



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 8 SEPTEMBER 2022
1.00pm**

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: 8 September 2022

Time: 1.00pm

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 .

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, 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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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 25 August 2022 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 - 1 September 2022

FILE NO: SF4401

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

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

Workshops conducted on 1 September 2022:

Northern Tasmania Development Corporation Governance

Councillors discussed the Council's position in respect of a proposed revised governance structure for the Northern Tasmania Development Corporation.

Draft End of Term Report 2018-2022

Councillors were presented with the Draft End of Term Report 2018-2022 for consideration and feedback.

State of the City Report

Councillors were provided with an overview of the 2022 State of the City Report.

Launceston Leisure and Aquatic Centre Agreement with Bell Bay Aluminium

Councillors considered the proposal to renew Launceston Leisure and Aquatic's Partnership Agreement with Rio Tinto Alcan - Bell Bay Aluminium.

Stormwater Management in Developments Policy

Councillors were provided with an update on the Draft Stormwater Management for Developments Policy.

Local Government Reform

Councillors discussed the Future of Local Government's Review Interim Report.

Local Government Association of Tasmania - General Meeting - 16 September 2022 - Voting Direction

Councillors provided comment on voting direction for the Council delegate attending the General Meeting.

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 Workshop held since the last Meeting.

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

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

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)

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

8.2 Public Questions Without Notice

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

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 DA0421/2022 - 16 St Georges Square and 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling

FILE NO: DA0421/2022

AUTHOR: Duncan Payton (Town Planner)

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

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	S Group
Property:	16 St Georges Square and 14 St Georges Square, East Launceston
Zoning:	Inner Residential
Receipt Date:	12/07/2022
Validity Date:	27/07/2022
Further Information Request:	20/07/2022
Further Information Received:	27/07/2022
Deemed Approval:	12/09/2022
Representations:	Five

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Launceston Interim Planning Scheme 2015

PREVIOUS COUNCIL CONSIDERATION:

Council - 4 June 2018 - Agenda Item 8.2 - DA0136/2018 - 16 St Georges Square, East Launceston - Residential - Subdivision, Subdivide Land into Two Lots

Council 28 January 2021 - Agenda Item 9.11 - DA0830/2020 - 14 Georges Square, East Residential - Construction of a Dwelling

STANDARDS REQUIRING PLANNING DISCRETION:

- 11.4.1 Setback from a frontage for single dwellings
- 11.4.2 Site coverage and rear setback for single dwellings
- 11.4.3 Building envelope for single dwellings
- E4.6.4 Sight distance at accesses, junctions and level crossings
- E7.6.2 Scenic management areas

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0421/2022 - Residential - construction of a dwelling at 14 St Georges Square, East Launceston, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Cover page, prepared by Sgroup, project no. J003263, Construction of a dwelling at 14 St Georges Square, Launceston, revision C, page A0-001, dated 20/07/2022.
- b. Site plan, prepared by Sgroup, project no. J003263, Construction of a dwelling at 14 St Georges Square, Launceston, revision C, page A1-001, dated 20/07/2022.
- c. Proposed floor plan, prepared by Sgroup, project no. J003263, Construction of a dwelling at 14 St Georges Square, Launceston, revision C, page A2-001, dated 20/07/2022.
- d. Elevation 01, prepared by Sgroup, project no. J003263, Construction of a dwelling at 14 St Georges Square, Launceston, revision C, page A3-001, dated 20/07/2022.
- e. Elevation 02, prepared by Sgroup, project no. J003263, Construction of a dwelling at 14 St Georges Square, Launceston, revision C, page A3-002, dated 20/07/2022.
- f. Shadows, prepared by Sgroup, project no. J003263, Construction of a dwelling at 14 St Georges Square, Launceston, revision C, page A3-003, dated 20/07/2022.

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. NON REFLECTIVE EXTERIOR FINISH

All external cladding and roofing of the building must be of a non-reflective nature and must be finished in muted colours to the satisfaction to the Council.

4. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/01164-LCC, 29/07/2022 and attached to the permit.

5. 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

6. SITE LANDSCAPING PLAN

Prior to the commencement of works, a landscape plan must be submitted for approval by the Manager City Development. The plan must be prepared by a suitably qualified person, must be drawn to scale and must include the following details:

- a. major site features such as building footprints, topography, contours existing vegetation and street boundaries; and
- b. existing and proposed garden areas and plantings (including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity); and
- c. any stabilisation works required as a result of tree or vegetation removal; and
- d. all proposed garden beds, fences, retaining walls, lawn, hard surfaces and pathways; and
- e. suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas; and
- f. any screen planting (where required).

Once approved, the plan will be endorsed and will form part of the permit. The landscaping must be:

- g. installed in accordance with the endorsed plan; and
- h. completed within three months of the use commencing; and
- i. maintained and must not be removed, destroyed or lopped without the written consent of the Council.

7. SUPERVISION BY PROJECT ARBORIST

The Project Arborist shall:

- a. prior to the commencement of works, provide the Manager City Development with written certification that all tree protection measures, as described in the Vegetation Management Plan, are correctly installed;
- b. during construction of the dwelling and all associated site works, not less than daily, cause all tree protection measures to be inspected and rectified as may be required;
- c. keep and maintain a written and photographic record of all inspections and any required maintenance or rectification. Such record shall be made available to the Manager City Development upon request; and
- d. report all significant breaches of the tree protection measures to the Manager City Development on the day (or next working day) on which such breach is observed.

8. PROTECTION OF EXISTING TREES

Existing trees on the subject land must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees*.

9. VEGETATION MANAGEMENT PLAN

Prior to the commencement of works, a site Vegetation Management Plan that identifies tree protection areas for all trees to be retained on the subject site, including such tree protection area extending from the sequoia trees on the near-by property (56 Ann Street) and addresses any works adjacent to or within any tree protection areas on the subject site, must be prepared by a suitably qualified person and submitted for the approval of the Manager City Development. Once approved the plan will be endorsed and will form part of the permit.

The Management Plan must include the following:

- a. the fencing of tree protection and porous car parking areas for the duration of the works. Fences must be constructed of cyclone wire or similar strength material at a minimum height of 1.5m from natural ground level; and be firmly attached to a removable concrete or similar base. Tree protection fencing must have signage stating *Tree Protection Fence*;
- b. a layer of organic wood chips or mulch around each tree in the tree protection zones with a thickness no greater than 100mm;
- c. supplemental watering to root zones within the tree protection areas to reduce the impact of construction. Where irrigation is not accessible, Rainbird gel tubes and plastic sleeves (or similar) must be installed under the mulch ring on the northern side of each tree and be maintained for 12 months;
- d. remedial arboriculture works and other tree management techniques for all retained trees at commencement and conclusion of the construction works as required. Such remedial works may include pruning, removal of dead and dying limbs, canopy development and pest and disease management. These works must be undertaken by a competent and qualified Arborist in accordance with *Australian Standard AS4373 - Pruning of Amenity Trees*;
- e. stormwater or sediment must not be diverted from or to a tree protection area; and
- f. details of how the existing trees must be protected from damage in accordance with *Australian Standards 4970 - Protection of Trees on Development Sites to Protect Existing Trees*.

10. FRONTAGE FENCE

Prior to the commencement of the dwelling construction, a brick fence shall be erected on the Scott Street return, to the extent shown on the endorsed site plan. The fence shall be constructed to a design consistent with the scale, design detail and finish of the historic brick wall previously on this frontage. Such design shall be consistent with that required by DA0339/2019 and shall be to a plan approved by the Manager City Development.

All reasonable care shall be taken to protect the fence from damage during the construction of the approved dwelling. Any and all damage sustained during the construction process shall be repaired, prior to occupancy of the dwelling, to maintain a visually consistent fence.

11. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's 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 the Council's 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.

12. 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 and 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.

13. 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.

14. 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.

15. 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 (eg. Launceston Waste Centre), reclaimed or recycled.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0421/2022. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Tasmanian Civil and 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 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 the 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 and 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 and Administrative Tribunal (TASCAT) website 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 the Council's Notice to Waive Right of Appeal is attached.

