



City of  
**LAUNCESTON**

# **COUNCIL AGENDA**

**COUNCIL MEETING**  
**THURSDAY 12 DECEMBER 2024**  
**1.00PM**

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

Date: 12 December 2024

Time: 1:00 pm

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### Certificate of Qualified Advice

#### Background

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

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

#### Certification

I certify that:

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



**Sam Johnson OAM**  
Chief Executive Officer

## VIDEO and AUDIO STREAMING of COUNCIL MEETINGS

The video and audio of open sessions of ordinary Council meetings and special Council meetings that are held in the Council Chambers at Town Hall, will be streamed live via the Council's meeting stream channel on YouTube.

Video and audio streaming and recording of this Council Meeting, except for any part held in Closed Session, will be made in accordance with our Video and Audio Streaming of Meetings Policy - 17-Plx-017.

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

The audio-visual recording equipment will be configured in a way which avoids coverage of the public gallery area and Council will endeavour to ensure images in this area are not streamed. However, Council expressly provides no assurances to this effect and by entering or exiting the Council Chamber or by remaining in the public gallery area, it is assumed that consent has been given to the Council to broadcast images and audio recordings.

The Mayor or their representative will provide notice that the meeting will be recorded through live streaming. By attending a Council meeting, attendees will be taken to have consented to their image, speech or statements being live streamed.

For further information, please refer to our Video and Audio Streaming of Meetings Policy and our Privacy Policy available at:  
<https://www.launceston.tas.gov.au/Council-Region/Legislation-and-Policy/Policy>

## PUBLIC QUESTION TIME - AGENDA ITEM 8

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

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

### **PUBLIC COMMENT ON AGENDA ITEMS**

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

Please note the following important information:

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

Your respectful contribution is welcome and appreciated.

### **LEGISLATIVE TERMINOLOGY - GENERAL MANAGER**

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

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**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**

**4.1. 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 28 November 2024 be confirmed as a true and correct record.

**5. COUNCIL WORKSHOPS**

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

**5.1. Council Workshops Report - 28 November 2024 and 5 December 2024**

**FILE NO:** SF4401

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**APPROVER:** Sam Johnson OAM (Chief Executive Officer)

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**DECISION STATEMENT:**

To consider Council Workshops conducted since the last Council Meeting.

**RELEVANT LEGISLATION:**

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

**RECOMMENDATION:**

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

1. pre-Council Workshop conducted on 28 November 2024:

**Recreation and Open Space Strategy Update**

Representatives from Realm Studios presented a final draft of the Recreation and Open Space Strategy.

**On the Swamp Presentation by Helene Boyer**

Helene Boyer presented proposals for Council consideration linked to the one hundred year anniversary of the disastrous 1929 Floods for Launceston.

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

*Apologies:* Councillor A J Palmer and Councillor A J Britton

*Apology with a Leave of Absence:* Councillor D C Gibson

2. Workshop conducted on 5 December 2024:

**Building Assets Update**

Councillors were provided an update on Building Assets.

**Macaque Management**

Councillors were provided with an update on the proposed management of the City Park Macaques.

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**Clean Air Strategy**

Councillors received a presentation about the status of the Clean Air Strategy including recommendations to progress the Strategy.

**Council Committee Review**

Councillors reviewed the findings of the Committee Review Project, with key recommendations and actions to be provided to Councillor's regarding the future of each committee.

**Future of Lilydale Pool**

Councillors received a presentation about the Lilydale Swimming Pool including history, significance, operational aspects, financial challenges, and future considerations.

**Draft Launceston Housing Strategy**

Councillors received a presentation from project consultant, REMPLAN, regarding the outcome of background analysis and initial consultation, and recommendations on the emerging vision, principles and directions of the Launceston Housing Strategy 2025-2040.

*In Attendance:* Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Prof G Razay, Councillor J J Pentridge, Councillor A J Palmer, and Councillor A J Britton

*Apologies:* Mayor Councillor M K Garwood, Councillor L M McMahon, and Councillor S Cai

*Apology with a leave of Absence:* Councillor D C Gibson

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**REPORT:**

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

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

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

**BUDGET AND FINANCIAL IMPLICATIONS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

Nil

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

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

**7. COMMUNITY REPORTS**

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

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

**8. PUBLIC QUESTION TIME**

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

**8.1. Public Questions on Notice**

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

**8.1.1. Public Questions on Notice - Robin Smith - City Heart Place Plan 2024-2029, Rubbish and Recycling Collections - 28 November 2024**

**FILE NO:** SF6381

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**APPROVER:** Sam Johnson OAM (Chief Executive Officer)

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**QUESTIONS AND RESPONSES:**

The following questions, submitted to Council on 28 November 2024 by Robin Smith, have been answered by Chelsea van Riet (Acting General Manager Infrastructure and Assets Network) and Leigh Handley (Manager Operations).

**Questions:**

1. [Regarding Agenda Item 8.1.2. Public Questions on Notice - Robin Smith - City Heart Place plan 2024-2029 Traffic Calming - 7 November 2024]  
How can we have such a divergent opinion of the same literature, interpreted by me, completely different to that GHD report?

**Response:**

*The view that converting one-way streets to two-way streets to calm traffic is supported throughout Australia and internationally. The original reason for making streets one way was to increase traffic capacity and efficiency through the city, but this also increased the impact of traffic on the city environment.*

*A literature review about two-way streets prepared for Launceston City Council by GHD found the following:*

- *Conversion of city streets to two-way traffic*
    - *can reduce average vehicle speeds by 20% to 30% compared to one-way operation due to a general increase in the number of stops,*
    - *will increase the number of conflict points at intersections, however, may reduce incidence of red light running and crash severity, and*
    - *will reduce the number of situations, or conflict sequences, that a pedestrian will experience when walking through the network.*
  - *The reduction in traffic volumes and vehicle speeds anticipated because of the conversion of city streets to two-way traffic, would reduce the traffic barrier effects experienced by pedestrians walking through the city.*
-

*The specific relevance to Launceston of the expected effects of conversion to two-way traffic are summarised on pages 15 and 16 of the report. The report quotes from the 2010 report by Jan Gehl which also promotes the benefits of changing one-way streets to two-way streets.*

2. [Regarding the City of Launceston City Heart Place Plan 2024-2029]  
Is Council in a position to cite examples of where turning one-way streets into two-way streets in Charles and Paterson Streets would reduce 'blockie' driving?

