair of damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to Council infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

## **6. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

The explicit permission of General Manager - Infrastructure & Assets Network is required prior to undertaking works where the works:

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

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

## **7. SINGLE STORMWATER CONNECTIONS**

All proposed new pipelines must be connected to the existing internal drainage network for the property. It is not permitted to have multiple connections to Council's stormwater mains.

## **8. APPLICATION TO ALTER A STORMWATER SERVICE**

An application must be made using the Council's eServices web portal, or on the approved form, and accompanied by the prescribed fee to install a new connection, or physically remove/relocate or alter an existing service connection.

All work must be carried out by a suitably experienced contractor and in accordance with Council standards. All costs associated with these contractors are to be borne by the applicant.

## **9. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS**

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements and Council policy 27-Rfx-012 Standards for Surface Reinstatement of Works in the Road Service. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

## **10. SOIL AND WATER MANAGEMENT PLAN**

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

## **11. 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.

## 12. NO BURNING OF WASTE

No burning of any waste materials, including removed vegetation, generated by the development to be undertaken on-site. Any such waste materials are to be removed to a licensed waste disposal facility (e.g. Launceston Waste Centre), reclaimed or recycled.

## 13. DEMOLITION

The developer must:

- a) protect property and services which are to either remain on or adjacent to the site from interference or damage;
- b) not undertake any burning of waste materials or removed vegetation;
- c) remove all rubbish from the site for disposal at a licensed waste disposal site;
- d) dispose of any asbestos found during demolition in accordance with the Safe Work Australia 'How to Safely Remove Asbestos: Code of Practice, July 2020', or any subsequent versions of the document.

### Notes

#### A. General

*This permit was issued based on the proposal documents submitted for DA0610/2022. 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 Tasmanian Civil & Administrative Appeal Tribunal (TASCAT) is withdrawn or determined; or*
- c. *Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. *Any other required approvals under this or any other Act are granted.*

*The permit lapses after a period of two (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.*

#### B. 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 enquiries as to whether the proposed development is affected, 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.*

*C. Appeal Provisions*

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil & Administrative Tribunal (TASCAT).*

*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 Tasmanian Civil & Administrative Tribunal (TASCAT) website [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au) <<http://www.tascat.tas.gov.au>>*

*D. 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.*

*E. Fixed Equipment Use*

*Use of fixed equipment (e.g. heat pumps, water pumps, swimming pool pumps) is subject to the Environmental Management and Pollution Control (Noise) Regulations 2016 or any subsequent versions of this regulation.*

*F. No Approval for alterations to Driveway Crossover*

*No approval to install a new, or alter an existing, driveway crossover in any way has been granted or is implied by the issue of this Planning Permit.*

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**REPORT:**

**1. THE PROPOSAL**

The proposal is for the retrospective approval of alterations and additions to the existing outbuilding at the rear of the site. The purpose of the development is for the building to be used as visitor accommodation. The constructed works result in a 65.03m<sup>2</sup> building located 1.3m from the rear boundary and 0.32m from the side boundary. A maximum height of the building is 3.37m. A low-level deck is constructed off the front of the building.

In addition to the retrospective works, the proposal includes the construction of a 3m wide x 6m deep carport, 500mm off the northern side boundary over the existing driveway.

The plans also include a 3m x 6m pergola and porch off the rear of the dwelling, both not requiring approval.

## 2. LOCATION AND NEIGHBOURHOOD CHARACTER



12 Olive Street, Newstead (not to scale)

The site is located on the northern side of Olive Street in the eastern side suburb of Newstead. The site is a regular rectangle in shape with an area of approximately 809m<sup>2</sup>. The surrounding area is comprised of a number of different uses, however, the most common use type is residential single dwellings. Other uses include multiple dwellings, Launceston Preparatory School and the Newstead Tennis and Squash Centre.

Access to the site is over an existing concrete crossover, directly from Olive Street. The site has a slope of approximately 7%, rising to the rear and south west of the site. The site is developed with an existing dwelling and building (to be used as a visitor accommodation) with a deck at the front. A 2.1m stone work wall is around the front and the side of the site. Vegetation includes ornamental trees, shrubs and small plants. The lot is connected to relevant reticulated infrastructure services.

## 3. PLANNING SCHEME REQUIREMENTS

The assessment against the Launceston Interim Planning Scheme 2015 is detailed in Attachment 1.

## 4. REFERRALS

REFERRAL	COMMENTS
	<b>INTERNAL</b>
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.

EXTERNAL	
TasWater	N/A
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

## 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 8 February 2023 to 22 February 2023. Two submissions, each with two signatures were received as representations. 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.

<p><b>Issue 1</b> <b>Incorrect address on notification card</b></p>
<p><i>Response 2</i> <i>The initial notification stated the wrong address for the site, therefore the application was re-advertised</i></p>
<p><b>Issue 2</b> <b>The writers were advised at the customer service centre that the only information available was that on advertising.</b></p>
<p><i>Response 2</i> <i>This matter has been discussed with the representor who was advised that further information may be available and contact should be made with the planning department.</i></p>
<p><b>Issue 3</b> <b>The application was not advertised for the time period stipulated under the provisions of section 57(5AA) of the <i>Land Use Planning Approvals Act 1993</i>.</b></p>
<p><i>Response 3</i> <i>Discussion also clarified the time period required for public exhibition which complied with the requirements of the <i>Land Use Planning Approvals Act 1993</i></i></p>
<p><b>Issue 4</b> <b>No information regarding Visitor Accommodation on Council's website. The use should be controlled by a visitor management plan similar to that included with the representation.</b></p>
<p><i>Response 4</i> <i>Visitor accommodation requirements are covered by the planning scheme, Council does not have additional policy guidelines. There are no planning provisions that require a visitor management plan.</i></p>

<p><b>Issue 5</b> <b>The use of visitor accommodation is not necessarily harmonious with an existing neighbourhood.</b></p>
<p><i>Response 5</i> <i>The use has a Permitted status in the zone but the acceptable solution of allowing such a use within an existing habitable building is not and required consideration against the performance criteria. The use is proposed within an existing building, which while requiring works along the rear wall will not be significantly different. The use is similar to that of a single dwelling and should not have an unreasonable impact on the amenity of the area.</i></p>
<p><b>Issue 6</b> <b>Greater clarity as to the nature and scope of proposed works, the rear wall does not appear to meet building requirements.</b></p>
<p><i>Response 6</i> <i>Construction works are managed by a building surveyor in accordance with the Building Act.</i></p>
<p><b>Issue 7</b> <b>The owner has provided neighbours with a Form 6.</b></p>
<p><i>Response 7</i> <i>The form relates to building works and protection of neighbouring property. It is not relevant to the planning approval processes. The standard of building work is under the jurisdiction of the Building Act.</i></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.

### RISK IMPLICATIONS:

Not considered relevant to this report.

### ECONOMIC, ENVIRONMENTAL AND 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 the economic, environmental and social impacts have been considered.

### STRATEGIC DOCUMENT REFERENCE:

*Land Use Planning and Approvals Act 1993*  
Tasmanian Planning Scheme Launceston

### BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.



**DISCLOSURE OF INTERESTS:**

The Author and General Manager have no interests to declare in this matter.

**ATTACHMENTS:**

1. DA0610 2022 12 Olive Street Newstead Planning Scheme Assessment [9.1.1 - 8 pages]
2. D A 0610-2022 - 12 Olive Street Newstead - Plans to be Endorsed [9.1.2 - 6 pages]
3. D A 0610-2022 - 12 Olive Street Newstead - Representations [9.1.3 - 32 pages]

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**9.2. DA0053/2023 - 315-317 St Leonards Road, St Leonards - Business and Professional Services - Construction and Use of a New Building for a Funeral Parlour**

**FILE NO:** DA0053/2023

**AUTHOR:** Dileep Karna (Graduate Town Planner)

**GENERAL MANAGER APPROVAL:** Dan Ryan (Community and Place Network)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	6ty Pty Ltd
Property:	315 St Leonards Road, St Leonards
Zoning:	General Residential
Receipt Date:	6/02/2023
Validity Date:	8/02/2023
Further Information Request:	14/02/2023
Further Information Received:	08/03/2023
Deemed Approval (extension granted):	21/04/2023
Representations:	3

**RELEVANT LEGISLATION:**

*Land Use Planning and Approvals Act 1993*  
Tasmanian Planning Scheme - Launceston

**STANDARDS REQUIRING PLANNING DISCRETION:**

7.4 Change of use of a Place listed on the Tasmanian Heritage Register or a Local Heritage Place  
8.5.1 Non-dwelling development  
C2.5.1 Car parking numbers  
C2.6.5 Pedestrian access  
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0053/2023 - Business and Professional Services - Construction and use of a new building for a funeral parlour at 315-317 St Leonards Road, St Leonards, subject to the following conditions:

## 1. ENDORSED PLANS & DOCUMENTS

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. Planning Report, Prepared by 6ty, Page No 1-39, Dated 24/02/2023
- b. Cover Page, Prepared by Design To Live, Drawing No. STL315, Revision No. R2, Page No 40, Dated 21/10/2022
- c. Site Plan 1:1000, Prepared by Design To Live, Drawing No. STL315, Revision No. R2, Page No 41, Dated 21/10/2022
- d. Site Plan 1:500, Prepared by Design To Live, Drawing No. STL315, Revision No. R2, Page No 42, Dated 21/10/2022
- e. Site Plan 1:200, Prepared by Design To Live, Drawing No. STL315, Revision No. R2, Page No 43, Dated 21/10/2022
- f. Ground Plan, Prepared by Design To Live, Drawing No. STL315, Revision No. R2, Page No 44, Dated 21/10/2022
- g. External Services, Prepared by Design To Live, Drawing No. STL315, Revision No. R2, Page No 45, Dated 21/10/2022
- h. Elevations, Prepared by Design To Live, Drawing No. STL315, Revision No. R2, Page No 46, Dated 21/10/2022
- i. Elevations, Prepared by Design To Live, Drawing No. STL315, Revision No. R2, Page No 47, Dated 21/10/2022
- j. Elevations, Prepared by Design To Live, Drawing No. STL315, Revision No. R2, Page No 48, Dated 21/10/2022
- k. Elevations, Prepared by Design To Live, Drawing No. STL315, Revision No. R2, Page No 49, Dated 21/10/2022
- l. Perspectives, Prepared by Design To Live, Drawing No. STL315, Revision No. R2, Page No 50, Dated 21/10/2022
- m. Statement of Historical Archaeological Potential, Heritage & Archaeological Impact Assessment & Consideration of Adaptive Reuse, Prepared by Praxis environment, Page No. 51-79 Dated December 2022.
- n. Concise Conservation Management Plan, Prepared by Anglican Diocese of Tasmania, Page No 80-92.

## 2. ARCHAEOLOGICAL MITIGATION

Development must be carried out in line with the 'Archaeological Mitigation Strategy' set out on pages 16 to 17 of the '*Statement of Archaeological Potential, Heritage and Archaeological Impact Assessment & Consideration of Adaptive Reuse*' prepared by Praxis Environment and Endorsed as part of this Permit.

## 3. 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.

## 4. EXTERIOR AND SECURITY LIGHTING

Exterior and security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries.

## **5. DELIVERY HOURS**

Deliveries to and from the site by heavy vehicles must only occur between:

- a. 7 am and 7 pm Monday to Friday.
- b. 9 am and 12 pm Saturday.

## **6. HOURS OF CONSTRUCTION**

Construction works must only be carried out between the hours of 7am to 6pm Monday to Friday and 8am to 5pm Saturday and no works on Sunday or Public Holidays.

## **7. EXTERNAL FINISHES AND GROUND SURFACES**

The colour scheme for the proposed funeral parlour building is to be generally consistent with that shown in the artist impressions included in the Endorsed Plans, or otherwise be of a subtle colour scheme of neutral muted tones to blend with the existing church building and the surrounding landscape.

The proposed concrete ground surfaces are to be of an exposed aggregate finish to fit the character and significance of the site.

## **8. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2023/00186-LCC, dated 07/03/2023 and attached to the permit.

## **9. BUSINESS HOURS**

The operation of the proposed development must be confined to:

- a. 8:00am and 6:00pm Monday to Friday.
- b. 8:00am and 6:00pm Saturdays, Sunday and Public Holidays

## **10. HERITAGE**

The development must be undertaken in accordance with the conditions included on the Tasmanian Heritage Council 'Notice of Heritage Decision' for THC Application No. 8097, dated 4 April 2023 and attached to the permit.

## **11. DRIVEWAY AND PARKING AREA CONSTRUCTION**

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

- a) Be properly constructed to such levels that they can be used in accordance with the plans;
- b) Be surfaced with an impervious all weather seal;
- c) Be adequately drained to prevent stormwater being discharged to neighbouring property;
- d) Be line-marked or otherwise delineated to indicate each car space and access lanes.

Parking areas and access lanes must be kept available for these purposes at all times and maintained for the life of the development.

## **12. DAMAGE TO COUNCIL INFRASTRUCTURE**

The developer is liable for all costs associated with the repair of damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to Council infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

## **13. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

The explicit permission of General Manager - Infrastructure & Assets Network is required prior to undertaking works where the works:

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

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

## **14. APPLICATION TO ALTER A STORMWATER SERVICE**

An application must be made using the Council's eServices web portal, or on the approved form, and accompanied by the prescribed fee to install a new connection, or physically remove/relocate or alter an existing service connection.

All work must be carried out by a suitably experienced contractor and in accordance with Council standards. All costs associated with these contractors are to be borne by the applicant.

## **15. SOIL AND WATER MANAGEMENT PLAN**

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

## **16. FACILITIES AND HIGHWAYS BY-LAW**

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). No such items are to be placed within the road reserve without approval.

## 17. 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.

### Notes

#### A. General

*This permit was issued based on the proposal documents submitted for DA0053/2023. 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 Tasmanian Civil & Administrative Appeal Tribunal (TASCAT) is withdrawn or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

*The permit lapses after a period of two (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.*

#### B. 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 enquiries as to whether the proposed development is affected, 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.*

#### C. Appeal Provisions

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil & Administrative Tribunal (TASCAT).*

*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 Tasmanian Civil & Administrative Tribunal (TASCAT) website [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au) <<http://www.tascat.tas.gov.au>>*

#### D. 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.*

***E. No Approval for alterations to Driveway Crossover***

*No approval to install a new, or alter an existing, driveway crossover in any way has been granted or is implied by the issue of this Planning Permit.*

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**REPORT:**

**1. THE PROPOSAL**

The proposed development is for the construction of a building for the Business and Professional Services use class for a funeral parlour, which is an additional use for the existing uses on site for Community Meeting and Entertainment (place of worship) and Crematoria and Cemeteries at 315-317 St Leonards Road, St Leonards.

Use of land within the General Residential Zone for Business and Professional Services is identified as a 'Discretionary' use in accordance with Table 8.2 and only allows for consulting room, medical centre, veterinary centre, child health clinic, or for the provision of residential support services. In this instance, the proposed Funeral Parlour is prohibited under the Table 8.2.

Notwithstanding this, the place is listed on the Tasmanian Heritage Register (THR) and is a Local Heritage Place in the Scheme. Clause 7.4 of the General Provisions provides a pathway for uses that are prohibited in the zone to be considered discretionary if it would facilitate the restoration, conservation, or future maintenance of a THR listing or local heritage place. It is contended that Clause 7.4 of the Scheme can be invoked for this proposal.

The proposal is to construct a new building, being 8.38m x 23.1m (197.74sqm) in size and maximum of 6.2m in height, located at the rear of the existing church. The proposed building includes a reception area with a waiting room for clients, boardroom, two office spaces, a cool room, bathroom facilities, a preparation room, and an internal garage.

The development will have a compliant car park with 16 car parking spaces, including one accessible parking space, and 5 bicycle parking spaces. The carpark will be shared by the existing use and the proposed use.

Furthermore, the proposed development includes a Statement of Historical Archaeological Potential, Heritage & Archaeological Impact Assessment & Consideration of Adaptive Reuse Report and a Concise Conservation Management Plan.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**



315-317 St Leonards Road, St Leonards (not to scale)

The site is located on the eastern side of St Leonards Road and comprises a single rectangular shaped lot with a title area of 6728m<sup>2</sup>. The site and immediate surrounding area are zoned General Residential and development within the surrounding area consists of predominately single and multiple dwellings. Further to the south is the St Leonards village which consists of a supermarket, school, hotel/pub and bottle shop and takeaway food outlets.

The nearest bus stops on St Leonards Road, Stop 395, is located approximately 30m north of the site, and pedestrian footpaths are provided on both sides of St Leonards Road and all streets in the vicinity of the site.

The site contains an existing church built in 1868 with a semi-detached ‘church extension’ building constructed in the early 2000s. A small, historic, and active cemetery is located amongst established trees to the rear of the church. The church was deconsecrated and sold in 2022 to Lethborg Investments Pty Ltd.

**3. PLANNING SCHEME REQUIREMENTS**

The assessment against the Tasmanian Planning Scheme is detailed in Attachment 1.

**4. REFERRALS**

REFERRAL	COMMENTS
	<b>INTERNAL</b>
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.



<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2023/00186-LCC, dated 7 March 2023.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	Notice of Heritage Decision for THC Application No. 8097, dated 4 April 2023
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 11 March 2023 to 27 March 2023. Three (3) 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.

<p><b>Issue 1</b> <b>Can new burials be conducted and will the footprint of the cemetery be expanded.</b></p> <p><i>Response 1</i> <i>The proposed development does not include any expansion to the existing cemetery plan, other than the pre-purchased spaces.</i></p>
<p><b>Issue 2</b> <b>Does a cemetery plan exist which shows the parameters of the cemetery.</b></p> <p><i>Response 2</i> <i>The proposed development does not include cemetery use or new burials and the cemetery will be utilised for the pre-purchased spaces.</i></p>
<p><b>Issue 3</b> <b>There is a large elm tree, which appears to be in poor health and may fall.</b></p> <p><i>Response 3</i> <i>The proposed development does not include any removal of vegetation and the existing trees should be appropriately managed by the land owner.</i></p>
<p><b>Issue 4</b> <b>No objection to the DA or the building itself, however have concerns relating to the structural integrity of the Columbarium especially during construction of the proposed Funeral Parlour.</b></p> <p><i>Response 4</i> <i>The proposed development does not include any works to the existing Columbarium.</i></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.