E. Heat Pump Use

Use of the heat pump will be subject to the Environmental Management and Pollution Control (Noise) Regulations 2016 or as amended.

REPORT:

BACKGROUND:

Several development proposals have been considered in recent years dealing with both 14 and 16 St Georges Square, East Launceston involving subdivision, demolition and the construction of a dwelling on each of the lots.

Concurrent with this, much of the previous historic brick wall was removed for safety reasons.

Consistent throughout these proposals has been the Council's commitment to the protection of significant trees on the sites and the replacement of the brick wall with another that is visually consistent with the demolished wall.

Whilst the brick wall along the St Georges Square frontage has been appropriately replaced, it is noted that recently the return of the brick wall into Scott Street has been replaced with colorbond in conjunction with the replacement of the previous colorbond fence on the Scott Street frontage. This is inconsistent with previous permit conditions requiring the first section adjoining the brick wall to be similarly constructed in brick.

A condition is proposed, requiring the removal of that colorbond section and its replacement with a brick wall, including pillars, consistent with the adjoining brick wall.

1. THE PROPOSAL

It is proposed to construct a single storey, one bedroom dwelling on the 306m² lot known as 14 St Georges Square, East Launceston. The proposal includes the retention of the existing colorbond fencing and the tree in the north-east corner.

The plans include a 1,640mm wide mulched garden bed along the southern boundary with 16 St Georges Square. This garden bed is shown to be planted with 17 *Juniperus Blue Arrow* - a narrow, slow growing cyprus with a height expectancy of 4-5m.

A single car park is proposed, at the north-west corner of the dwelling, which, whilst relatively small, complies with the relevant Australian Standard.

The proposed single storey, single bedroom dwelling, at 72m², is smaller than the previous approved dwelling of 83.4m².

2. LOCATION AND NEIGHBOURHOOD CHARACTER



14-16 St Georges Square, Launceston (not to scale)

The subject site, 14 St Georges Square is located on the south-western side of the St Georges Square and Scott Street junction.

Opposite the site, to the east, is the large public park, St Georges Square. This parkland, bisected by High Street, features many mature exotic trees and is a popular recreational area. There is also a busy take away food shop on this section of St Georges Square, north of the subject site, whilst on the southern end of the St Georges Square are the ABC offices, a butcher, cafe and a florist/gift shop. Food vans also operate periodically on the eastern side of High Street.

To the north, west and south, the site is surrounded by single dwellings. The dwellings to the west and south are, like the subject site, developed on land subdivided over time from the nearby *Torkington* (previously *Fairview*) historic home.

The streetscape at this end of St Georges Square is largely framed or influenced by the substantial brick wall, being remnants (including reconstructed sections) of the original wall enclosing the early *Fairview* estate. The visual impact of the dwellings behind the wall is significantly muted by the dominant presence of the wall itself and the surrounding mature vegetation.

Whilst some dwellings in the area are relatively new, the character of the area is clearly residential in a setting of established parks and gardens and mature trees, including the two significant sequoia trees in the garden of the heritage listed *Torkington* (56 Ann Street) which are clearly visible landmarks from multiple view-points.

3. PLANNING SCHEME REQUIREMENTS

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

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
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	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2022/01164-LCC, 29/07/2022.
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 30 July to 15 August 2022. Five representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<p>Issue 1 The proposed rear boundary setback of only 2.399m to the boundary wall with 5 Scott Street should be increased to 4m for consistency with neighbouring rear setbacks and the previous decision relating to a similar dwelling on this site (DA0830/2020).</p>
<p><i>Response 1</i> <i>The subject site is a corner lot and whilst the boundary with 5 Scott Street is technically a rear boundary, it presents to Scott Street as a side boundary and the lesser setback is clearly not inconsistent with the streetscape, which includes a number of dwellings built to the boundary.</i></p>

The common boundary between the subject site and 5 Scott Street is fenced by a wall over 2m high. There will be no overlooking, overshadowing or other impact upon the residential amenity of the residents of either dwelling that would be considered as unreasonable as a result of the reduced setback. Unlike the previous approval, in this instance the proponent has specifically advised that they wish to maintain the reduced setback.

Issue 2

The brick section of the front fence to Scott Street should be reinstated, in accordance with previous permits, prior to commencement of the development of the dwelling

Response 2

A condition will be included to require the construction of the brick fence return into Scott Street.

Issue 3

Previous approvals on the site required a vegetation management plan and appropriate tree protection. Of the three remaining trees on the site, only two are shown on the plan.

Response 3

Similar conditions have been recommended on the permit to those on the previous approval issued under DA0830/2020.

Issue 4

The proposed car parking space is not big enough to park an average car without protruding beyond the site. If the building was moved forward to meet the rear setback of 4m, additional space would be available for car parking.

Response 4

The Council's Engineering Officer Infrastructure Development advises: the parking spaces dimensions were measured on the plan. The proposed driveway and parking space is measured as 5,500mm long which is 100mm longer than the minimum requirement of table E6.3 of the code. The proposed space was measured at 3,000mm wide upon entry to the site. Table E6.3 stipulates that for a 3m wide space the combined access and manoeuvring width must be a minimum of 5,200mm, this may include Roadway. The roadway has been measured at 5,600mm in width which is 400mm in excess of the required manoeuvring space within the scheme. Considering that the access is directly across from the access driveways for 12 St Georges Square and 4 Scott Street the full road width may be used to manoeuvre if required. As such, the proposed car parking complies with the relevant provisions of the scheme. The suggestion of moving the dwelling forward to provide improved parking options was discussed with the proponent who advised: I'll stick with current location. It's very specific to how it works with existing landscaping/neighbouring building/trees, etc.

Issue 5

The shadow diagrams provided are shown against the demolished dwelling rather than against the adjoining dwelling under construction.

Response 5

Relevantly the shadow diagrams demonstrate that there will be negligible shadowing of an adjoining dwelling on 21 June. Relevantly, there are less windows on the northern façade of the adjoining dwelling under construction than there were on the previously demolished dwelling.

<p>Issue 6 The plans have not provided the building envelope. The proposal cannot easily be assessed in relation to the planning scheme requirements.</p>
<p><i>Response 6</i> <i>It is not necessary for proposal plans to include an outline of the building envelope as this is explicitly described in the relevant planning scheme provision.</i></p>
<p>Issue 7 The proposal has not included a landscaping plan, making it hard to assess the impact upon landscaping and impervious surfaces.</p>
<p><i>Response 7</i> <i>The site plan shows a 30m x 1.6m garden bed, planted with Juniperus Blue Arrow trees along the southern boundary, a concrete path from the boundary to the front door is proposed and the front yard is shown as open space. A condition specifically requiring a landscape plan is proposed to clarify the treatment of the open space area and the northern and western sides of the site.</i></p>
<p>Issue 8 Effective drainage from 14 St Georges Square is necessary as run-off from the property already inundates 5 Scott Street.</p>
<p><i>Response 8</i> <i>The construction of a dwelling will result in the capture of stormwater on the roof and other driveway and its direction to the public stormwater system. As such there will be less stormwater on the site with the potential to affect an adjoining property.</i></p>
<p>Issue 9 It is questionable whether the proposed building will actually be used as a residence. It could easily be converted to an office.</p>
<p><i>Response 9</i> <i>The proposal is for a single dwelling. If at any point in the future it is proposed to use the building for another purpose, such use will be required to comply with the provisions of the planning scheme at the time. Possible future use or development is not a relevant consideration for this application.</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
Launceston Interim Planning Scheme 2015

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. DA0421/2022 - 16 and 14 St Georges Square, East Launceston - Planning Scheme Assessment [9.1.1 - 9 pages]
2. DA0421/2021 - 16 and 14 St Georges Square, Launceston - Plans to be Endorsed [9.1.2 - 6 pages]
3. DA0421/2021 - 16 and 14 St Georges Square, Launceston - TasWater SPAN [9.1.3 - 2 pages]
4. DA0421/2021 - 16 and 14 St Georges Square, Launceston - Representations [9.1.4 - 17 pages]