**Response:**

*Until Council implement changes, we cannot categorically make any statements with regard to the actual impact on driver behaviour. As per our previous response, there is evidence that two-way streets calm traffic.*

3. About 5 o'clock, a council contractor squashes the recycling into the landfill rubbish bins creating a lot of spills, bottles, and cans go everywhere. At 7 o'clock, a separate council team tip those rubbish bins into a truck. Then Council brings in a sweeper around the bins because of the mess made by tipping the recycling into the landfill. Should we go back to the old system of not having recycling bins if it is an issue?

**Response:**

*Recycling continues to be one of the main responses to divert waste from landfill and although contamination in a public place continues to persist, it is essential that we maintain the recycling systems in place. The recycle bin specifically mentioned in this question is generally contaminated with material such as coffee cups and the remnants of liquid within, which spills throughout the contents. This decreases the quality of recyclable material making it harder to process and reuse. That being said, we have reviewed the practice of decanting and sorting of the material to avoid spills. We would also welcome business and community support to ensure waste is placed in the appropriate bin.*

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**ATTACHMENTS:**

Nil



**8.2. Public Questions Without Notice**

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

**9. PETITIONS**

**No Petitions have been identified as part of this Agenda**

**10. DEPUTATIONS**

**No Deputations have been identified as part of this Agenda**

## 11. 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 11 - Planning Authority.

### 11.1. DA0472/2024 - 18 Wyett Street and 44 Hill Street, West Launceston - Residential - Construction of an Additional Dwelling with Access over 44 Hill Street

**FILE NO:** DA0472/2024

**AUTHOR:** Iain More (Senior Town Planner Policy and Projects)

**APPROVER:** Michelle Ogulin (Acting General Manager Community and Place Network)

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#### **DECISION STATEMENT:**

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

#### **PLANNING APPLICATION INFORMATION:**

|                               |   |
|-------------------------------|---|
| Applicant:                    | S. Group  |
| Property:                     | 18 Wyett Street and 44 Hill Street, West Launceston |
| Zoning:                       | General Residential                                 |
| Receipt Date:                 | 25/10/2024  |
| Validity Date:                | 28/10/2024  |
| Further Information Request:  | 01/11/2024  |
| Further Information Received: | 11/11/2024  |
| Deemed Approval:              | 18/12/2024  |
| Representations:              | 108   |

#### **RELEVANT LEGISLATION:**

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

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

Council - 18 April 2024 - 9.2 - DA0547/2024 - 18 Wyett Street & 44 Hill Street West Launceston – Residential – Construction of an Additional Dwelling with Access Over 44 Hill Street, West Launceston - The permit was refused.

#### **STANDARDS REQUIRING PLANNING DISCRETION:**

Clause 8.4.2 - Setbacks and building envelopes for all dwellings - P3  
Clause 8.4.6 - Privacy for all dwellings - P1, P2  
Clause C2.5.1 - Car parking numbers - P1.2  
Clause C2.6.2 - Design and layout - P1

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**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0472/2024 - Residential - Construction of an additional dwelling at 18 Wyett Street with access over 44 Hill Street, West Launceston, subject to the following conditions:

**1. ENDORSED PLANS & DOCUMENTS**

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

- a. Cover, prepared by S Group, Drawing No. A000, Revision H, dated 11/10/2024;
- b. Site Plan, prepared by S Group, Drawing No. A101, Revision H, dated 11/10/2024;
- c. Shadow Diagrams, prepared by S Group, Drawing No. A102, Revision H, dated 11/10/2024;
- d. Proposed Floor Plan, prepared by S Group, Drawing No. A202, Revision H, dated 11/10/2024;
- e. Proposed Elevations, prepared by S Group, Drawing No. A301, Revision H, dated 11/10/2024;
- f. 3D, prepared by S Group, Drawing No. A401, Revision H, dated 11/10/2024;
- g. 3D with Envelope, prepared by S Group, Drawing No. A402, Revision H, dated 11/10/2024;
- h. 3D, prepared by S Group, Drawing No. A403, Revision H, dated 11/10/2024;
- i. 3D with Envelope, prepared by S Group, Drawing No. A404, Revision H, dated 11/10/2024;
- j. 3D, prepared by S Group, Drawing No. A405, Revision H, dated 11/10/2024;
- k. 3D with Envelope, prepared by S Group, Drawing No. A406, Revision H, dated 11/10/2024;
- l. View from Kitchen Window 42 Hill Street, prepared by S Group, Drawing No. A407, Revision H, dated 11/10/2024;
- m. Outside Wheel Path Section 01, prepared by S Group, Drawing No. A501, Revision H, dated 11/10/2024; and
- n. Outside Wheel Path Section 01, prepared by S Group, Drawing No. A502, Revision H, dated 11/10/2024.

**2. CONSTRUCTION MANAGEMENT PLAN**

Prior to commencement of the use, a construction management plan must be prepared and submitted to Council at the satisfaction of Manager of Infrastructure and Development. The plan must detail how access along the Right of Way will be made available during construction.

**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. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2024/01270-LCC, dated 11/11/2024 and attached to the permit.

## 5. HOURS OF CONSTRUCTION

a) Unless otherwise approved in writing by the Manager Health and Compliance construction activities must only be carried out between the hours of:

- i. Monday to Friday - 7 am to 6 pm; and
- ii. Saturday - 8 am to 6 pm.

b) Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed state-wide (Easter Tuesday excepted).

## 6. AMENITY

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

## 7. NO BURNING OF WASTE

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

## 8. BUILDING ACT 2016 REQUIREMENTS

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.