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

*Land Use Planning and Approvals Act 1993*  
Tasmanian Planning Scheme - Launceston

**BUDGET AND FINANCIAL IMPLICATIONS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The Author and General Manager have no interests to declare in this matter.

**ATTACHMENTS:**

1. DA0053 2023 315 317 St Leonards Road St Leonards Planning Scheme Assessment [9.2.1 - 19 pages]
2. D A 0053-2023 - 315 St Leonards Road St Leonards - Notice of Heritage Decision [9.2.2 - 1 page]
3. D A 0610-2022 - 315 St Leonards Road St Leonards - Representations [9.2.3 - 2 pages]
4. D A 0610-2022 - 315 St Leonards Road St Leonards - Tas Water SPAN [9.2.4 - 3 pages]

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**9.3. DA0695/2022 - 167-171 Invermay Road, Invermay - Bulky Goods Sales - Demolition of Existing Buildings and Construction of a Building for Use as a Showroom with Two Tenancies and Associated Car Park and Signage including Illuminated Signs**

**FILE NO:** DA0695/2022

**AUTHOR:** Dileep Karna (Graduate Town Planner)

**GENERAL MANAGER APPROVAL:** Dan Ryan (Community and Place Network)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	JMG Engineers & Planners
Property:	167-171 Invermay Road, Invermay
Zoning:	Local Business
Receipt Date:	17/11/2022
Validity Date:	8/03/2023
Further Information Request:	02/12/2022
Further Information Received:	08/03/2023
Deemed Approval (extension granted):	21/04/2023
Representations:	3

**RELEVANT LEGISLATION:**

*Land Use Planning and Approvals Act 1993*  
Tasmanian Planning Scheme - Launceston

**STANDARDS REQUIRING PLANNING DISCRETION:**

14.3.3 Retail impact  
14.4.2 Setbacks  
14.4.3 Design  
14.4.4 Fencing  
C1.6.1 Design and siting of signs  
C1.6.2 Illuminated signs  
C2.5.1 Car parking numbers  
C2.5.3 Motorcycle parking numbers  
C2.6.2 Design and layout of parking areas  
C2.6.6 Loading bays  
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction  
C14.6.1 Excavation works, excluding land subject to the Macquarie Point Development Corporation Act 2012  
LAU-S10.7.2 Flood impact

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**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme Launceston, a permit be granted for DA0695/2022 - Bulky Goods Sales - Demolition of existing buildings and construction of a building for use as a showroom with two tenancies and associated car park and signage including illuminated signs at 167-171 Invermay Road, Invermay, subject to the following conditions:

**1. ENDORSED PLANS & DOCUMENTS**

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. Planning Report, Prepared by JMG Engineers & Planners, Page No 1 - 42, Dated November 2022.
- b. Cover Page & Location, Prepared by Jaws Architects, Drawing No. 22003\_DA-01, Revision No. 09, Page No 43, Dated 2/02/2023.
- c. Site Plan, Prepared by Jaws Architects, Drawing No. 22003\_DA-11, Revision No. 09, Page No 44, Dated 2/02/2023. (Amended plans required)
- d. Proposed Ground Floor Plan, Prepared by Jaws Architects, Drawing No. 22003\_DA-12, Revision No. 09, Page No 45, Dated 2/02/2023. (Amended plans required)
- e. Proposed Mezzanine Floor Plan, Prepared by Jaws Architects, Drawing No. 22003\_DA-13, Revision No. 09, Page No 46, Dated 2/02/2023.
- f. Roof Plan, Prepared by Jaws Architects, Drawing No. 22003\_DA-14, Revision No. 09, Page No 47, Dated 2/02/2023.
- g. Indicative Interior Fit-Out, Prepared by Jaws Architects, Drawing No. 22003\_DA-15, Revision No. 09, Page No 48, Dated 2/02/2023.
- h. Proposed External Elevations 1 of 2, Prepared by Jaws Architects, Drawing No. 22003\_DA-21, Revision No. 09, Page No 49, Dated 2/02/2023.
- i. Proposed External Elevations 2 of 2, Prepared by Jaws Architects, Drawing No. 22003\_DA-22, Revision No. 09, Page No 50, Dated 2/02/2023.
- j. Proposed section, Prepared by Jaws Architects, Drawing No. 22003\_DA-31, Revision No. 09, Page No 51, Dated 2/02/2023.
- k. Signage, Prepared by Jaws Architects, Drawing No. 22003\_DA-41, Revision No. 09, Page No 52, Dated 2/02/2023.
- l. Concept Services Plan, Prepared by JMG Engineers & Planners, Drawing no. P01, Revision No. P4, Page No 53, Dated 3/02/2023
- m. Environmental Site Assessment, Prepared by es&d environmental service & design, Project No. 8177, Page No 54-148 , Dated 20/12/2022
- n. Traffic Impact Assessment, Prepared by pitt&sherry, Revision No. 2, Page No 149-200, Dated 31/01/2023 (Page 199 - amended plans required)
- o. Flood Assessment, Prepared by pitt&sherry, Revision No. 00, Page No 201- 239, Dated 26/10/2022
- p. Flood Emergency Management Plan, Prepared by pitt&sherry, Page No 240-253, Dated 26/10/2022

**2. LEGAL TITLE**

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

### **3. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/01916-LCC, dated 14/12/2022 and attached to the permit.

### **4. BUSINESS HOURS**

The operation of the use must be confined to:

- a. 8:00am and 6:00pm Monday to Friday.
- b. 9:00am and 5:00pm Saturdays.
- c. 10:00am and 5:00pm Sunday and Public Holidays.

### **5. SIGNAGE CONTENT**

Content of the sign may be updated or changed without separate approval of Council, subject to:

- a. The structure, location and size of the signage not changing.
- b. The content of the signage relating to the site.
- c. Compliance with the requirements of the planning scheme.

### **6. SIGN MAINTENANCE**

The signs must be constructed and maintained in good condition to the satisfaction of the Council.

### **7. SIGN ILLUMINATION**

The illuminated signs permitted by this permit must be static and have a maximum luminance level of 1200 nits (4111 lumens), and must only be illuminated during the operating hours of the business. Flashing or intermittent lighting must not be used in the signs permitted by this permit.

### **8. AMENDED PLANS REQUIRED**

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

- a. Swept path for a medium rigid vehicle turning onsite to ensure vehicles enter and exit the site in a forward gear, where the path is permitted to encroach in designated parking areas noting deliveries/collections using such vehicles are not permitted to occur between 7:00am and 7:00pm,
- b. All necessary changes to the car parking layout, including the potential relocation of the accessible parking space and associated shared space and modifications to the nominated staff parking along the northern boundary to facilitate the above.

Once approved by the Manager City Development, these amended plans will be endorsed and will then form part of the Permit and shall supersede the original endorsed plans. Amended plans should include identification information such as updated revision numbers, revision date and revision description. The changes are to be highlighted in red clouds or a format agreed with the planning officer.

### **9. VEHICLES ACCESSING SITE - POST DEVELOPMENT**

Vehicles greater in size than a small rigid vehicle (SRV) are only permitted to enter the site after 7:00pm and before 7:00am. Where these vehicles cannot enter and exit the site in a

forward gear, must employ appropriate traffic management when manoeuvring into and out of the road.

#### **10. DRIVEWAY AND PARKING AREA CONSTRUCTION**

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

- a) Be properly constructed to such levels that they can be used in accordance with the plans;
- b) Be surfaced with an impervious all weather seal;
- c) Be adequately drained to prevent stormwater being discharged to neighbouring property;
- d) Be line-marked or otherwise delineated to indicate each car space and access lanes.

Parking areas and access lanes must be kept available for these purposes at all times and maintained for the life of the development.

#### **11. ON-SITE DETENTION (TASWATER ADVICE TO DRAINAGE AUTHORITY)**

On-site detention storage must be provided to limit the peak rate of piped stormwater discharge and overland flows, from the site to that generated by the site at its current level of development for a 1 in 5 storm event of 1 hour duration. The volume of the detention structure must be the difference between the above discharge (pre-development) and the discharge from the site post development

Prior to the commencement of works, the plans and calculations must be submitted to the General Manager, Infrastructure & Assets Network for approval. On completion, an "as constructed" plan complete with levels, must be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

#### **12. DAMAGE TO COUNCIL INFRASTRUCTURE**

The developer is liable for all costs associated with the repair of damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to Council infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

#### **13. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

The explicit permission of General Manager - Infrastructure & Assets Network is required prior to undertaking works where the works:

- a. require a road or lane closure;
- b. require occupation of the road reserve for more than one week at a particular location;

- c. are in nominated high traffic locations; or
- d. involve opening or breaking trafficable surfaces.