9.2 DA0719/2021 - 18 Rooms Avenue, Invermay - Subdivision - Subdivide One Lot into Three Lots

FILE NO: DA0719/2021

AUTHOR: Duncan Payton (Town Planner)

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

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	PDA Surveyors - Launceston
Property:	18 Rooms Avenue, Invermay
Zoning:	General Residential
Receipt Date:	1/12/2021
Validity Date:	20/07/2022
Further Information Request:	21/12/2021
Further Information Received:	20/07/2022
Deemed Approval (extension granted):	12/09/2022
Representations:	Five

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Launceston Interim Planning Scheme 2015

PREVIOUS COUNCIL CONSIDERATION:

Council - 5 April 2004 - Agenda Item 9.7 - 15 Ray Street - Subdivision - Subdivide Land into Five Lots

STANDARDS REQUIRING PLANNING DISCRETION:

10.4.15 Lot size and dimensions
10.4.16 Frontage and access
E16.7.1 Intensification of residential development
E4.6.4 Sight distance at accesses, junctions and level crossings

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0719/2021 - Subdivision - subdivide one lot into three lots at 18 Rooms Avenue, Invermay, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Plan of Subdivision, prepared by PDA Surveyors, job no. 48s481, Subdivision - 18 Rooms Avenue, Invermay, page P05, dated 27/06/2022.

2. FINAL PLAN OF SURVEY

The Final Plan will not be sealed until all conditions have been complied with.

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. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am to 6pm

Saturday - 8am to 5pm

no works on Sunday or Public Holidays

5. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/02115-LCC, 21/12/2021 and attached to the permit.

6. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's 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 the Council's 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.

7. 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 and 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.

8. 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 the Council's 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.

9. 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.

10. SECTION 71 AGREEMENT - DETENTION STORAGE (TASWATER)

The owner, under section 71 of the *Land Use Planning and Approvals Act 1993*, must enter into an agreement with the Launceston City Council to the effect that:

- a. TasWater has advised that it cannot accept an increase in stormwater into the stormwater system in the vicinity of the development.
- b. onsite stormwater detention must be provided as part of any development or use of Lot 1 that results in an increase of stormwater runoff from the site at its current level of development.
- c. onsite stormwater detention must be provided as part of any development or use of Lot 2 that results in an increase of stormwater runoff from the site at its current level of development.
- d. the design event for the catchment is the five year one hour duration storm.
- e. the maximum stormwater discharge from the site is to be limited to the flow generated by this event for the current level of imperviousness of the respective lot.
- f. the volume of the detention storage must be sufficient to accommodate the difference between the volumes generated by the above discharge (pre-development) and the discharge from the site for the same event post development.

Such agreement shall be placed on the Certificate of Title for Lots 1, 2 and Lot 3 in accordance with section 78 of the *Land Use Planning and Approvals Act 1993*. All reasonable costs associated with the preparation and registration of the agreement must be met by the applicant.

11. RETICULATED SERVICES

Prior to the commencement of the use, reticulated water, sewerage and electricity must be available to each lot shown on the endorsed plans.

12. SUBMISSION AND APPROVAL OF PLANS

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the General Manager Infrastructure and Assets Network for approval. Such plans and specifications must:

- a. include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - i. Stormwater Infrastructure
 - ii. Electricity infrastructure.
 - iii. Communications infrastructure and evidence of compliance with the *fibre-ready* requirements of National Broadband Network.
- b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d. be accompanied by:
 - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

13. CONSTRUCTION OF WORKS

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager Infrastructure and Assets Network. The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a. Stormwater
 - i. the provision of a DN 100 connection to the lowest point of each lot.
- b. Roads
 - i. provision of a single vehicular crossing for each lot within the subdivision.
- c. Electricity, Communications and Other Utilities
 - i. a reticulated electricity system must be provided to service all lots and installed to the approval of the Responsible Authority; and
 - ii. a telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority.

All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:

- a. construction requirements.
- b. appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange the Council's Audit inspections and other responsibilities.
- c. construction audit inspections.
- d. practical completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

14. CONSTRUCTION DOCUMENTATION

At the time of practical completion for the public works, the developer must provide the Council with construction documentation sufficient to show that the works are completed in accordance with the Council's standards and are locatable for maintenance or connection purposes. The construction documentation is to consist of:

- a. an *as constructed* plan in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure and Assets Network.
- b. a Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.
- c. compaction and soil test results for all earthworks or pavement works.
- d. an engineer's certificate that each component of the works comply with the approved engineering plans and the Council's standards.

15. EASEMENTS

Easements are required over all the Council's and third party services located in private property. The minimum width of any easement must be 3m for the Council's (public) mains. A greater width will be required in line with the LCC document *How close can I build to a Council Service?* where the internal diameter of the pipe is greater than 475mm or where the depth of the pipe exceeds 2.1m. A lesser width may be approved for a private service prior to the lodgement of a final plan of survey.

16. SEALING PLANS OF SUBDIVISION

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the General Manager Infrastructure and Assets Network:

- a. the satisfactory completion of all public infrastructure works including the provision of engineering certification and as constructed documentation in accordance the Council's requirements.
- b. the subsequent issue of a Certificate of Practical Completion by the General Manager Infrastructure and Assets Network.
- c. the lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.

Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

17. CONVEYANCE OF ROADS

All roads in the Subdivision must be conveyed to the Council upon the issue by the General Manager Infrastructure and Assets Network, of the Certificate under section 10(7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the subdivider.

18. COMPLETION OF WORKS

All works must be carried out to the Council's standards and to the satisfaction of the General Manager Infrastructure and Assets Network and under the direct supervision of a civil engineer engaged by the owner and approved by the Council. Certification that all works have been carried out in accordance with the approved engineering design plans and to the Council's standards will be required prior to issue of the Certificate of Practical Completion.

19. AS CONSTRUCTED PLANS

An *as constructed* plan must be provided in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from the Infrastructure and Assets Network.

20. NO BURNING OF WASTE

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

21. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

Prior to the sealing of the Final Plan of Survey, the developer must pay to the Council a sum equivalent to 5% of the unimproved value of the approved lots shown on the final plan. The valuation shall be determined by a registered land valuer and must be not more than 12 months old at the time of the sealing of the final plan. Valuations are to be procured at the subdivider's expense.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0719/2021. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

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

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 the Council's Notice to Waive Right of Appeal is attached.

REPORT:

BACKGROUND:

DA0123/2004 subdivided the then Burwood property into five lots, creating the current subject site.

Under Delegated Authority - DA0801/2020 approved the subdivision of the subject site into two lots. Whilst this approval has not been substantially commenced, the permit remains valid. There is no adverse consequence of this permit remaining valid if the current proposal is approved. Once titles are issued in accordance with a valid permit, the other permit will effectively be abandoned.

1. THE PROPOSAL

It is proposed to subdivide the existing 2,985m² lot at 18 Rooms Avenue, Invermay, into three lots of 1,723m², 490m² and 485m², plus a 97m² road lot to be transferred to the Council.

The larger lot will retain the existing residence known as Burwood. The proposed additional lots will have frontage to Rooms Avenue and will be connected to water, sewer and stormwater services.

2. LOCATION AND NEIGHBOURHOOD CHARACTER



18 Rooms Avenue, Invermay (not to scale)

The subject site is a 2,895m² lot located at the eastern side of Rooms Avenue and its junction with Elm Street.

It is a lot created by the previous subdivision of the larger site around the dwelling, reflecting the historic pattern of the land around significant dwellings being progressively subdivided to address the ongoing need for dwellings to meet the demand.

The site is relatively level and is located within the Invermay/Inveresk flood inundation area.

The sites to the west are largely commercial sites facing Invermay Road, whilst the sites to the north, east and south are residential sites. The dominant development type is single dwellings in a range of dwelling and lot sizes. The area also contains a number of multiple dwelling developments.