### Notes

#### A. General

*This permit was issued based on the proposal documents submitted for DA0472/2024. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.*

*This permit takes effect after:*

- a) *The 14 day appeal period expires; or*
- b) *Any appeal to the Tasmanian Civil & Administrative Appeal Tribunal (TASCAT) is withdrawn or determined; or*
- c) *Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d) *Any other required approvals under this or any other Act are granted.*

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

**B. Restrictive Covenants**

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

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

**C. Appeal Provisions**

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

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

*For more information see the Tasmanian Civil & Administrative Tribunal (TASCAT) website <http://www.tascat.tas.gov.au>*

**D. Permit Commencement.**

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

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**REPORT:**

**1. THE PROPOSAL**

The application proposes a second dwelling on the existing site at 18 Wyett Street, West Launceston. This will result in a density of one dwelling per 498.5sqm per site area.

As noted under the previous section, this is the second application for a second dwelling on the site. The applicants have made several changes from the original design, including:

- Increasing the setback to the right way;
- Reducing the rear setback;
- Reducing the height;
- Reducing site coverage; and
- Changes in materials, finishes, and design, including a hipped roof

The proposed changes have considered some of the concerns raised by the former application. They have also provided a Traffic Impact Assessment to assist in compliance with the scheme.

The two-storey dwelling is located at the rear of the site to the north-east. The dwelling will have a maximum height of 7.3m above ground level and will be setback 35.40m to the frontage (behind the existing dwelling), 5.35m from the rear boundary, 5.22m from the northern boundary, and 900mm from the southern boundary. Earthworks are proposed to facilitate the development, including retaining walls.

The dwelling will contain a double garage, second living area, bedroom, and bathroom on the lower floor, and a second bedroom with ensuite, office space, kitchen, living, and dining area, as well as deck on the top floor.

Access to the site will be obtained via an existing Right of Way located over 42 Hill Street, West Launceston.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**



*18 Wyett Street, West Launceston (not to scale)*

The site is located at 18 Wyett Street, West Launceston, is 997sqm in size, and zoned General Residential. The site slopes downwards from the frontage to the rear, as well as falling across the site from the north to the south. The site currently contains a single dwelling and carport, as well as planted gardens. It is located within a residential suburb, with the surrounding properties an eclectic mix of housing types and sizes, on lots of varying sizes and shapes.

**3. PLANNING SCHEME REQUIREMENTS**

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

**4. REFERRALS**

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

|                      |   |
|----------------------|---|
| TasWater             | Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2024/01270-LCC. |
| State Growth         | N/A   |
| TasFire              | N/A   |
| Tas Heritage Council | Notice of No Interest - Ref #8527, dated 30/10/2024.  |
| 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 13 November 2024 to 27 November 2024. 108 representations were received. The issues raised are summarised in the following table. All representations received for this application were circulated to Councillors on 5 December, 2024.

|   |
|---|
| <p><b>Issue 1</b><br/><b>The development has not adhered to the Planning Scheme provisions.</b></p>   |
| <p><i>Response 1</i><br/><i>Reliance on the Performance Criteria is a legal and sufficient way to demonstrate compliance with the scheme (clause 5.6.3 of the Scheme). It is not necessary nor appropriate to solely rely on Acceptable Solutions.</i></p>  |
| <p><b>Issue 2</b><br/><b>Bulk:</b></p> <ul style="list-style-type: none"> <li>• <b>The proposal exceeds the building envelopes, has minimal setbacks, and room for private open space;</b></li> <li>• <b>The dwelling is too big for a site this size;</b></li> <li>• <b>It will significantly impose and overlook other properties;</b></li> <li>• <b>The site is better suited to a higher density area.</b></li> </ul>     |
| <p><i>Response 2</i><br/><i>The site is zoned General Residential, with acceptable densities of 1 dwelling per 325m<sup>2</sup> of site area, which the development meets. The majority of the dwelling fits within the prescribed building envelope under the Acceptable Solution. Areas outside of the envelope are considered to be suitable and will not cause any unreasonable loss of amenity or overshadowing.</i></p> |
| <p><b>Issue 3</b><br/><b>Minimal changes between the previously refused application.</b></p>  |
| <p><i>Response 3</i><br/><i>Whilst changes are minimal, the current proposal is assessed on its merits.</i></p>   |
| <p><b>Issue 4</b><br/><b>The second living space on the floor plan could be a third bedroom.</b></p>  |
| <p><i>Response 4</i><br/><i>This is noted, and for the purpose of calculating required car parking spaces, this has been considered.</i></p>  |



**Issue 5**

**Traffic:**

**Insufficient parking for the use;**

- **Safety concerns entering and existing the site using the right of way;**
- **Legal access to the site during construction;**
- **No 'formal' passing bay;**
- **On-street parking on Wyett Street is minimal;**
- **Car park on both sides of Wyett Street;**
- **The laneway (right of way) is too narrow for the amount of traffic;**
- **Congestion on Wyett Street and surrounding roads;**
- **Safety of pedestrians on the street and who utilise the right of way;**
- **The parking on Wyett Street should be limited;**
- **Garage and turning areas are not sufficient;**
- **Increased traffic on the right of way will reduce the amenity of the area;**
- **There could be three vehicles associated with the use, requiring one to park on the street;**
- **The entry point into the dwelling is directly off the right of way and into the garage, causing safety concerns.**

*Response 5*

*The application included a Traffic Impact Assessment (TIA) to assist in determining compliance with the scheme. It is noted that a transport review was lodged by a representor challenging aspects of the report.*

*An assessment on the parking, access, and safety requirements against the transport code have been undertaken, taking into consideration the submitted TIA and the review report. These have been reviewed by Council's planning staff and infrastructure team. It was concluded that the site is capable of allowing safe access to the site, and sufficient on-site parking has been provided to meet the needs of the use.*

**Issue 6**

**Amenity:**

- **Significant loss of amenity;**
- **Existing amenity is older homes and large gardens;**
- **The building extends well beyond the building envelope;**
- **The design of the house will conflict with the amenity of the area due to its size, scale, bulk and siting;**
- **Effectively the entire second storey is outside of the building envelope;**
- **The placement of this dwelling is removing the green gardens on the site which area enjoyed by the whole neighbourhood.**

*Response 6*

*The impact on amenity has been considered and discussed in further detail within the report. It is considered that the change in amenity is not unreasonable.*