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

#### **14. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS**

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements and Council policy 27-Rfx-012 Standards for Surface Reinstatement of Works in the Road Service. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

#### **15. VEHICULAR CROSSINGS (& ASSOCIATED FOOTPATH WORKS)**

No works to install, remove or modify a vehicular crossing, are to be undertaken without the issue of a Vehicular Crossing Permit for the works. Modification of a vehicular crossing includes any widening of the kerb layback or the driveway apron, in any form whatsoever.

An application for such work must be lodged electronically via the Council eServices web portal or on the approved hard copy form.

All new works must be constructed to Council standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading non trafficable trenches to a trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra and TasNetworks, etc.). Where applicable, any redundant crossovers and driveways must be removed once the new driveway and/or crossover works have been completed and use has commenced.

The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense. Where the driveway crossing works result in changes to existing parking restrictions (bay markings, linemarking and/or signage) these works must be undertaken by Council under an approved Traffic Facilities Plan with the cost of these works to be invoiced to the applicant/developer for payment.

#### **16. SOIL AND WATER MANAGEMENT PLAN**

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

## **17. OCCUPATION OF ROAD RESERVE (COMPLEX)**

Any works in the road reserve, or requiring the occupation of the road reserve, must be undertaken by, or under the supervision of an appropriately qualified tradesman/contractor.

Where it is necessary for works to occur within the road reserve or for the occupation of the road reserve, the express written permission of the General Manager, Infrastructure & Assets Network is required. Application for the occupation of Invermay Road must be made 14 days prior to date of the scheduled occupation or works and detailing (but not limited to);

- a. The nature, dates and duration of the occupation and/or works,
- b. The contractor/s undertaking the works,
- c. The traffic management works that are employed to provide for the continued safe use of the road reserve by pedestrians and vehicles,
- d. Any alternative pedestrian routes to be provided where the existing footpath in Invermay Road is unavailable for use due to the works and/or occupation,
- e. Any temporary works required to maintain the serviceability of the road or footpath.

A permission issued for any occupation and/or works may be subject to conditions specifying or limiting any of the above listed matters.

Inspections must be arranged for prior to the commencement of the occupation and at the completion of the works.

## **18. FACILITIES AND HIGHWAYS BY-LAW**

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). No such items are to be placed within the road reserve without approval.

## **19. SOILS TO BE REMOVED FROM SITE**

As per the recommendations of the Environmental Site Assessment prepared by ES&D (dated December 2022), all excavated soil intended to be removed from the site must be stockpiled in piles not greater than 25 cubic metres and tested by a suitably qualified environmental consultant to classify the soil for disposal prior to removal of the soil from site. If soil does not meet Level 1 (fill material) classification, it may only be removed from the site once written approval for disposal has been granted by EPA Tasmania. Soil can otherwise be reused on the site.

## **20. EXTERIOR AND SECURITY LIGHTING**

Exterior lighting and security lighting is to comply with the Australian Standard AS4282 'Control of the obtrusive effects of outdoor lighting' or any subsequent versions.

In addition, external lighting must:

- (a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and
- (b) if for security lighting, be baffled so that direct light does not extend into the adjoining property in those zones.

## **21. NO BURNING OF WASTE**

No burning of any waste materials, including removed vegetation, generated by the development to be undertaken on-site. Any such waste materials are to be removed to a licensed waste disposal facility (e.g. Launceston Waste Centre), reclaimed or recycled.



## 22. DEMOLITION

The developer must:

- a) protect property and services which are to either remain on or adjacent to the site from interference or damage;
- b) not undertake any burning of waste materials or removed vegetation;
- c) remove all rubbish from the site for disposal at a licensed waste disposal site;
- d) dispose of any asbestos found during demolition in accordance with the Safe Work Australia 'How to Safely Remove Asbestos: Code of Practice, July 2020', or any subsequent versions of the document.

## 23. POTENTIAL SITE CONTAMINATION - NEW INFORMATION

Any new information which comes to light during demolition or construction works that has the potential to alter previous conclusions about site contamination must be notified to Council (and the Environmental Protection Authority if relevant) immediately upon discovery. Works on site must immediately cease until the new information has been assessed. Works can only recommence:

- a) once the site has been assessed by a site contamination practitioner certified under the Environment Institute of Australia and New Zealand Inc's Certified Environmental Practitioners (Site Contamination) scheme; and
- b) in accordance with any additional recommended control measures as specified by the site contamination practitioner.

## 24. CONTROL OF DUST EMISSIONS

- a) beyond the boundary of the land during development and use.
- b) Prior to the use commencing the site must be fully sealed, other than approved landscaping.
- c) The person responsible must maintain the site seal in good condition over the life of the operation.

## 25. HOURS OF CONSTRUCTION

- a) Unless otherwise approved in writing by the Manager Health and Compliance construction activities must only be carried out between the hours of:
  - i. Monday to Friday - 7 am to 6 pm; and
  - ii. Saturday - 8 am to 6 pm.
- b) Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed state-wide (Easter Tuesday excepted).

## Notes

### A. General

*This permit was issued based on the proposal documents submitted for DA0695/2022. 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 Tasmanian Civil & Administrative Appeal Tribunal (TASCAT) is withdrawn or determined; or*

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

The permit lapses after a period of two (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

**B. 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 enquiries as to whether the proposed development is affected, 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.

**C. Appeal Provisions**

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil & Administrative Tribunal (TASCAT).

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 Tasmanian Civil & Administrative Tribunal (TASCAT) website [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au) <<http://www.tascat.tas.gov.au>>

**D. 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.

**E. Signage**

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

**F. Demolition**

Planning approval is granted for demolition of the existing buildings so indicated on the endorsed plan. However, Building Approval for the demolition is required before demolition can proceed.

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**REPORT:**

**1. THE PROPOSAL**

It is proposed to demolish the existing buildings and construction of a new building and car parking area to accommodate the proposed Bulky Goods Sales Use at 167-171 Invermay Road, Invermay.

The proposal includes:

- Demolition of existing one-storey commercial building, one-story garage, shed and hardstand areas (vehicle storage area)
- Construction of a new two-storey commercial building with two tenancies; tenancy one (1) will have a footprint of approximately 1002.30sqm includes office space and an accessible toilet along with a mezzanine with a gross floor area of 392.14sqm including a toilet and staff room. Tenancy two (2) will have a footprint of approximately 680.68sqm, including a kitchenette and an accessible toilet.

The proposed building will have a footprint of approximately 1697.4sqm and a gross floor area of approximately 2075.12sqm.

- The development will have a compliant car park with 22 car parking spaces, including one accessible parking space, a loading bay, and six (6) bicycle parking spaces. The carpark will be shared by the two tenancies.
- The development will relocate the existing Telstra phone box, as shown in drawing no. 22003\_DA-11.
- The development will reinstate two existing crossovers onto Invermay and include the construction of a new crossover to the proposed car park area, as demonstrated in drawing no. 22003\_DA-11.
- The development includes new signage, which includes an illuminated pylon sign, illuminated signs affixed to the facade of the building, and illuminated wall signs along the northern side of the proposed building.

Furthermore, the proposed development includes Environmental Site Assessment report, Traffic and Parking Assessment, and a Flood Assessment Report.

## 2. LOCATION AND NEIGHBOURHOOD CHARACTER



161-171 Invermay Road Invermay

The site is located on the western side of Invermay Road, opposite the Bryan Street intersection. The site is a relatively flat site with consisting of three titles with a total area of approximately 2751sqm.

The site is located approximately 1.5km north of the Launceston Central Business District and is within the Local Business Zone. The site adjoins the General Residential Zone towards the west, the Inner Residential zone towards the north, and the Local Business Zone extends further to the south and east.

The nearest bus stops on Invermay Road, Stop 5, is located approximately 100m south of the site, and pedestrian footpaths are provided on both sides of Invermay Road and all streets in the vicinity of the site.

### **3. PLANNING SCHEME REQUIREMENTS**

The assessment against the Tasmanian Planning Scheme is detailed in Attachment 1.

### **4. REFERRALS**

<b>REFERRAL</b>	<b>COMMENTS</b>
<b>INTERNAL</b>	
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2022/01916-LCC, dated 14/12/2022.
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 11 March 2023 to 27 March 2023. Three (3) 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.