3. PLANNING SCHEME REQUIREMENTS

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

4. REFERRALS

REFERRAL	COMMENTS
	INTERNAL
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	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2021/02115-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 23 July to 8 August 2022. Five representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<p>Issue 1 The house and gardens of Burwood, like Mayfield at the other end of Rooms Avenue, are an important part of the heritage and history of Invermay and of Launceston. The last remaining piece of garden and the corner gates, providing context to the house should remain intact.</p>
<p><i>Response 1</i> <i>Whilst it is agreed that Burwood and Mayfield are both significant dwellings that have been recognised in past heritage studies, they are not currently heritage listed at either the State or local level. The Local Historic Cultural Heritage Code of the scheme specifically limits its application to places contained on the heritage list and as such does not apply to the subject site.</i></p>
<p>Issue 2 The intended outcome of the subdivision will add to the density of Invermay/Inveresk to the detriment of existing residents.</p>
<p><i>Response 2</i> <i>Whilst it is agreed that the likely outcome of the proposed subdivision will be the development of two additional dwellings, it is not clear how this might be detrimental to the other residents of Invermay or Inveresk.</i></p>

<p>Issue 3 The site is within the area of the Flood Inundation Code and there are risks associated with population increase in this area, as evidenced in recent floods in NSW. The Council will remain liable for allowing ongoing developments to occur unchecked.</p>
<p><i>Response 3</i> <i>The Invermay/Inveresk Flood Inundation Code is assessed in the body of the report. The Code was approved by the Tasmanian Planning Commission for inclusion in the planning scheme and again for inclusion in the Local Planning Provisions of the Tasmania Planning Scheme. The Council is bound by the provisions of the applicable scheme.</i></p>
<p>Issue 4 Previous approval for a two lot subdivision of the site should have no bearing on the acceptability of the current proposal.</p>
<p><i>Response 4</i> <i>It is noted that DA0801/2020 for the subdivision of the site into two lots of 1,646m², containing the house, and 1,138m², containing most of the garden and most of the Rooms Avenue frontage, received no representations and was approved on 15 January 2021. Whilst that approval remains valid, the current application is assessed on its individual merits.</i></p>
<p>Issue 5 The proposed lots do not comply with clause 10.4.15 Lot Sizes and dimension, of the scheme. The dwellings to be built on the lots will be two storey and will not meet the acceptable solutions of the zone.</p>
<p><i>Response 5</i> <i>Compliance with the performance criteria of Clause 10.4.15 is assessed in the body of this report. It is considered that the performance criteria are satisfied.</i></p>
<p>Issue 6 It was understood by those opposing the 2004 subdivision of the site that a condition was imposed to prevent further subdivision</p>
<p><i>Response 6</i> <i>DA0123/2004 approved the subdivision of the then Burwood site into five lots. A section 71 agreement was required for the protection of a tree adjoining 13 Ray Street (not relevant to the current proposal). Further subdivision of any of the five lots was not prohibited.</i></p>
<p>Issue 7 The Council, appropriating lot 101, seems to have no viable purpose as the limited width of the additional lot will not change the layout or usability of the street to vehicular traffic.</p>
<p><i>Response 7</i> <i>Lot 101 will provide opportunity for future works in Elm Street to provide safer and more convenient pedestrian pathways.</i></p>
<p>Issue 8 The current owners have constructed an unsatisfactory access to Elm Street which will make any future pedestrian pathway unsafe.</p>
<p><i>Response 8</i> <i>The owners of the site are currently in discussion with the Council's Infrastructure Officers in relation to that access. This is not a factor relevant to the current subdivision proposal.</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
Launceston Interim Planning Scheme 2015

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. DA0719/2021 - 18 Rooms Avenue, Invermay - Planning Scheme Assessment [9.2.1 - 7 pages]
2. DA0719/2021 - 18 Rooms Avenue, Invermay - Plans to be Endorsed [9.2.2 - 1 page]
3. DA0719/2021 - 18 Rooms Avenue, Invermay - TasWater SPAN [9.2.3 - 3 pages]
4. DA0719/2021 - 18 Rooms Avenue, Invermay - Representations [9.2.4 - 12 pages]

10. ANNOUNCEMENTS BY THE MAYOR

10.1 Mayor's Announcements

FILE NO: SF2375

Saturday 27 August 2022

- Attended the inaugural *Longford Grand Prix Expo* launch at Entally Estate

Sunday 28 August 2022

- Attended the Northern Tasmanian Junior Football Association's Grand Final at UTAS Stadium

Tuesday 30 August 2022

- Officiated at the celebration and launch of the *2023 Great Regional City Challenge* at Macquarie House

Wednesday 31 August 2022

- Officiated at the official launch of *Festivale 2023* at Buckby Motors Volvo showroom

Friday 2 September 2022

- Officiated at the Father's Day Memorial Service at Carr Villa

Tuesday 6 September 2022

- Attended the PhD Student Examination Exhibition - Suzanne Crowley at Queen Victoria Museum and Art Gallery, Inveresk

Wednesday 7 September 2022

- Officiated at the launch of the *Launceston Community Christmas 2022* at Launceston Conference Centre
 - Attended the Tasmanian Minerals, Manufacturing and Energy Council's Board and Meet the President opportunity at Bluestone
-

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 P S Spencer -
QVMAG Building Management System**

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following question, asked at the Council Meeting on 25 August 2022 by Councillor P S Spencer, has been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Was the consultancy to specify the requirements for the QVMAG Building Management System separately tendered? If not, why not and what was the cost of the consultancy?

Response:

The consultant was selected from the approved Consultant's Panel in line with the Council's adopted Procurement Policy (11-PI-001 - Procurement Policy and the City of Launceston Code for Tenders and Contracts). They were selected based on their local specialised skills in mechanical engineering having a focus on sustainability and smart building management along with an existing understanding of the Council's building management systems (BMS).

The scope of the commission included:

- *review of the performance of HVAC and BMS at both QVMAG sites*
- *develop tender documentation*
- *assist with tender assessment*

The value of the commission was \$18,700 (inc. GST).

2. Can we be provided with warranty details on the system to be installed?

Response:

The BMS is consistent with the Council's standard warranty requirements of supplied equipment, being 12 months from install or 18 months from supply, whichever is first, unless signed contract requirements state otherwise.

**12.1.2 Councillors' Questions on Notice - Councillor P S Spencer - IFE Tender -
City of Launceston Electrical Services Asset Maintenance**

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following question, asked at the Council Meeting on 25 August 2022 by Councillor P S Spencer, has been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. In the last 12 months, what was the total spend on electrical services within the Council?

Response:

The Council utilises general and specialist electrical contractors in the following areas:

- *general electrical maintenance of its 307 buildings*
- *communications (digital radios, telecommunications and IT)*
- *lights and equipment modifications on its mobile plants*
- *HVAC controls*
- *CCTV, electrical fence maintenance and security systems*
- *solar panel installation and maintenance*
- *building control systems including energy management and fire control systems*
- *stormwater and sewage pump station controls and telemetry*
- *building construction*
- *public WiFi*
- *sensor data such as river level gauges, rainfall gauges and pedestrian counters*

These services are not always specifically identified in the Council's accounting system and therefore, to determine the total annual spend on electrical contractors, would require weeks of research by an officer of the Council. The Council does not have the resources to commit to this endeavour at this time

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).

13. COMMITTEE REPORTS

13.1 Audit Panel Meeting - 23 August 2022

FILE NO: SF3611

AUTHOR: Paul Gimpl (Chief Financial Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To receive a report from the Audit Panel Meeting held on 23 August 2022.

RECOMMENDATION:

That Council receives the report from the Audit Panel Meeting held on 23 August 2022.

REPORT:

The following is a precis of the substantive Agenda Items dealt with at the Meeting:

6.1 Internal Audit Report

Details Noted the verbal report provided regarding the Cash Handling audit for 2022 and agreed on following the suggestions for future audits proposed by the internal auditors (Crowe).

Action The Audit Panel noted the item.

7.1 External Audit Report

Details Noted that the 2021/2022 financial audit is due for completion at the end of September and that the Procurement Audit is progressing as expected.

Action: The Audit Panel noted and discussed the item.

8.1 Outstanding Internal and External Audit Items

Details Approved the resolution of resolved items and noted the inclusion of updates and comments for remaining items.

Action: The Audit Panel approved six outstanding items as resolved.

9.1 Capital Report

Details The Panel noted the results for the quarter ending 30 June 2022.