**Issue 7**

**The proposal does not comply with privacy requirements.**

*Response 7*

*The proposal meets the Performance Criteria with regard to privacy requirements.*

**Issue 8**

**Five properties utilise the right of way, being 44 Hill Street, 46 Hill Street, 48 Hill Street, 18 Wyett Street, and 16 Wyett Street. The right of way access is narrow and busy onto a congested street.**

|   |
|---|
| <p><i>Response 8</i><br/><i>There are only four properties that have legal access to utilise the right of way based on the title documents obtained from the List. There are no publicly available documents that confirm 48 Hill Street has any legal access. The assessment has considered only the legal rights of access over the right of way.</i></p> |
| <p><b>Issue 9</b><br/><b>This is a unique historic area of Launceston which is part of the amenity enjoyed by the adjoining properties.</b></p>   |
| <p><i>Response 9</i><br/><i>18 Wyett Street is not heritage listed.</i></p>   |
| <p><b>Issue 10</b><br/><b>Each property with a right to use the right of way were not made aware of the application prior to lodgement.</b></p>   |
| <p><i>Response 10</i><br/><i>The applicant has confirmed all users of the right of way have been notified.</i></p>  |
| <p><b>Issue 11</b><br/><b>The application relies on multiple performance criteria which creates a distortion of the planning scheme objectives.</b></p>   |
| <p><i>Response 11</i><br/><i>This is an incorrect assumption. The amount of Performance Criteria relied upon does not determine whether or not a proposal is suitable. The assessment against the criteria is the only relevant test.</i></p>   |
| <p><b>Issue 12</b><br/><b>If approved this will set a precedent.</b></p>  |
| <p><i>Response 12</i><br/><i>Any future applications will be considered on their own merits.</i></p>  |
| <p><b>Issue 13</b><br/><b>Is the application for a multiple dwelling development or for a subdivision as a stratum development?</b></p>   |
| <p><i>Response 13</i><br/><i>The proposal is for an additional dwelling, assessed as a multiple dwelling development.</i></p>   |
| <p><b>Issue 14</b><br/><b>There are omissions in the plans, and therefore it is unclear if they are correct.</b></p>  |
| <p><i>Response 14</i><br/><i>Any omissions are minor. Sufficient information was provided by the applicant to assess the proposal.</i></p>  |
| <p><b>Issue 15</b><br/><b>The building will impact on the green spaces of West Launceston and erode the character of the area.</b></p>  |
| <p><i>Response 15</i><br/><i>The provisions of the scheme do not consider the impact on the character of the area.</i></p>  |
| <p><b>Issue 16</b><br/><b>This appears to be a strategy to ultimately subdivide or strata the lot, circumventing the Planning Scheme. The land is too small to be subdivided.</b></p>   |
| <p><i>Response 16</i><br/><i>The proposal is for an additional dwelling (multiple dwelling development). If the owner wants to subdivide or strata the lot in the future, this would be up to them. It is noted however that the lot size is sufficient to meet the Acceptable Solutions for subdivision to occur.</i></p>                                  |

|  |
|--|
| <b>Issue 17</b><br><b>The plans do not appear to be accurate.</b>  |
| <i>Response 17</i><br><i>The plans have been confirmed to be accurate.</i>   |
| <b>Issue 18</b><br><b>If this is approved, other properties will also want to construct a second dwelling on their property.</b>   |
| <i>Response 18</i><br><i>If other property owners want to develop their land, such as application would be subject to an assessment of the scheme at the time.</i>   |
| <b>Issue 19</b><br><b>Council should reject the submitted TIA in favour of the Pitt &amp; Sherry report, as provided in a representation.</b>  |
| <i>Response 19</i><br><i>The submitted representation traffic review is not without its errors, in particular noting the number of properties the right of way services. Notwithstanding, consideration of both reports has been given, and ultimately the proposal has been able to demonstrate compliance with the scheme.</i> |

## 6. CONCLUSION

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

### RISK IMPLICATIONS:

Not considered relevant to this report.

### ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

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

### STRATEGIC DOCUMENT REFERENCE:

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

### BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

### DISCLOSURE OF INTERESTS:

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

### ATTACHMENTS:

1. DA0472 2024 18 Wyett Street West Launceston Planning Scheme Assessment [11.1.1 - 20 pages]
2. DA0472.2024 - Documents to Endorse [11.1.2 - 72 pages]

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**11.2. PSA-LLP0029 - Section 40D(b) Planning Scheme Amendment - Flood Levee Protected Areas Specific Area Plan**

**FILE NO:** PSA-LLP0029

**AUTHOR:** Anushka Gardiye (Town Planner)

**APPROVER:** Michelle Ogulin (Acting General Manager Community and Place Network)

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**DECISION STATEMENT:**

To decide whether to reject or initiate PSA-LLP0029 to the Launceston Local Provisions Schedule of the Tasmanian Planning Scheme.

**RELEVANT LEGISLATION:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop – 28 October 2021 - The consultation findings and project way forward  
Workshop - 14 April 2022 – The Proposed Draft Specific Area Plan and community consultation plan  
Workshop – 18 August 2022 – The community consultation findings and way forward  
Workshop – 8 December 2022 – The proposed Draft Specific Area Plan and way forward  
Workshop – 1 August 2024 – The final Draft Specific Area Plan Review