**Issue 1**

**Parking and road use of this development is a primary concern due to the future impacts it will have for similar future “big box” retail along Invermay Road.**

*Response 1*

*The proposed development was referred to Councils Infrastructure and Assets team, who had no objection. The proposal has been assessed against P1 under C3.5.1 which looks at traffic generation and is deemed to be compliant.*

**Issue 2**

**The traffic report gives a detailed synopsis of parking and traffic flow within 200m of the site and along Invermay Road, no statistical comparisons are offered regarding Main Road, Moonah.**

*Response 2*

*The proposed development was referred to Councils Infrastructure and Assets team, who had no objection. The proposal has been assessed against P1 under C3.5.1 which looks at traffic generation and is deemed to be compliant.*

**Issue 3**

**Without uniform comparisons there is not enough evidence to determine an accurate level of on street parking produced by this development. It cannot be determined if any potential need for on street parking will produce a negative, positive or neutral outcome for already established businesses near the proposal.**

*Response 3*

*The proposed development was referred to Councils Infrastructure and Assets team, who had no objection. The proposal has been assessed against P1.1 under C2.5.1 which looks at the car parking numbers and variation in car parking demands, and was deemed to be compliant.*

**Issue 4**

**There is no reasonable argument supplied to not include motorcycle parking.**

*Response 4*

*It is expected that motorcycles can use on-site car parking spaces or on-street car parking spaces. Therefore, there is anticipated to be a sufficient amount of car parking spots for motorcycles. The proposed development was referred to Infrastructure and Assets, who had no objection. The proposal has been assessed against P1 under C2.5.3, which looks at the motorcycle parking numbers.*

**Issue 5**

**The location of the new crossover (described in the traffic report as “not entirely ideal”), combined with increased traffic flow to and from site, creates a cross intersection opposite and Bryan Street. As the traffic flow along Invermay Rd has increased in recent years it has become progressively more difficult to turn right when exiting residential streets at uncontrolled intersections.**

*Response 5*

*The proposed development was referred to Infrastructure and Assets, who had no objection. The proposal has been assessed against P1 under C3.5.1 which looks at traffic generation.*

<p><b>Issue 6</b> 73 reported vehicle accidents have occurred in this area over the last ten years. The highest incidences (26) are same lane/ rear end collisions, suggesting traffic congestion is a likely cause.</p>
<p><i>Response 6</i> This is not a matter that is considered by the relevant Planning Scheme provisions.</p>
<p><b>Issue 7</b> Will the council issue a permit condition that HRV and MRV vehicles can only enter the site before and after the stated times and days?</p>
<p><i>Response 7</i> A condition will be placed on the permit to impose restrictions for delivery times.</p>
<p><b>Issue 8</b> The implementation of the Flood Deed in 2008 between Council and the State Government, Clause 4.2(g) conclude in the event of severe flooding the Launceston rate payers are liable for subsequent financial loss to developments approved by Council that do not meet the provisions set out at LAU-S10.0 Invermay Inveresk Flood Specific Area Plan?</p>
<p><i>Response 8</i> This is not a matter that is considered by the relevant Planning Scheme provisions.</p>
<p><b>Issue 9</b> The proposal is a Discretionary Application, which has generated eight (8) discretions, and does not meet Acceptable Solutions for those discretions.</p>
<p><i>Response 9</i> Under the Tasmanian Planning Scheme, if a development does not meet the acceptable solutions of the relevant zones, codes and specific area plans, can provide sufficient information to support the proposed development. The proposed development provided Traffic Impact Assessment, Flood Assessment and Environmental Site Assessment, which provides recommendations for safe and efficient development in Invermay Road.</p>
<p><b>Issue 10</b> The vast majority of the immediate area is either inner residential or general residential and is unsuitable for such a development.</p>
<p><i>Response 10</i> The proposed development is located in Local Business Zone and is suitable for the proposed use and development.</p>
<p><b>Issue 11</b> The Flood Inundation Code, building developments in the Flood Inundation Zone are limited to no more than 400m<sup>2</sup>. This proposal far exceeds that limit.</p>
<p><i>Response 11</i> The proposal has been assessed against P3 under LAU-S10.7.2, which looks at the flood impacts. The submitted flood assessment has provided sufficient information to support the development under the performance criteria by providing a hydrological report and an emergency management plan prepared by a suitably qualified engineer</p>

**Issue 12**

**It is already difficult to get an on street park when wanting to visit the IGA, and it is pretty much a guarantee that it will be even worse. So not only will the community suffer, but so will the already existing small family operated businesses.**

*Response 12*

*The proposed development was referred to Councils Infrastructure and Assets team, who had no objection. The proposal has been assessed against P1 under C3.5.1 which looks at traffic generation, and was deemed to be acceptable.*

**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.

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND 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 the economic, environmental and social impacts have been considered.

**STRATEGIC DOCUMENT REFERENCE:**

*Land Use Planning and Approvals Act 1993*  
Tasmanian Planning Scheme Launceston

**BUDGET AND FINANCIAL IMPLICATIONS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The Author and General Manager have no interests to declare in this matter.

**ATTACHMENTS:**

1. DA0695 2022 167 171 Invermay Road Invermay Planning Scheme Assessment [9.3.1 - 26 pages]
2. D A 0695-2022 - 167-171 Invermay Road Invermay - Plans to be Endorsed [9.3.2 - 253 pages]
3. D A 0695-2022 - 167-171 Invermay Road Invermay - Tas Water SPAN [9.3.3 - 2 pages]
4. D A 0695-2022 - 167-171 Invermay Road Invermay - Representations [9.3.4 - 29 pages]

**10. ANNOUNCEMENTS BY THE MAYOR**

**10.1. Mayor's Announcements**

**FILE NO:** SF2375

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**Saturday 8 April 2023**

- Opened the Easter Croquet Tournament at St Leonards (represented by Councillor A Britton)
- Opened the Childrens Easter Festival at Riverbend Park (represented by Deputy Mayor, Councillor M K Garwood)
- Attended the Ladbrokes East Cup Race Meeting (represented by Deputy Mayor, Councillor M K Garwood)

**Wednesday 12 April 2023**

- Attended Museum Governance Advisory Board meeting

**Friday 14 April 2023**

- Attended Meet and Greet barbeque at the Tasmanian Aboriginal Centre

**Sunday 16 April 2023**

- Officiated at the Brixhibition Event at the Launceston Conference Centre, Glen Dhu

**Wednesday 19 April 2023**

- Attended the Tamar Valley Leaders Lunch
  - Attended Away by Launceston Players at Earl Arts Centre
-



**11. COUNCILLORS' REPORTS**

*(This item provides an opportunity for Councillors 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).*

**12. QUESTIONS BY COUNCILLORS**

**12.1. Councillors' 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 Chief Executive Officer of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be provided in writing).*

**12.1.1. Councillors' Questions on Notice - Councillor A G Harris - Bicycle Parking and Storage for Football Games at University of Tasmania Stadium - 6 April 2023**

**FILE NO:** SF6381

**AUTHOR:** Kelsey Hartland (Team Leader Governance)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS AND RESPONSES:**

The following question, submitted to Council on 6 April 2023 by Councillor A G Harris has been answered by Dan Ryan (General Manager Community and Place Network).

**Questions:**

1. [With regard to bicycle parking at University of Tasmania Stadium]....Is it possible to see where there is bicycle parking at UTAS Stadium and be advised whether, in fact, the Precinct has any bike storage facilities?

**Response:**

*Currently there is no dedicated bicycle parking or storage at UTAS Stadium, however there are multiple community use bicycle racks positioned at various locations around the UTAS site within the Inveresk precinct.*

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**12.1.2. Councillors' Questions on Notice - Councillor S Cai - Community Bake Days - 6 April 2023**

**FILE NO:** SF6381

**AUTHOR:** Kelsey Hartland (Team Leader Governance)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS AND RESPONSES:**

The following question, submitted to Council on 6 April 2023 by Councillor S Cai, has been answered by Dan Ryan (General Manager Community and Place Network).

**Questions:**

1. At Legacy Park in Hobart the council operates two wood-fired ovens and every second Sunday they host free community bake days. I was wondering whether Launceston City Council has ever considered anything like this?

**Response:**

*We have requested some information from City of Hobart in regard to how these events are delivered and will provide further advice once this becomes available.*

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**12.2. Councillors' 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).*

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**13. ORGANISATIONAL SERVICES NETWORK**

**13.1. 2022/2023 Budget - Budget Amendments**

**FILE NO:** SF7463/SF6939

**AUTHOR:** Nathan Williams (Manager Finance)

**ACTING GENERAL MANAGER APPROVAL:** Leanne Purchase (Organisational Services Network)

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**DECISION STATEMENT:**

For Council to:

1. consider changes to the Council's 2022/2023 Statutory Estimates.

*A decision for Recommendation 1. requires an absolute majority of Council in accordance with section 82(4) of the Local Government Act 1993 (Tas).*

2. consider adjustments made during 1 March to 31 March 2023 by the Chief Executive Officer to the 2022/2023 Budget.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**RECOMMENDATION:**

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993 (Tas)* and by an absolute majority, approves the following changes to the 2022/2023 Statutory Estimates:
    - (a) Revenue
      - i. the net increase in revenue from external grants and contributions of \$25,000.
    - (b) Expenses
      - i. the net decrease in operations expenditure of \$15,122.
    - (c) Capital Works Expenditure
      - i. the net increase in expenditure from external funds of \$25,000.
      - ii. the increase in the Council's funded expenditure of \$15,122.
  2. notes that amendments from Recommendation 1. result in:
    - (a) the operating surplus/deficit being amended to \$15,103,798 (including capital grants of \$23,757,793) for 2022/2023.
    - (b) the capital budget being increased to \$37,424,897 for 2022/2023.
  3. pursuant to section 82(7) of the *Local Government Act 1993 (Tas)*, receives the Chief Executive Officer's report on adjustments to the 2022/2023 budget for the period 1 March to 31 March 2023.
-

**REPORT:**

**1. Budget Amendments**

The budget amendments are changes to the Statutory Estimates which require a Council decision. The changes relate to external grant revenue and transfers between Operations and Capital projects.