Action The Audit Panel received the report.

9.2 Budget Amendments

Details The Panel noted the 2021/2022 Budget Amendments.

Action The 2021/2022 Budget Amendments were approved at Council Meetings held on 19 May 2022, 30 June 2022, and 28 July 2022.

10.1 Investment returns and Balances

Details Discussed the provided summaries.

Action The Audit Panel noted the item.

11.1 Risk Report

Details The Panel noted the Risk Report.

Action The Audit Panel noted the item.

11.2 Work Health and Safety

Details Noted the Work Health and Safety report dated August 2022.

Action The Audit Panel noted the item.

12.1 Long Term Financial Plan 2022-2023

Details Reviewed and provided feedback on the Long Term Financial Plan 2022-2032.

Action The Audit Panel noted the item.

12.2 Strategic Asset Management Plan

Details Noted the report concerning the Council's Strategic Asset Management Plan.

Action The Audit Panel noted the item.

12.3 Statutory Estimates and Annual Plan 2022/2023

Details Received the Statutory Estimates and Annual Plan for 2022/2023.

Action The Audit Panel received the item.

12.4 Financial Statements Year Ended 30 June 2022

Details Received the financial statements for the period ended 30 June 2022 that are awaiting external audit sign-off.

Action The Audit Panel received the financial statements.

13.1 Chief Executive Officer's Risk Certificate

Details The General Manager's priority list (dated 18 July 2022) of risk issues were presented and discussed.

Action The Audit Panel noted the item and discussed the various issues raised.

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

13.2 Heritage Advisory Committee - 18 August 2022

FILE NO: SF2965

AUTHOR: Fiona Ranson (Place and Heritage Officer)

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

DECISION STATEMENT:

To receive a report from the Heritage Advisory Committee Meeting held on 18 August, 2022.

RECOMMENDATION:

That Council:

1. receives the report from the Heritage Advisory Committee Meeting held on 18 August 2022; and
 2. notes the Heritage Advisory Committee's firm support for the implementation of the proposed Heritage Precincts in the new Tasmanian Planning Scheme, especially in light of the impact flood management provisions could have on the built heritage character of the Invermay and Inveresk precincts
-

REPORT:

At the Heritage Advisory Committee Meeting held on 18 August 2022 the Manager City Development attended the meeting and provided an overview on the Levee Protected Areas Project, and the flood modelling and implications on the proposed Heritage precincts.

The Committee also discussed the following items:

1. Significant Development Applications - Updates were provided on recent Development Applications which included heritage matters.
2. Heritage Precincts Update - The Committee noted the importance of the Heritage Precincts, especially in the Invermay and Inveresk Precincts and the impact of flooding in those Precincts. A resolution was carried to convey this support in the recommendation of the report to the next Council meeting.
3. Heritage List Review – as above
4. Ongoing planning for the Heritage Awards

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

14. COMMUNITY AND PLACE NETWORK

14.1 Community Grants Assessment Panel - Nomination of Committee Members (Community Representatives)

FILE NO: SF0488

AUTHOR: Tracey Mallett (Manager Liveable Communities)

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

DECISION STATEMENT:

To consider nominations of Committee Members (Community Representatives) on the Community Grants Assessment Panel.

PREVIOUS COUNCIL CONSIDERATION:

Council - 2 June 2022 - Agenda Item 14.5 - Review of Terms of Reference for Community Grants Assessment Panel

RECOMMENDATION:

That Council ratifies the appointment of Louise Clark, Maddi Biggelaar and Sheryl Thomas as Committee Members (Community Representatives) on the Community Grants Assessment Panel for a term of up to two years.

REPORT:

Following the resignation of Dr Malcolm Bywaters as one of three Community representatives on the Community Grants Assessment Panel, it was noted that the terms of appointment for the remaining two currently endorsed Committee Members (Community Representatives) had expired.

Committee Members (Community Representatives) for the Community Grants Assessment Panel were recruited through the placement of an Expression of Interest advertisement in *The Examiner* newspaper on 16 July 2022.

Community Grants Assessment Panel

Expressions of interest are now open for up to three Community Representatives to sit on the Community Grants Assessment Panel for the City of Launceston.

The Committee's objectives are to consider the clear community need that may benefit from a grant application, review and assess applications on the potential social connection and community participation, consider whether the project for which the grant is sought includes clear engagement and collaboration with the community and to provide recommendations to Council on grants to be approved for funding.

Membership of the Panel includes three Councillors, and three Community Representatives.

Applications are encouraged from individuals with expertise or experience that is relevant to the role of the community grants assessment.

Final appointment will require ratification by Council.

The initial term of appointment is up to two years and representatives may apply and be considered for further terms.

Five nominations for the possible three vacant positions were received and given all met the required selection criteria, an assessment panel of the Council's Officers was formed to score the applications with an aim to select the top three. The Manager (Liveable Communities), Team Leader (Community Development) and Team Leader (Sustainability) assessed the applications by scoring each application against the key selection criteria, using a similar methodology to City of Launceston recruitment. The top three scored applications are recommended to Council for ratification.

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

15. ORGANISATIONAL SERVICES NETWORK

**15.1 Intention to Make the Launceston City Council Parking Facilities
By-Law No 1 of 2023**

FILE NO: SF7397

AUTHOR: Duncan Campbell (Team Leader Legal Services)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider forming an intention to make the Parking Facilities By-Law No 1 of 2023.

This decision requires an absolute majority of Council.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 3 February 2021 - Parking By-Laws

RECOMMENDATION:

That Council

1. pursuant to section 156 of the *Local Government Act 1993* (Tas), resolves by absolute majority, that it intends to make a new by-law generally in the terms of the draft Parking Facilities By-Law No. 1 of 2023 as shown below:

LAUNCESTON CITY COUNCIL

**PARKING FACILITIES BY-LAW
NO. 1 of 2023**

A by-law made under section 145 and section 170 of the *Local Government Act 1993* (Tas), in respect of the parking of vehicles and other activities on land owned by or under the control of the Launceston City Council and designated a parking area within the municipal area of the Launceston City Council.

PART 1 - PRELIMINARY

1. Short Title

This by-law may be cited as the *Parking Facilities By-Law Number 1 of 2023*.

2. Repeal

The *Parking By-Law Number 2/2013* is repealed.

3. Interpretation

In this by-law, unless the contrary intention appears:

"article" includes a vehicle, motor vehicle, goods and rubbish.

"authorised officer" means the Chief Executive Officer, a person employed by the Council as a Parking Officer and a person appointed by the Chief Executive Officer for the purpose of this by-law;

"Chief Executive Officer" means the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas);

"Council" means the Launceston City Council;

"drive" has the same meaning as under the Dictionary in the *Road Rules 2019*;

"General Manager" means the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas);

"highway" has the same meaning as a local highway under the *Local Government (Highways) Act 1982*;

"Manager Compliance" means the person holding the position of Manager Compliance with the Council, or a person acting in that position, or other person as authorised by the Chief Executive Officer;

"motor vehicle" has the same meaning as in the *Vehicle and Traffic Act 1999*;

"park" means to leave a vehicle in a stationary position whether attended or not;

"parking area" includes any area owned by or under the control of the Council and designated by public notice for the parking of vehicles, but does not include a highway;

"parking meter" means a device installed by or for the Council for measuring time on the insertion of coin, note or other accepted payment method, of the name or value shown on the device;

"parking space" means a space within a parking area or a space controlled by a parking meter, indicated by lines or other marks on the ground or indicated by any other method, of sufficient clear space to accommodate a vehicle within that space;

"parking voucher" means a document issued by a voucher machine;

"penalty unit" means a sum prescribed under the provisions of the *Penalty Units and Other Penalties Act 1987*;

"registered operator" has the same meaning as under the *Vehicle and Traffic Act 1999*;

"virtual meter" has the same meaning as in the *Local Government (Highways) Act 1982*

"voucher machine" means a device that is installed by or for Council that issues a parking voucher after the correct coin, note or other accepted payment method, has been inserted and:

- (a) indicates that the holder may park a vehicle in a space in the parking area where the voucher was purchased; and
- (b) bears the date and time of issue.