**RECOMMENDATION:**

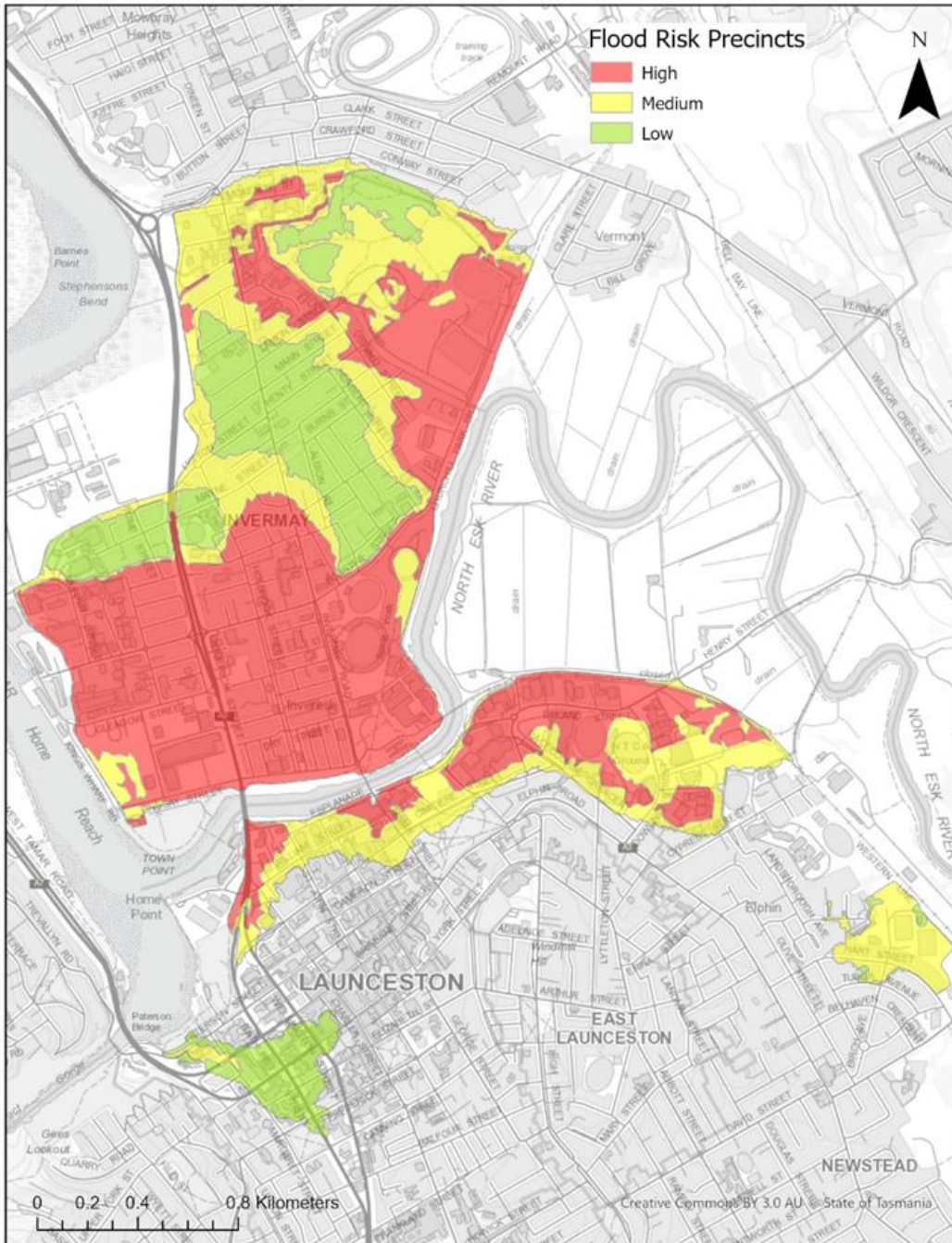
That Council, pursuant to:

1. Section 40D (b) of the *Land Use Planning and Approvals Act 1993*, prepares Amendment PSA-LLP0029 to the Launceston Local Provisions Schedule to:
  - a) remove LAU-S10.0 from the Launceston Local Provisions Schedule;
  - b) remove LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan from the overlay maps;
  - c) insert LAU-S17 Flood Levee Protected Areas Specific Area Plan into the Launceston Local Provisions Schedule attached as Instrument 1a;
  - d) insert LAU-S17 Flood Levee Protected Areas Specific Area Plan into the overlay maps, attached as Instrument 1b; and
  - e) modify C12.0 Flood-Prone Areas Hazard Code overlay map (instrument 2) by
    - (i) removing the mapped areas where proposed LAU-S17 Flood Levee Protected Areas Specific Area Plan applies.
    - (ii) Including the areas where the current LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan overlay map applies, but which are not covered by the proposed LAU-S17 Flood Levee Protected Areas Specific Area Plan overlay map.

- 2. Section 40F of the *Land Use Planning and Approvals Act 1993*, certifies Draft Amendment PSA-LLP0029

**TASMANIAN PLANNING SCHEME - LAUNCESTON  
Amendment PSA-LLP0029**

*Insert LAU-S17 Flood Levee Protected Areas Specific Area Plan into the overlay maps - Launceston Local Provisions Schedule*