	<b>Operations \$'000</b>	<b>Capital \$'000</b>
<b>Statutory Budget as 01/07/2022</b>	(4,931)	16,737
Adjustments Approved by Council to 28/02/2023	19,995	20,648
Balance Previously Advised as at 28/02/2023	15,064	37,385
 <u>Amendments</u>		
Additional Council Funds	0	0
Capital to Operations	(10)	(10)
Operations to Capital	25	25
Operations	0	0
External Funds	25	25
External Funds Not Received	0	0
<b>Statutory Budget as at 31/03/2023</b>	<b>15,104</b>	<b>37,425</b>
	<hr/>	<hr/>
Deduct Capital Grants and Contributions	(23,758)	
<b>Underlying Operating Budget Surplus/(Deficit)</b>	<b>(8,654)</b>	

The table summarises all other Budget Agenda Items and includes reconciliations of the budgeted operating result and capital expenditure.

Details of the amendments are as follows:

**1(a) The following items need to be reallocated from Capital to Operations:**

<b>Project Number</b>	<b>Project Description</b>	<b>Current Approved Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>	<b>New Budget</b>
CP24429	Vulnerable Road User Program 2022/2023	\$10,000	\$10,000	\$0	\$0
OPM25179	Westbury/Peel Pedestrian Refuge	\$110,912	\$0	\$10,000	\$120,912
	<b>TOTALS</b>	<b>\$120,912</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$120,912</b>

**The project scope of works:**

Earlier in the financial year, council made the decision to hand back Vulnerable Road user external funding on capital projects due to capacities to deliver and in order to maintain own source expenditure for other grant programs.

This has left \$10,000 of Council funding on the Vulnerable Road User Program 2022/2023 capital project. Since then, a Vulnerable Road User nominated project being delivered as an operational project has exceeded budget.

A decision has been made to reallocate the remaining council funds on the Capital project in order to balance the budget within operations.

<b>Capital to Operations</b>	<b>Operations</b>	<b>Capital</b>
Vulnerable Road User Program 2022/2023	\$10,000	(\$10,000)
<b>TOTAL</b>	<b>\$10,000</b>	<b>(\$10,000)</b>

**1(b) The following items need to be reallocated from Operations to Capital:**

<b>Project Number</b>	<b>Project Description</b>	<b>Current Approved Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>	<b>New Budget</b>
GL.10.0.8245.1000.61005	Tourism and Events - Expert Advice	\$25,883	\$5,122	\$0	\$20,761
OP22872	Cultural Strategy Implementation	\$29,000	\$10,000	\$0	\$19,000
OP22869	Heritage Advisory	\$20,000	\$10,000	\$0	\$10,000
CP24489	City Wide Banner Tracks Installation	\$0	\$0	\$25,122	\$25,122
	<b>TOTALS</b>	<b>\$74,883</b>	<b>\$25,122</b>	<b>\$25,122</b>	<b>\$74,883</b>

**The project scope of works:**

New Flagtrax systems have been installed onto poles in Civic Square and the Quadrant Mall, allowing banners to be raised and lowered from ground level.

These were originally purchased from the Place Making Team's operational budget, however, the new systems meet Council's Capitalisation definition and the expenditure has been transferred onto a newly created capital project. A matching transfer of budget is now required.

<b>Operations to Capital</b>	<b>Operations</b>	<b>Capital</b>
City Wide Banner Tracks Installation	(\$25,122)	\$25,122
<b>TOTAL</b>	<b>(\$25,122)</b>	<b>\$25,122</b>

**1(c) The following items have been affected by external funding changes and affect both the Capital and Operations budgets:**

<b>Project Number</b>	<b>Project Description</b>	<b>Current Approved Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>	<b>New Budget</b>
GL.10.0.1066.1000.12732	Sporting Grounds - State Capital Grants	(\$6,305,000)	\$25,000	\$0	(\$6,330,000)
CP24485	St Leonards Athletic Centre - Toilet Facilities	\$0	\$0	\$25,000	\$25,000
	<b>TOTALS</b>	<b>\$ 0</b>	<b>\$25,000</b>	<b>\$25,000</b>	<b>\$25,000</b>

**The project scope of works:**

External grant funding has been allocated to the City of Launceston under the Sporting Grounds State Grants to improve the toilet facilities at the St Leonards Athletic Centre.

It is required that the external funds we have received are recognised against the Capital project for the work.

External Funding	Operations	Capital
St Leonards Athletic Centre - Toilet Facilities	(\$25,000)	\$25,000
<b>TOTAL</b>	<b>(\$25,000)</b>	<b>\$25,000</b>

**2. Chief Executive Officer's Report on Adjustments**

Pursuant to section 82(6) of the *Local Government Act 1993* (Tas), Council has authorised the General Manager (Chief Executive Officer) to adjust budgets up to \$500,000 so long as the adjustments do not alter revenue, expenditure, borrowings or capital works estimates in total. The Budget Management Policy (12-PI-001), adopted by Council on 13 October 2014, refers to section 82(7) of the *Local Government Act 1993* (Tas) which requires the Chief Executive Officer to report any adjustment and an explanation of the adjustment at the first Ordinary Meeting of the Council following the adjustment.

Project Number	Project Description	Budget Before This Adjustment	Adjustment	Revised Budget	Type of Change
24291	Launceston Waste Center - Eastern Extension Capping	\$2,550,844	(\$40,000)	\$2,510,844	Decrease
24168	Punchbowl Reserve Play Space	\$270,000	\$40,000	\$310,000	Increase
24029	56 Frederick Street Building Works	\$360,000	(\$345,650)	\$14,350	Decrease
24486	Carr Villa Chapel Mains Upgrade	\$0	\$90,000	\$90,000	Increase
24488	City of Launceston Fire Panel Upgrades	\$0	\$255,650	\$255,650	Increase
24306	Recreation and Parks Design Program	\$200,000	(\$60,000)	\$140,000	Decrease
24422	Tenzing Park - Public Open Space	\$150,000	\$60,000	\$210,000	Increase
24393	On Street Parking Machines Upgrade 2022/2023	\$391,243	(\$65,000)	\$326,243	Decrease
24445	CH Smith Parking Tech Office Fit Out	\$20,000	\$35,000	\$55,000	Increase
24390	Carr Villa Ash Placement Area Car Park	\$132,832	\$15,000	\$147,832	Increase
24418	Carr Villa Machinery and Equipment Shed	\$50,000	\$15,000	\$65,000	Increase
	<b>TOTALS</b>	<b>\$4,124,919</b>	<b>\$0</b>	<b>\$4,124,919</b>	



The following capital project adjustments have occurred in the period 1 March to 31 March 2023:

<b>Project Number</b>	<b>Project Description</b>	<b>Current Approved Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>	<b>New Budget</b>
24291	Launceston Waste Center - Eastern Extension Capping	\$2,550,844	\$40,000	\$0	\$2,510,844
24168	Punchbowl Reserve Play Space	\$270,000	\$0	\$40,000	\$310,000
	<b>TOTALS</b>	<b>\$2,820,844</b>	<b>\$40,000</b>	<b>\$40,000</b>	<b>\$2,820,844</b>

**The project scope of works:**

The Eastern Extension area of the landfill was considered to be full, and in line with our Environmental Protection Notice required capping and rehabilitation.

However, in the past 12 months we have identified some preferential settlement that creates additional capacity for placement of more waste before closure. This means the funds for capping this are not required until 2025. Design work has been completed on this project.

This means that funds can be transferred into the design and construction for the renewal of the Punchbowl Reserve Play Space.

<b>Project Number</b>	<b>Project Description</b>	<b>Current Approved Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>	<b>New Budget</b>
24029	56 Frederick Street Building Works	\$360,000	\$345,650	\$0	\$14,350
24486	Carr Villa Chapel Mains Upgrade	\$0	\$0	\$90,000	\$90,000
24488	City of Launceston Fire Panel Upgrades	\$0	\$0	\$255,650	\$255,650
	<b>TOTALS</b>	<b>\$360,000</b>	<b>\$345,650</b>	<b>\$345,650</b>	<b>\$360,000</b>

**The project scope of works:**

Due to Council's direction to dispose of the Frederick Street building asset, the money for capital works on the building is better utilised on assets that have reached the end of their lives.