PART 2 - DRIVING OF VEHICLES

4. Entry and Exit of Parking Areas

A person driving a motor vehicle must not enter or leave a parking area except by an access point designated by the Council's signs.

Penalty: a fine not exceeding 1.5 penalty units.

5. Driving of Motor Vehicles

A person must not drive a motor vehicle in a parking area at more than twenty kilometres an hour.

Penalty: a fine not exceeding 2 penalty units.

PART 3 - PARKING

6. Parking of Motor Vehicles

- (1) A person must not park a motor vehicle which is not wholly within one parking space or parked otherwise than as directed by an authorised officer or signage; or

Penalty: a fine not exceeding 1.5 penalty units.

- (2) A person must not park a motor vehicle in a disabled parking space unless that person holds a permit or authority issued by a competent authority authorising such parking in the same or similar circumstances.

Penalty: a fine not exceeding 3 penalty units.

7. Payment of Fee

- (1) A person must not park a motor vehicle in a parking area without payment of the required fee indicated by signs displayed in the parking area.

Penalty: a fine not exceeding 1.5 penalty units.

- (2) A person may pay any required fee:
- (a) by utilising a parking meter or virtual meter applicable to the parking space or parking spaces within that parking area; or
 - (b) by purchasing a voucher issued by a voucher machine operating in the parking area; or
 - (c) otherwise in accordance with any instructions on or with any Council sign in the parking area.

8. Parking Vouchers

- (1) A person must not park a motor vehicle in a parking area controlled by a voucher machine unless that person has displayed on the driver's side of the motor vehicle's dashboard an unexpired voucher.

Penalty: a fine not exceeding 1.5 penalty units.

- (2) A voucher must be displayed so that the date and time of issue are clearly visible from outside the motor vehicle.

Penalty: a fine not exceeding 1.5 penalty units.

- (3) This clause does not apply to a person who has paid any required fee utilising a parking meter or virtual meter applicable to the parking space or parking spaces within that parking area.

9. Parking Longer than Maximum Period

A person must not allow a motor vehicle to remain parked in a parking area for a longer period than is allowed by the conditions of entry to that parking area, as are indicated by signs displayed in the parking area.

Penalty: a fine not exceeding 1.5 penalty units and a daily fine not exceeding 1 penalty unit for a continuing offence.

10. Reserved Spaces

- (1) The Manager Compliance is to decide on the location of, and the conditions applicable to, reserved parking areas and spaces.

- (2) A person must not park or leave a motor vehicle in a parking space or parking area which is designated "Reserved" unless authorised to do so.

Penalty: a fine not exceeding 1.5 penalty units.

- (3) An authorised officer may remove or, permit an agent of the Council to remove, a motor vehicle if it is parked in contravention of this clause.

PART 4 - PROHIBITED ACTIVITIES

11. Damage to Equipment

A person must not, in any way, damage equipment used or connected in any way with a parking area or parking space nor use anything other than the type of notes or coins or payment method indicated on the outside of the equipment as acceptable for that purpose.

Penalty: a fine not exceeding 2 penalty units.

12. Unauthorised Removal of Infringement Notice

A person, other than the registered operator or person in charge of the motor vehicle, must not remove or cause to be removed an infringement notice affixed to a motor vehicle.

Penalty: a fine not exceeding 2 penalty unit

13. Washing, Dismantling and Repair of Motor Vehicles

- (1) A person must not dismantle or repair any motor vehicle in a parking area without the permission of an authorised officer unless it is necessary to enable the motor vehicle to be moved from the parking area.

Penalty: a fine not exceeding 2 penalty units.

- (2) A person must not paint or wash any motor vehicle in a parking area without the consent of an authorised officer.

Penalty: a fine not exceeding 1 penalty units.

14. Skidding of Motor Vehicles

A person must not intentionally drive a motor vehicle so:

- (a) it skids; or
- (b) it leaves rubber marks from its tyres on the surface of a parking area.

Penalty: a fine not exceeding 2 penalty units.

15. Distribution of Advertisements

A person must not distribute, or cause to be distributed, any advertisement, book, card, handbill, notice, pamphlet, print, paper or placard within a parking area without the written consent of the Manager Compliance.

Penalty: a fine not exceeding 2 penalty units.

16. Damage to the Council's Property

A person must not remove or damage the Council's property in any parking area.

Penalty: a fine not exceeding 5 penalty units.

17. Graffiti

- (1) Except as provided for in subclause (2) a person must not mark, write on or in any other way deface the Council's property.

Penalty: a fine not exceeding 2 penalty units.

- (2) The Manager Compliance may give written approval for painting or a similar activity to occur in a parking area.

18. Obstruction

A person must not cause any obstruction to motor vehicle or foot traffic in a parking area.

Penalty: a fine not exceeding 2 penalty units.

19. Use of Skates and Cycles

- (1) Except as otherwise provided in subclause (2) or (3) a person must not to ride a vehicle or bicycle in a parking area.

Penalty: a fine not exceeding 2 penalty units.

- (2) A person may ride a vehicle or bicycle in a parking area for the purpose of parking in, transiting directly through, or taking the nearest path to a designated exit of, a parking area.

- (3) A person may ride a vehicle in a parking area outside the ordinary operating hours of that parking area, except where such riding is prohibited by a notice at such parking area.

- (4) In this section:

"vehicle" means "wheeled recreational device", "wheeled toy", "scooter", "motorised scooter" and "personal mobility device" as defined by the *Road Rules 2019*.

"ride" includes travel in or on, and drive.

PART 5 - MISCELLANEOUS

20. Supply of Name and Address

- (1) An authorised officer or a police officer who reasonably believes that a person has committed or is committing an offence against this by-law may request that person supply their full name and permanent or present temporary address.
- (2) A person must not refuse to supply their correct and full name and permanent or present temporary address if requested to do so by an authorised officer or police officer.

Penalty: a fine not exceeding 2 penalty units

21. Request to Leave an Area

- (1) A police officer or authorised officer may ask a person whom they reasonably believe is offending against this by-law to leave a parking area.
- (2) A person who does not obey the directions of an authorised officer is guilty of an offence.

Penalty: a fine not exceeding 2 penalty units.

22. Closure of Parking Areas

The Manager Compliance may close any parking area or portion of a parking area.

23. Use of Parking Areas for Other Purposes

The Manager Compliance may give written approval for a parking area to be used for any purpose and impose conditions for its use.

24. Recovery of Expenses

In addition to a penalty imposed in relation to a failure to comply with or a contravention of a provision of this by-law, an expense incurred by the Council in consequence of that failure or contravention is recoverable by the Council as a debt payable by the person so failing to comply or in contravention.

25. Seizure of Articles

An authorised officer may remove any article which is on or in a parking area contrary to this by-law or otherwise without a permit or approval of an authorised officer or the Council.

26 Disposal of Article

- (1) An article which has been removed from a parking area pursuant to this by-law must be kept in a safe place until it has been claimed by the owner or a person on behalf of the owner or disposed of pursuant to this by-law.
- (2) If an article which has been removed from a parking area pursuant to this by-law is not claimed by the owner or person on behalf of the owner within 48 hours following its removal, and the owner is known, an authorised officer is to give notice to the owner of the removal of the article.
- (3) A notice under subclause (2) is to give the following details:
 - (a) a description of the article and any distinguishing features;
 - (b) the place from which it was removed;
 - (c) the date on which it was removed;
 - (d) the place from which the article may be claimed;
 - (e) the fees, costs or charges payable in respect of the removal, maintenance and storage of the article;
 - (f) a statement that if not claimed within 14 days that the article may be disposed of by the Chief Executive Officer.
- (4) If the owner of the removed article cannot be ascertained or found and if the Chief Executive Officer is of the opinion that the value of the article warrants the cost of advertising, the Chief Executive Officer is to publish on at least one occasion a notice containing either:
 - (a) the particulars specified in subclause (3) in a newspaper circulating in the municipal area; or
 - (b) a brief description of the seized article and the location at which an interested person can obtain the particulars specified in subclause (3).
- (5) If the owner of the article cannot be ascertained or found, no advertising is published in accordance with clause 27(4), and the article is not claimed by the owner or by a person on behalf of the owner within 28 days after it has been removed, the article may be disposed of in accordance with clause 28(2).
- (6) Subclauses (1)-(5) do not apply to an article of no value or a value determined by the Chief Executive Officer to be insufficient to cover the cost of removal and storage of the article for a period of 28 days.