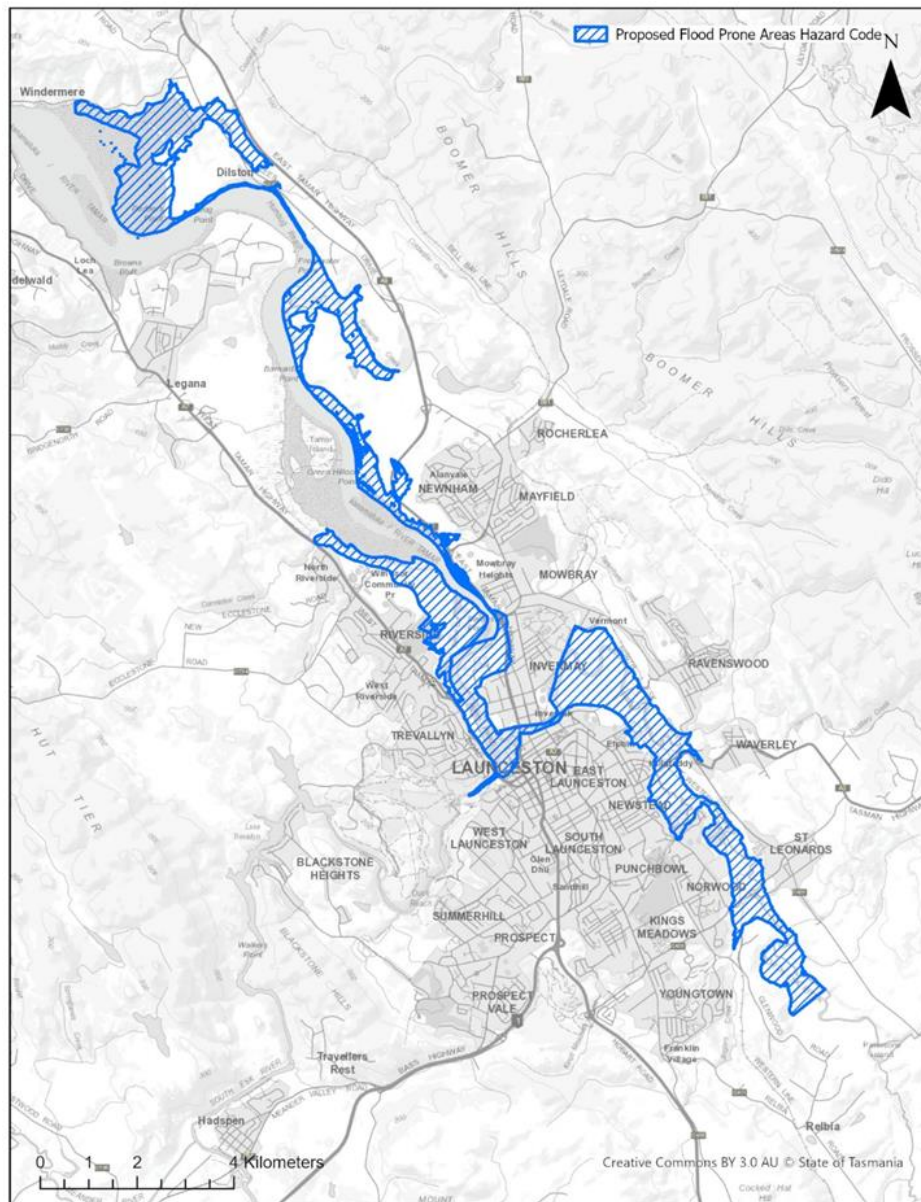
**Instrument 1b** - Proposed Flood Levee Protected Areas Specific Area Plan overlay map

*Instrument 1a - The proposed Flood Levee Protected Areas Specific Area Plan is attached under the attachments (Attachment 1) of the report.*

**TASMANIAN PLANNING SCHEME - LAUNCESTON  
Amendment PSA-LLP0029**

*Modify C12.0 Flood-Prone Areas Hazard Code overlay map by*

- (i) removing the mapped areas where proposed LAU - S17 Flood Levee Protected Areas Specific Area Plan applies.*
- (ii) Including the areas where the current LAU - S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan overlay map applies, but which are not covered by the proposed LAU - S17 Flood Levee Protected Areas Specific Area Plan overlay map.*



**Instrument 2: Modified C12.0 Flood-Prone Areas Hazard Code overlay map**

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## REPORT: APPLICATION FOR PLANNING SCHEME AMENDMENT

### 1. INTRODUCTION

Launceston has been recognised as a flood prone area since a major inundation was recorded in 1828. This flood risk is primarily due to the location and topography of Launceston's lower suburbs, which are located at the confluence of the North Esk, South Esk and Kanamaluka / River Tamar Estuary.

Launceston is currently protected from riverine flooding by a levee system built in the 1960s, updated in the 1990s, and significantly renewed in the 2010s. The portion of the levee in Newstead was built in 2018. The system was originally built to provide protection up to the 0.5% Annual Exceedance Probability (AEP) flood event<sup>[1]</sup>. <sup>(<sup>[1]</sup> Annual Exceedance Probability (AEP) refers to the likelihood of a flood event of a specific magnitude occurring in any given year. For example, a flood with a 1% AEP (1 in 100 chance) has a 1% probability of occurring in a given year.)</sup>

However, a flood study recently prepared by BMT (2019) for Council, shows that the levees currently only provide protection up to the 1% AEP flood, and, as a result of climate change, the level of protection is declining with levees potentially being compromised in a 1% AEP event by the year 2050.

The probability of the Launceston levees being breached is therefore greater than originally assumed and the likelihood of a breach will increase over time with climate change. The consequences of such a breach would be significant in Invermay, Inveresk and parts of the city centre. Additionally, two arterial roads leading out of Launceston would be inundated if the levees were breached.

Currently, there are approximately 3,000 properties potentially at risk, comprising 2,222 in the Invermay/Inveresk flood inundation area and 712 properties in the Launceston CBD, Newstead, and other flood-prone areas.

To manage these risks, this amendment proposes that Council adopt a current, best-practice, risk-based approach to land use decision making introducing updated planning controls for those areas protected by levees.

The national best practice, as outlined in the Australian Institute for Disaster Resilience's *Handbook 7, Managing the Flood Plain: A Guide to Best Practice in Flood Risk Management in Australia (attachment 5)*, along with other related guidelines, advocates for a comprehensive, risk-based approach to flood risk management. This approach underlines the need to evaluate and consider the full range of potential flood events and their consequences before making decisions on flood mitigation measures, including planning controls.

However, *Handbook 7* does not specifically address how factors such as vulnerability, resilience, and tolerability contribute to risk. In contrast, other guidelines, such as the Queensland Reconstruction Authority's guidelines (2011), provide more specific guidance on these aspects.

The purpose of this project is to make new development safer and more resilient, and to minimise any possible impacts to lives and properties from flooding in future.

The study area covers all areas of the city that are currently protected by the levee system including parts of Inveresk, Invermay, Newstead and Launceston CBD shown in figure 1 below.



Figure 1: Study Area

Invermay is a distinctive suburb of Launceston, characterised by its mix of residential, educational, industrial and commercial land uses. The residential areas in Invermay area predominantly features single-storey detached dwellings, many of which showcase a heritage character and are interspersed with buildings of notable historical significance. UTAS, TasTafe and an Entertainment Precinct occupy the area east of Invermay Road and north of North Esk River. Invermay also boasts a large area of passive open space in the northeastern part of the suburb, complemented by smaller urban parks that serve various community functions, enhancing the area's livability.

The section south of the North Esk River forms part of the northern central business district (CBD) and includes a mix of hotels, retail, and small to medium-sized commercial and light industrial businesses, contributing to the area's economic activity. The Newstead area is primarily residential, with the majority of properties being single dwellings. In addition, a section of the Newstead study area includes one of the region's major sports centres, which serves as a key community facility.