Not replacing these assets has the risk to put building and more importantly, building occupants at potential risk.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24306	Recreation and Parks Design Program	\$200,000	\$60,000	\$0	\$140,000
24422	Tenzing Park - Public Open Space	\$150,000	\$0	\$60,000	\$210,000
	<b>TOTALS</b>	<b>\$350,000</b>	<b>\$60,000</b>	<b>\$60,000</b>	<b>\$350,000</b>

**The project scope of works:**

Due to the rising costs of materials and contractor engagement, further budget is required to complete the Tenzing Park playground. The design costs for these works will be included in the project.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
24393	On Street Parking Machines Upgrade 2022/2023	\$391,243	\$65,000	\$0	\$326,243
24445	CH Smith Parking Tech Office Fit Out	\$20,000	\$0	\$35,000	\$55,000
24390	Carr Villa Ash Placement Area Car Park	\$132,832	\$0	\$15,000	\$147,832
24418	Carr Villa Machinery and Equipment Shed	\$50,000	\$0	\$15,000	\$65,000
	<b>TOTALS</b>	<b>\$594,075</b>	<b>\$65,000</b>	<b>\$65,000</b>	<b>\$594,075</b>

**The project scope of works:**

After scoping staff amenity upgrades for the CH Smith Parking Technician's office, the initial budget is not sufficient. In order to deliver the project, an additional \$35,000 is required. This will bring total budget up to \$55,000.

There have been additional costs in relation to the Carr Villa Ash Placement Car Park project. In order to have the Car Park surface and drainage works completed before Anzac Day, there are additional costs relating to weekend works to fit in with contractor availability. Additional asphalt is required when compared to initial estimates and there have been some remediation works completed on the Ash Placement project, which have all contributed to increases in project costs.

Early on, it has been identified that the initial budget was not sufficient to construct a new equipment and machinery shed which will allow for the correct storage and segregation of hazardous materials and chemicals. Costing estimates show that an additional \$15,000 budget is required in order to deliver the project.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

**BUDGET AND FINANCIAL ASPECTS:**

As per the report.

**DISCLOSURE OF INTERESTS:**

The Author and General Manager have no interests to declare in this matter.

**ATTACHMENTS:**

Nil

### 13.2. Lease - King Billy Park

**FILE NO:** SF2721

**AUTHOR:** Michelle Grey (Lease and Licensing Officer)

**ACTING GENERAL MANAGER APPROVAL:** Leanne Purchase (Organisational Services Network)

#### DECISION STATEMENT:

To consider leasing an area of land at 7 Ti-Tree Crescent and 12 King Billy Crescent Rocherlea, known as King Billy Park (PID 1594496) to the Northern Suburbs Community Centre Incorporated.

*This decision requires an absolute majority of Council.*

#### RELEVANT LEGISLATION:

*Local Government Act 1993 (Tas)*

#### RECOMMENDATION:

That Council by absolute majority, pursuant to section 179 of the *Local Government Act 1993 (Tas)*:

1. agrees to lease public land situated at 7 Ti-Tree Crescent and 12 King Billy Crescent Rocherlea, known as King Billy Park (PID 1594496), to the Northern Suburbs Community Centre Incorporated:



2. authorises the Chief Executive Officer to enter into a formal lease under the following terms:
  - the term shall be five years commencing 1 February 2023.
  - the commencing rent shall be \$309.40 per annum based on 182 fee units.
  - tenant to pay all outgoing costs such as:
    - energy costs;
    - volumetric usage and service charges for water;
    - fire service checks;
    - security monitoring fees; and
    - all other service fees and charges associated with maintenance of the building.
  - tenant shall continuously maintain:
    - contents insurance
    - public liability insurance of at least \$20 million.
  - the exact dimensions of land to be leased and all remaining terms to be determined by the Chief Executive Officer.
3. authorises the Chief Executive Officer to exercise any right, option or discretion exercisable by Council under the lease.
4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).

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**REPORT:**

The Northern Suburbs Community Centre Inc. (NSCC) was established in 1983. It operates from three locations - Newnham, Mowbray and Rocherlea, where it provides a range of services to the community. The NSCC has established a Men's Shed on the premises, which it has been operating since late 2018. The NSCC wishes to remain on the premises and continue running the Men's Shed.

The NSCC aims to provide a friendly, relaxed meeting place for all members of the community and ensure that all users can grow personally, socially and educationally in a safe and supportive environment. One of its objectives is to provide programs which cater for the needs of individuals, including counselling and referral services for the community. The NSCC also provides a location for community meetings, where residents can plan, administer and evaluate programs that affect their families and the community.

The NSCC is a not-for-profit incorporated body that has, for nearly 10 years, been leasing the Rocherlea Hall from the Council for the same purposes. The NSCC has separate leases for each property.

Pursuant to the Council's Lease and Licence Policy, community group lessees pay a fixed amount for rent. That fixed amount of 182 fee units (also tied to CPI) is set to cover the Council's administrative costs.

The leased area is the whole of the land which is 0.2974ha in area. The building, comprising meeting rooms and verandah, covers 544m<sup>2</sup>. The site has an AAV of \$11,200.

If the building area is considered the utilised lease area, the subsidy is approximately \$2,000 per annum.

Section 178 of the *Local Government Act 1993* (Tas) requires that leases over public land exceeding five years be advertised. Given that this lease does not exceed five years, public notice is not required.

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

Strategic Priority 5: We serve and care for our community by providing equitable and efficient services that reflects needs and expectations of our community.

10-Year Goal: To offer access to services and spaces for all community members and to work in partnership with stakeholders to address the needs of vulnerable communities.

Focus Areas:

3. To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community.
4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The Author and General Manager have no interests to declare in this matter.

**ATTACHMENTS:**

Nil

**13.3. Representation at the Australian Local Government Association's 2023 National General Assembly Conference**

**FILE NO:** SF0121/SF0325

**AUTHOR:** Liz Lynch (Administration Officer Councillor Rooms)

**ACTING GENERAL MANAGER APPROVAL:** Leanne Purchase (Organisational Services Network)

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**DECISION STATEMENT:**

To consider the attendance of Mayor Danny Gibson and Councillor Alan Harris at the Australian Local Government Association 2023 National General Assembly Conference and Regional Forum in Canberra on 13 - 15 June 2023.

**RECOMMENDATION:**

That Council approves the attendance of the Mayor, Councillor D C Gibson and Councillor A G Harris to the Australian Local Government 2023 National General Assembly Conference and Regional Forum in Canberra on 13 - 15 June 2023.

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**REPORT:**

It is considered appropriate that the Council is represented at this conference as the learnings will have direct benefit for a number of current key Council priorities.

The key Conference themes for this event are:

- Building a Stronger Workforce
- The Future of Local Government
- Local Solutions to Global Problems
- Indigenous Affairs
- Cyclones, Fires and Floods
- Australia's Affordable Housing Crisis
- Cyber Security and Local Government

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

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10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

3. To ensure decisions are made on the basis of accurate and relevant information.
4. To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains and adopting technological and other process innovations.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Attendance at the General Assembly can be funded from the Councillor's Development Budget. The costs associated with attendance at this conference are:

- \$2,950 registration fees
- \$1,500 accommodation
- \$1,400 airfares

The budget adjustment consideration of this item has been approved by the Acting General Manager Organisational Services Network.

**DISCLOSURE OF INTERESTS:**

The Author and General Manager have no interests to declare in this matter.

**ATTACHMENTS:**

1. Conference Schedule - Our Communities Our Future [**13.3.1** - 2 pages]



### 13.4. Intention to close part of South Esk Road

**FILE NO:** SF2002

**AUTHOR:** Duncan Campbell (Acting Manager Governance)

**ACTING GENERAL MANAGER APPROVAL:** Leanne Purchase (Organisational Services Network)

#### **DECISION STATEMENT:**

To consider the permanent closure of part the highway adjacent to 23A-25 South Esk Road, Trevallyn

#### **RELEVANT LEGISLATION:**

*Local Government (Highways) Act 1982*

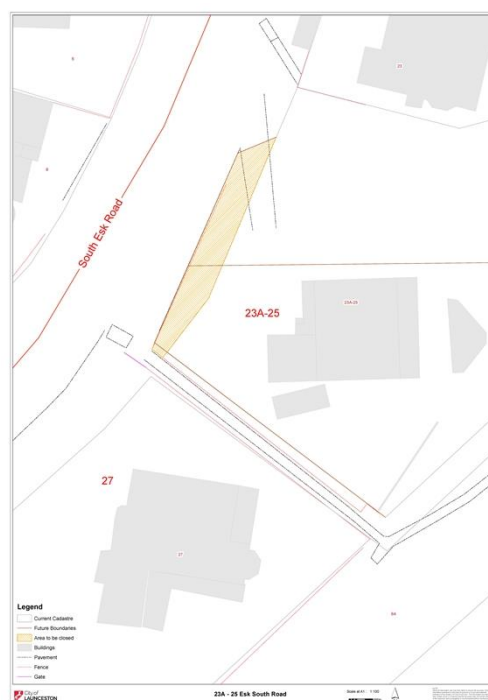
#### **PREVIOUS COUNCIL CONSIDERATION:**

Council - 23 August 2004 - Sale of Land - 25 South Esk Road  
Workshop - 2 March 2023 - 25 South Esk Road

#### **RECOMMENDATION:**

That Council

1. pursuant to section 14(1) of the *Local Government (Highways) Act 1982*, forms the opinion that part of the local highway in South Esk Road, Trevallyn, as indicated in in yellow on the plan below and more accurately identified at Attachment 2, should be closed because of lack of use.