27 Fees, Costs and Charges

- (1) The owner of any article removed pursuant to this by-law is liable to pay:
 - (a) any fees, costs and charges specified in a notice issued pursuant to clause 26(2);
 - (b) any further fees incurred in the storage and further maintenance of the article once removed, together with any relevant advertising and administrative costs in advertising;
 - (c) any fees, costs or charges incurred in the disposal of the article pursuant to clause 28.
-

- (2) Any unpaid fees, costs or charges are a debt due to the Council and may be recovered by the Council in a court of competent jurisdiction.
- (3) The Council may retain an article until any fees, costs or charges are paid.

28 Disposal of Unclaimed Articles

- (1) The Chief Executive Officer may dispose of an article if:
 - (a) the article is not claimed within 14 days of the service of a notice under clause 26(2);
 - (b) any fees, costs or charges specified in the notice have not been paid within 14 days of the service of that notice; or
 - (c) clause 26(6) applies.
- (2) An article may be disposed of under clause 26(5) or 28(1):
 - (a) by tender or public auction following notification in a local newspaper circulating in the municipal area; or
 - (b) in a manner as the Chief Executive Officer determines if:
 - (i) the Chief Executive Officer is of the opinion that the article has a value that does not warrant the costs of a tender or a public auction; or
 - (ii) no tender is received, or no bid is made at a public auction.
- (3) If an article is disposed of under this clause, the Chief Executive Officer must notify the owner of the article as soon as possible if the owner can be ascertained or found by reasonable enquiries.
- (4) If the owner of the article is identified, then the proceeds obtained from the disposal or sale of the article must be paid to the owner, less any fees, costs or charges incurred by the Council in the removal, storage or disposal of the article.

29. Article Required for Prosecution

- (1) Where an article is required by the Council for the prosecution of an offence under this by-law, the article is to be released to the owner following the completion of the prosecution proceedings and on payment of any relevant fees, costs and charges unless otherwise directed by a court.
- (2) The Chief Executive Officer may, in accordance with clause 28, dispose of an article required under subclause (1) which is not claimed by the owner or in relation to which fees, costs or charges have not been paid within 30 days of the completion of court proceedings.

30. Assistance of Police Officer

A Police Officer is authorised to assist an Authorised Officer to carry out an action under this by-law.

Part 6 - Infringement Notices

31. Infringement Notices

(1) In this clause:

"specified offence" means an offence against the clause specified in column 1 of Schedule 1 and generally described in column 2 of Schedule 1.

(2) An authorised officer may issue an infringement notice in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that offence.

(3) An authorised officer may:

- (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
- (b) issue one infringement notice in respect of more than one specified offence.

(4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.

(5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

(6) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:

- (a) pay the monetary penalty in full to the Chief Executive Officer;
- (b) apply to the Chief Executive Officer for withdrawal of the infringement notice;
- (c) apply to the Chief Executive Officer for a variation of payment conditions; or
- (d) lodge with the Chief Executive Officer a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.

(7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement notice may be referred to the Director, Monetary Penalties Enforcement Service.

Schedule 1 - Infringement Notice Offences

Column 1	Column 2	Column 3
Clause	General Description of Offence	Penalty (penalty units)
4	Failure to use designated access point to parking area	0.5
5	Exceeding speed limit in parking area	1
6(1)	Not parking as directed	0.5
6(2)	Parking in disabled parking space	1
7(1)	Failure to pay parking fee for parking space	0.5
8(1)	Failure to display unexpired parking voucher	0.5
8(2)	Voucher not clearly visible	0.5
9	Parking longer than the maximum period	0.5
10(2)	Parking in a reserved space without authorisation	0.5
11	Damaging equipment in a parking area	0.5
12	Unauthorised removal of infringement notice	0.5
13(1)	dismantling and repairing motor vehicle without consent	0.5
13(2)	Washing or painting motor vehicle without consent	0.5
14	Skidding of motor vehicles	0.5
15	Distributing advertising material without consent	0.5
16	Damage to Council property	0.5
17(1)	Graffiti on Council property	0.5
18	Obstructing vehicle or foot traffic	0.5
19(1)	Using vehicles and bicycles in a parking area	0.25
20(2)	Fail to provide name and address	0.5
21	Fail to obey request	0.5

Seal and Certification

Pursuant to section 161 of the *Local Government Act 1993* (Tas) and the decision of Council on the day of 2023, the Common Seal of the Launceston City Council was placed upon this document on the day of 2023 in the presence of:

.....
XXXXXX
MAYOR

I certify that the provisions of the *Parking Facilities By-Law No 2 of 2023* are in accordance with the law.

.....
Duncan Campbell
Legal Practitioner

The *Parking Facilities By-Law No 2 of 2023* has been made in accordance with the *Local Government Act 1993*

.....
Michael Stretton
Chief Executive Officer
being the General Manager as appointed by Council
pursuant to section 61 of the *Local Government Act 1993* (Tas)

2. requests the Chief Executive Officer to do anything necessary and convenient to implement Recommendation 1., including the preparation of the regulatory impact statement and the giving of notice of the proposed Parking Facilities By-Law No. 1 of 2023, to allow the Council to make the by-law in accordance with the requirements of the *Local Government Act 1993* (Tas).
3. notes, for the avoidance of doubt, 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* (Tas).

REPORT:

On 27 June 2013, Council made Parking By-Law Number 2 of 2013 (2013 by-law), which took effect on 10 July 2013. It is due to expire on 27 June 2023.

On 10 March 2022, Council resolved to form an intention to make a new by-law that replaces the existing infringement penalties with amounts calculated by reference to penalty units under the *Penalty Units and Other Penalties Act 1987*. Relevant procedural processes are being advanced at an officer level with a view to having that by-law return to Council for formal determination later in the financial year.

The 10 March 2022 intention to make a new penalties by-law does not affect the remaining controls in the 2013 by-law which are due to expire on 27 June 2023.

Splitting the by-law that sets parking penalties applicable under infringement notices, from a by-law that relates to general parking controls, will simplify the law and provide a clearer delineation between those laws that are administered primarily by the Tasmanian Government and those provisions that are administered by the Council. The intention under consideration concerns the latter.

The draft by-law under consideration is largely the same as the 2013 by-law with a number of redundant clauses removed. It also brings the by-law into line with the contemporary structure and terminology used by the organisation. Key changes from the 2013 by-law to the draft by-law under consideration are highlighted at Attachment 1.

The by-law is intended to provide an effective mechanism to regulate the parking of vehicles and other uses of parking areas. Without the by-law, enforcement and compliance issues become more difficult to manage and would often require reference to the Magistrates Court of Tasmania for determination. Such action is costly for all parties involved.

Key features of the by-law under consideration are as follows:

- Regulation of the way in which cars move in, out and around parking areas (clause 4 and 5);
- Parking requirements for motor vehicles in parking areas, including position, fees, time limits, use of disabled, closed and reserved spaces, and compliance with terms of entry (clause 6, 7, 8, 9 and 10);
- General prohibited activities (clause 11, 12, 13, 14, 15, 16, 17 and 18);
- Restriction on use of non-motor vehicles in parking areas (clause 19);
- Disposal of seized items (clause 25, 26, 27 and 28);
- Issuance of infringement notices (clause 31).
- Infringement notice amounts are calculated by reference to penalty units which index over time, whereas the 2013 by-law infringement amounts have remained stagnant over time.

In terms of applicable infringement notices, the by-law brings penalties broadly into line with the penalties that would be applicable if the Council relied upon the *Road Rules 2019*. Offences under the by-law that do not have an equivalent infringement provision have been assigned a penalty of 0.5 penalty units to ensure a level of consistency across the by-law.