If the proposed planning scheme amendment is initiated, the next steps in the process are as follows:



- The proposed amendment will be exhibited for 28 days.
- The proposed amendment will be brought back to a Council meeting, where the Planning Authority will consider any representations, and if necessary, provide comment on potential recommendations and modifications.
- The Tasmanian Planning Commission will assess and decide whether to approve the amendment, approve the amendment with modifications or reject the amendment.

## 2. A RISK BASED APPROACH

The Council engaged consultants Molino Stewart Pty Ltd and GLN Planning to assess flood risk for properties behind the levees and to examine and recommend appropriate land use planning controls for current and future flood risk.

Two documents have been prepared and these outline the methodology used and rationale for the proposed amendment. These documents form attachments 1 and 2 to this report.

1. *Land Use Planning in Levee Protected Areas - Flood Risk Assessment and Mapping* prepared by Molino Stewart - November 2024.
2. *Land Use Planning in Levee Protected Areas - Planning Report* prepared by GLN Planning Consulting Strategy - August 2022

Molino Stewart used a widely accepted risk-based methodology that is based on the approach promoted by the Queensland Reconstruction Authority. This approach provides clear guidelines for determining the acceptable, tolerable and unacceptable levels of risk spatially. Further details are contained in Attachment 3: *Land Use Planning in Levee Protected Areas - Flood Risk Assessment and Mapping* prepared by Molino Stewart (2024).

Community consultation formed an important element of the work, including a community survey sent to residents and businesses within the study area. This survey aimed to understand the community's perception of flood risk, their tolerance levels towards flooding, and their anticipated responses in the event of a flood. A total of 540 survey responses were received across the study area. These responses provided valuable insights into how residents and businesses perceived flood risks and their levels of tolerance.

The output of the risk assessment was a risk index score for each lot in the study area which were then classified using table 1 below in one of the following tolerability categories:

|         |      | Consequence Score |     |     |     |     |     |     |     |     |     |     |
|---------|------|-------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|         |      | 0                 | 1   | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  |
| AEP (%) | 10.0 | 0                 | 10  | 20  | 30  | 40  | 50  | 60  | 70  | 80  | 90  | 100 |
|         | 5.0  | 0                 | 5   | 10  | 15  | 20  | 25  | 30  | 35  | 40  | 45  | 50  |
|         | 2.0  | 0                 | 2   | 4   | 6   | 8   | 10  | 12  | 14  | 16  | 18  | 20  |
|         | 1.0  | 0                 | 1   | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  |
|         | 0.5  | 0                 | 0.5 | 1   | 1.5 | 2   | 2.5 | 3   | 3.5 | 4   | 4.5 | 5   |
|         | 0.2  | 0                 | 0.2 | 0.4 | 0.6 | 0.8 | 1   | 1.2 | 1.4 | 1.6 | 1.8 | 2   |
|         | 0.1  | 0                 | 0.1 | 0.2 | 0.3 | 0.4 | 0.5 | 0.6 | 0.7 | 0.8 | 0.9 | 1   |

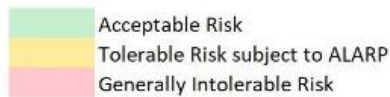


Table 1: Probability/consequence matrix adopted in this study to classify risk scores in the three tolerability categories

- Acceptable risk (green area). This risk level is generally acceptable as is, without necessarily requiring risk reduction measures;
- Tolerable risk, subject to the ALARP<sup>[1]</sup> ([1] As Low As Reasonably Practical) principle (yellow area). This risk level is tolerable, provided that measures are put in place to reduce the risk to a level; and
- Generally intolerable risk (red area). This risk level is too high and, in general, it should be reduced or eliminated regardless of the cost of doing so. (Molino Stewart, 2022).

The risk assessment determined that there will be larger parts of the study area where flooding will be intolerable by 2050 due to the projected impacts of climate change and that this situation will further worsen by 2090 when approximately half of the study area will have intolerable flood risk.

Figure 2 and Figure 3 below show the risk levels determined across the study area for the years 2050 and 2090. The maps has been created using future predicted flood extents, depth and velocities, no change was assumed in the cadastre layout or in the type and number of buildings in the study area.