2. requests the Chief Executive Officer to ensure that notification is provided as required by section 14 of the *Local Government (Highways) Act 1982*, and subject to any formal objections being received and referred to the Magistrates Court (Administrative Appeals Division), permanently close the part of South Esk Road referred to at Recommendation 1.
3. notes, for the avoidance of doubt, that the term Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993*.

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## REPORT:

In 1993, Council became aware of an encroachment adjacent to 23A-25 South Esk Road, Trevallyn. An encroachment licence was subsequently entered which sought to legitimise the encroachment on a non-permanent basis.

Given the encroachment, the area of land in South Esk Road has not been used since at least 1993. The proposed closure does not affect the main carriageway of South Esk Road, nor does it affect practical access to the laneway that links Trevallyn with Kings Bridge, the Gorge and the Launceston city more generally.

Council has previously sought to close the relevant section of highway in South Esk Road, however internal records do not support the conclusion that all required administrative tasks were completed. Therefore, in order to proceed with any decision to close the relevant piece of highway, it is recommended that the notification processes are restarted.

Professional advice from the Infrastructure and Assets Network is that it is unlikely that the encroaching land would be needed for any future road improvements.

In order to close the relevant part of the highway, section 14(1)(b) of the *Local Government (Highways) Act 1982* requires that written notice of Council's intention to close the highway:

- (i) has been served on each of the owners and occupiers affected;
- (ii) has been served on the Transport Commission;
- (iii) has been displayed in a prominent position at each end of the highway; and
- (iv) has been published twice in separate issues of a local newspaper circulating in the municipality in which the highway is situated

An interested party may give written notice to Council of their objection to the proposed closure. Council is required to refer each of those objections to the Magistrates Court (Administrative Appeals Division).

If no objections are received, the relevant part of highway may be closed by the Chief Executive Officer in accordance with the Recommendations.

### Dimensions of highway proposed to be closed

A higher quality version of that plan appearing at Recommendation 1 is provided at Attachment 1.

Attachment 2 is the survey plan which provides the most accurate dimensions of the highway to be closed, which should be read in conjunction with Attachment 1. For the avoidance of doubt, Recommendation 1 includes any part of the highway in South Esk Road that falls within either the 83.4m<sup>2</sup> or 32m<sup>2</sup> pieces of land identified at Attachment 2.

#### Relevance of the laneway between 23A-25 and 27 South Esk Road

The proposed highway closure of land in South Esk Road will not affect the laneway between 23A-25 and 27 South Esk Road, Trevallyn, other than where the laneway overlaps with South Esk Road as indicated at Attachment 2.

By reason of a decision of the Supreme Court of Tasmania on 27 April 2022, the laneway between 23A-25 and 27 South Esk Road is not a public highway. The proposed sale of the encroaching laneway land is dealt with separately, in the Closed Session of the Agenda to this Meeting.

#### **RISK IMPLICATIONS:**

Risks relevant to this decision are discussed in the report above.

#### **ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

#### **STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.

#### **BUDGET AND FINANCIAL IMPLICATIONS:**

Not considered relevant to this report.

#### **DISCLOSURE OF INTERESTS:**

The Author and General Manager have no interests to declare in this matter.

#### **ATTACHMENTS:**

1. 23 A-25 South Esk rd (004) [**13.4.1** - 1 page]
2. South Esk Rd area calculations based on 2012 data [**13.4.2** - 1 page]

## 14. CHIEF EXECUTIVE OFFICER NETWORK

### 14.1. Northern Tasmania Cricket Association Precinct Charter

FILE NO: SF7448

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

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#### DECISION STATEMENT:

This report is for the Council to consider its endorsement of the NTCA Multi-sports Precinct Facilities Management Group Charter.

#### PREVIOUS COUNCIL CONSIDERATION:

Workshop - 29 April 2021 - Northern Tasmanian Cricket Association Governance  
Workshop - 16 March 2023 - Northern Tasmania Cricket Association Precinct Governance

#### RECOMMENDATION:

It is recommended that the Council endorse the Northern Tasmania Cricket Association (NTCA) Multi-sports Precinct Facilities Management Group Charter (Document Set ID 4876353).

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#### REPORT:

Located in Racecourse Crescent, Launceston, the Northern Tasmanian Cricket Association (NTCA) Precinct is a critically important part of the sporting infrastructure serving the Northern Tasmanian Region and the State providing a sporting and social environment for its home clubs and many thousands of users of the precinct each year.

The NTCA Precinct includes the oldest first class cricket ground in Australia and in 1851 hosted the inaugural first-class cricket game that was held in Australia, with the Van Diemen's Land XI defeating the Port Phillip XI. It was known as the Launceston Racecourse until 1841, after which it was renamed the Launceston Cricket Club Ground. It held this name until the 1885–86 season, after which it was renamed the Northern Tasmania Cricket Association Ground.

The Precinct is currently accommodating a broad range of sports including cricket, Australian Rules Football and soccer and is home to the NTCA, Launceston Cricket Club, South Launceston Cricket Club, Northern Rangers Soccer Club, Old Scotch Collegians Football Club, East Launceston Junior Football Club and the Northern High Schools Sports Association.

The Precinct is located adjacent to Launceston's largest indoor sports venue, the Elphin Sports Centre, and the Launceston Tennis Centre. Both of these venues are managed by separate entities and currently do not have any formal ties into the management of the NTCA Precinct.

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In 2021 the Council completed a review to examine the management and maintenance of the NTCA Precinct to assess the existing funding and governance arrangements between the CoL and the NTCA, as well as the arrangements with the tenants of the facility.

The review found that over the past 30 years the focus and role of the NTCA has evolved from managing and maintaining a cricket ground into managing and maintaining a shared multi-sport facility. However, the governance has not changed to reflect the new focus and role. It is apparent that a new governance arrangement is required to better cater for the needs and aspirations of the NTCA and its tenant organisations.

For a shared facility to be successful all user groups need to identify their own specific needs for use and access, as well as whether compatibility exists or can be fostered. The relationships between user groups need to be well managed and all user groups need to contribute and be considered in the management structure. Input from all user groups should ensure that the overall management model complements the governance of each individual user group.

Following the review, the Council has worked with the NTCA and the precinct tenants throughout 2022 to develop a revised governance structure for the precinct. The NTCA Multi-Sports Precinct Facilities Management Group Charter (Attachment 1) was developed to guide the management of the precinct. Under the Charter a Precinct Management Group is to be formed from the Council, NTCA and the tenants to provide strategic oversight of the NTCA Precinct. One of the major responsibilities of this group is to develop a Precinct Management Plan for the endorsement of the Board.

The Charter has already been endorsed by the NTCA Board and the precinct tenants.

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

*Social Impact*

The Charter will ensure that all NTCA precinct stakeholders have a voice in the planning and management of the precinct which will enable issues and needs to be identified and addressed in a timely manner.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

Strategic Priority 1: We connect with our community and our region through meaningful engagement, cooperation and representation.

10-Year Goal: To seek out and champion positive engagement and collaboration to capitalise on the major opportunities and address the future challenges facing our community and region.

Focus Areas:

3. To advocate and collaborate to enhance regionally significant services and infrastructure for the benefit of our communities.

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

1. To provide for the health, safety and welfare of the community.

#### **BUDGET AND FINANCIAL IMPLICATIONS:**

The Charter will provide for the involvement of tenant clubs in the development of the annual operational plans and budgets for the precinct which will ensure that necessary improvements are identified more holistically. Further, the development of the Precinct Management Plan will include a masterplan which will guide development and expenditure in the precinct over the short-medium term. The plan will ensure that the council, NTCA and all tenant clubs are 'on the same page' in respect to development priorities which will be a significant innovation.

#### **DISCLOSURE OF INTERESTS:**

The Chief Executive Officer has no interests to declare in this matter.

#### **ATTACHMENTS:**

1. Draft NTCA Multi-sports Precinct Facilities Management Group Charter [14.1.1 - 3 pages]

**15. CLOSED COUNCIL**

*This decision requires an absolute majority of Council*

**RECOMMENDATION:**

That Council moves into Closed Session to consider the following matters:

**15.1 Confirmation of the Minutes**

Regulation 35(6) of the *Local Government (Meeting Procedures) Regulations 2015* 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.

**15.2 Lease - St Leonards Cottage - 240A St Leonards Road, St Leonards**

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (f) proposals for the council to acquire land or an interest in land or for the disposal of land.
- (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

**15.3 Proposed sale of Council land in and adjacent to South Esk Road**

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (f) proposals for the council to acquire land or an interest in land or for the disposal of land.

**15.4 End of Closed Session**

*To be determined in Closed Council.*

**16. MEETING CLOSURE**

**17. NEXT COUNCIL MEETING DATE**

**The next Ordinary Meeting of Council will be held at 1.00pm on 4 May 2023 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.**