To ensure consistency across the legislative controls available to the Council, the draft by-law has removed discounts for paying infringement notices early. The removal of discounts is also consistent with the approach taken by other Tasmanian councils. It is noted that a number of the applicable infringement amounts under the draft by-law are less than the applicable penalties in other council areas.

If Council votes in favour of the Recommendations under consideration, the following tasks will be completed at an officer level to facilitate the Council's final determination in whether to make the by law:

- Ministerial approval will be sought from the Minister for Local Government as required by section 24 of the *Launceston Flood Risk Management Act 2015* (the Act). The Act places additional controls upon the by-law making capabilities of councils that fall under its jurisdiction, but is likely to have little impact in the circumstances;
- A regulatory impact statement will be prepared which addresses a number of matters including the objectives of the by-law, the nature of any restriction on competition, and an assessment of economic, social and environmental impacts;
- The regulatory impact statement will be submitted to the Director of Local Government for approval;
- A public consultation process will then be undertaken, involving publication of notices of the proposed by-law in the local newspaper, on the Council's web-site and in Town Hall. The public consultation process must run for at least 21 days and any person is entitled to make a submission in respect of the by-law during the public consultation period.

The proposed by-law and any public submission received will then return to Council for consideration and determination will be made as to proceed with the making of the by-law unchanged, to undertake amendments or to decide not proceed.

If the Council determines to proceed with the making of the by-law, it will be published in the Tasmanian Government *Gazette*, at which time it will take effect.

Copies of the by-law will be provided to the Director of Local Government and to both Houses of Parliament for tabling. Either House of Parliament has the power to disallow all or part of the by-law.

The Council's current Caretaker Policy (applied for the 2022 Local Government elections) restricts the making of a by-law, however, it does not prevent the Council from forming an intention to make a by-law. A by-law can only be made after the above mentioned procedural steps have been completed.

RISK IMPLICATIONS:

The Council will be exposed to greater financial and regulatory enforcement costs in the absence of an effective parking facilities by-law.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

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:

1. To develop and consistently utilise contemporary and effective community engagement processes.

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.

Strategic Priority 4: We value our City's unique identity by celebrating our special heritage and culture and building on our competitive advantages to be a place where people choose to live, work and visit.

10-Year Goal: To sustain and promote Launceston as a unique place to live, work, learn and play.

Focus Areas:

4. To support the central business district (CBD) and commercial areas as activity places during day and night.

Strategic Priority 7: We are a City planning for our future by ensuring our approach to strategic land-use, development and infrastructure is coordinated, progressive and sustainable.

10-Year Goal: To facilitate appropriate development via integrated land-use planning, infrastructure investment and transport solutions within our municipality and region.

Focus Areas:

3. To improve and maintain accessibility, transport options and infrastructure within the Launceston area, including its rural areas.

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. Launceston City Council 2022 Parking Facilities By-Law [**15.1.1** - 16 pages]

**15.2 Local Government Association of Tasmania - General Meeting -
16 September 2022**

FILE NO: SF2218

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To provide voting direction to the Council delegate for the items listed for decision at the Local Government Association of Tasmania General Meeting on 16 September 2022.

RECOMMENDATION:

That, in respect of items listed for decision at the Local Government Associations of Tasmania's General Meeting on 16 September 2022, Council directs the Council delegate to vote as follows:

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
1	5	Confirmation of Minutes <i>That the Minutes of the Meetings held on 18 March 2022, as circulated, be confirmed.</i>	LGAT	Confirmed
2	5	Confirmation of Agenda and Order of Business <i>That the Agenda Items and order of business be confirmed.</i>	LGAT	Confirmed
3	5	President's Report <i>That Members note the report on the President's activity from 1 March to 9 August 2022.</i>	LGAT	Noted
4	8	Chief Executive Officer's Report <i>That Members note the report on the CEO's activity from 1 March to 9 August 2022.</i>	LGAT	Noted
5	10	Business Arising <i>That Members note the following information on business arising.</i>	LGAT	Noted

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
6	11	Follow Up of Motions <i>That the Meeting note the report detailing progress of motions passed at previous meetings and not covered in Business Arising.</i>	LGAT	Noted
7	11	Council Round Ups <i>That Members note there will not be a council round up this meeting.</i>	LGAT	Noted
8.1	12	Items for Decision - Options for Differential Rating - Vacation Rental Properties <i>That Members note the existing powers for differentially rating vacation rental properties and discuss if any further action is required.</i>	LGAT	Noted
9.1	15	Items for Noting - Future of Local Government Review <i>That Members note the update on the Future of Local Government Review and LGAT's success in securing a three month extension to Stage 2 of the Review until the end of March 2023.</i>	LGAT	Noted
9.2	17	Items for Noting - Code of Conduct <i>That Members note the update on the review of the Code of Conduct.</i>	LGAT	
9.3	18	Items for Noting - Local Government Election Campaign <i>That Members note the update of the local government election campaign for 2022.</i>	LGAT	Noted
9.4	21	Items for Noting - Waste and Resource Recovery <i>That Members note the report on waste and resource recovery.</i>	LGAT	Noted

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
9.5	22	Items for Noting - Infrastructure Contributions <i>That Members note the update on infrastructure contributions.</i>	LGAT	Noted
9.6	24	Items for Noting - Planning Reform <i>That Members note the update on current planning reforms.</i>	LGAT	Noted
9.7	25	Items for Noting - Climate Change <i>That Members note the update on climate change.</i>	LGAT	Noted
9.8	26	Items for Noting - Dilapidated Buildings <i>That Members note the update on dilapidated buildings and powers available to councils.</i>	LGAT	Noted
9.9	28	Items for Noting - Emergency Management <i>That Members note the update on Emergency Management.</i>	LGAT	Noted
9.10	30	Items for Noting - LGAT Procurement <i>That Members note the following update on procurement support for councils.</i>	LGAT	Noted
9.11	32	Items for Noting - Events Update <i>That Members note the report on LGAT events.</i>	LGAT	Noted
9.12	35	Items for Noting - Closing the Gap <i>That Members note the update on Closing the Gap, the National Indigenous Australians Agency (NIAA) and related activity.</i>	LGAT	Noted
9.13	36	Items for Noting - Health and Wellbeing <i>That Members note the update on the Local Government Health and Wellbeing Project.</i>	LGAT	Noted

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
9.14	38	Items for Noting - LGAT Annual Plan <i>That Members note the report against the Annual Plan.</i>	LGAT	Noted
10.1	39	Roads and Infrastructure - Maintenance of State Roads <i>That LGAT raise concerns with the Tasmanian Government in relation to the quality and maintenance and new construction work which is being undertaken on the network of roads which are the responsibility of the Department of State Growth and ask the Tasmanian Government to implement an independent review of the construction and maintenance methodology being used.</i>	Break O'Day	<p>Officer Comment <i>(Name Shane Eberhardt - General Manager Infrastructure and Assets Network)</i></p> <p>There are as many examples of failed and aging State roads as there are within local government roads. I am unaware of any issues with the current construction works and having had exposure to the VicRoads specifications used by DSG, I would not be supportive of higher standards which would drive costs up. In my view, the level of service provided on State roads is a function of funding not maintenance and construction practices. If an improved level of service for State owned roads is required, then there needs to be additional funding and therefore, Councillors should give consideration to where the State's funding priorities should be focussed.</p> <p>Not Supported</p>

REPORT:

The Local Government Association of Tasmania (LGAT) General Meeting will be held in Devonport on 16 September 2022. An outline of the Meeting's Agenda Items, with recommended voting direction for consideration of Councillors, is included in this report's Recommendation.

The Agenda (and relevant Attachments) for the 16 September 2022 General Meeting and Minutes of the previous Meeting held on 18 March 2022 are included as Attachment 1.

The purpose of this report is to provide Councillors with an opportunity to comment on these items and to direct the vote of the City of Launceston's delegate at the General Meeting.

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:

1. LGAT General Meeting Agenda and Attachments - 16 September 2022
[15.2.1 - 120 pages]

16. MEETING CLOSURE

17. NEXT COUNCIL MEETING DATE

The next Ordinary Meeting of Council will be held at 1.00pm on 22 September 2022 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.