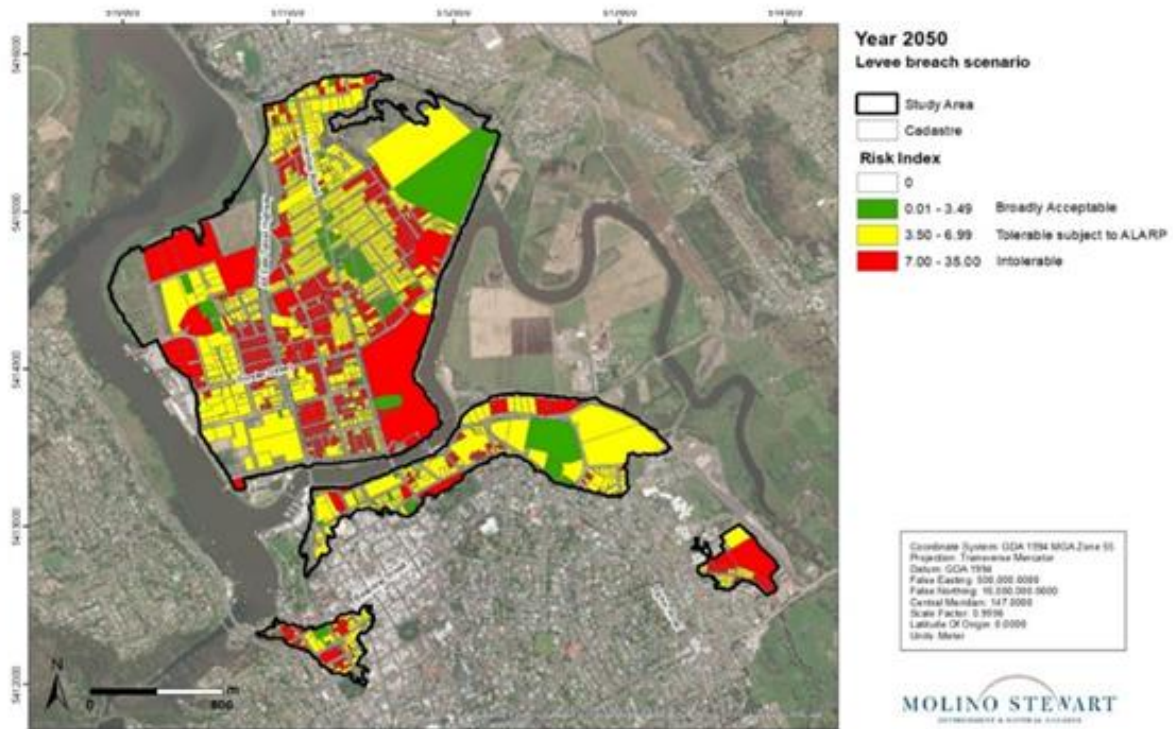


Figure 2: Risk map for year 2050, under the assumption of levee breach scenario  
Source: Flood Risk Assessment and Mapping Report - Molino Stewart (2024)

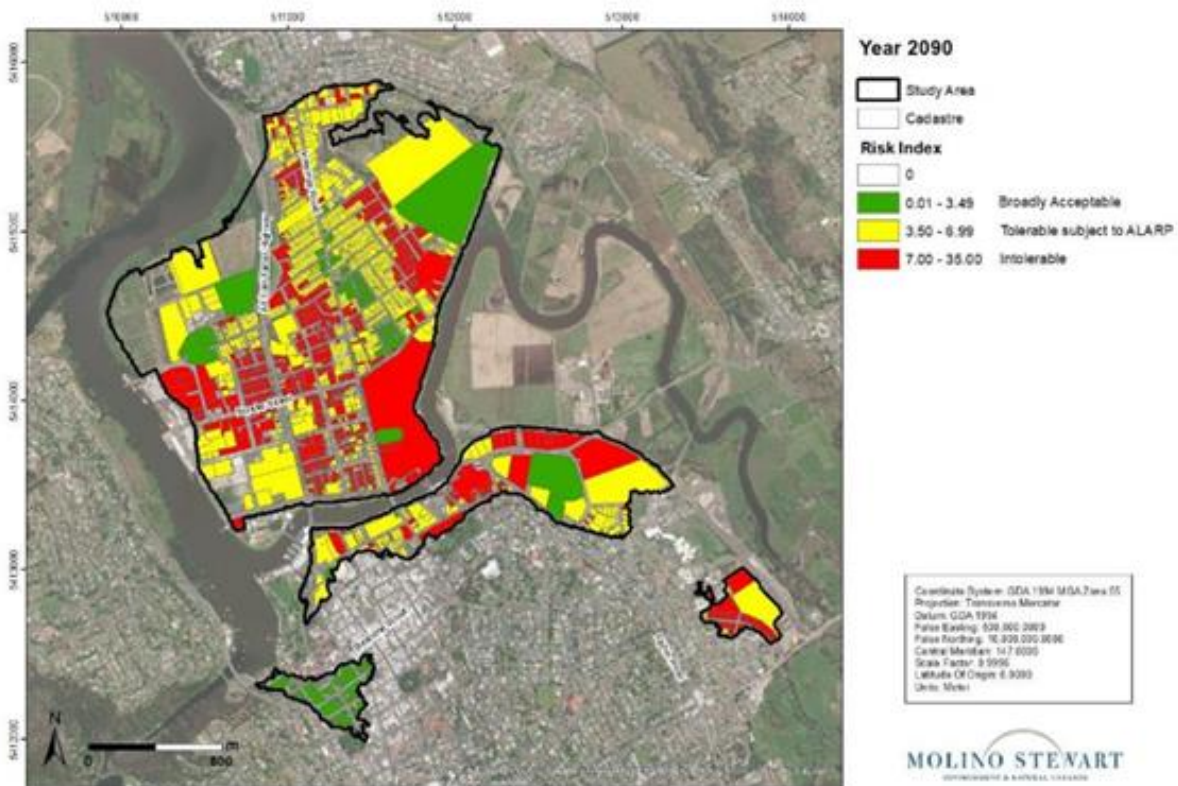


Figure 3: Risk map for year 2090, under the assumption of no levee breach scenario  
Source: Flood Risk Assessment and Mapping Report - Molino Stewart (2024)

## 2.1 Conclusions of the Risk Assessment

The risk assessment analysis done by Molino Stewart provides the following conclusions:

- The levee provides protection from a 1% AEP event in year 2020, but it is severely overtopped by a 0.5% AEP event.
- The levee may not provide complete protection from the 1% AEP event in year 2050.
- If no additional flood risk reduction measures are put in place, by year 2050 there could be about 210 lots in the study area (i.e. 8% of total affected lots in 2050) with intolerable flood risk level. This figure may escalate to 1,000 – 1,091 lots in year 2090 (i.e. 38% of total affected lots in 2090), as a result of climate change (primarily) and increased development pressure.
- Measures outside of planning control to reduce vulnerability and increase resilience (such as building awareness and community preparedness) may result in a significant reduction of the number of lots with intolerable risk in year 2050. However, in year 2090, risk will be mostly driven by the frequency of flooding, and additional risk controls will be necessary. These may include more stringent planning controls, as well as measures to change flood behavior.
- The structural integrity of the levee is of critical importance. A catastrophic failure of the levee in the 1% AEP in year 2050 would result in a significantly higher number of lots affected by flooding in that event.

## 3. LAND USE PLANNING

The Molino Stewart risk analysis has concluded that substantial proportions of the Study Area will be subject to intolerable risks in the future.

To effectively manage the growing risks and impacts of flooding, future development must be strategically planned. The findings from the risk assessment have been translated into a detailed land use planning map, which categorises the study area into three flood risk precincts (FRP) based on high, medium or low risk levels. These are shown below in figure 4. The precinct will be mapped on the overlay map and will be used to guide the application of specific development and use controls aimed at mitigating risks and promoting resilience relevant to the risks associated with each precinct.

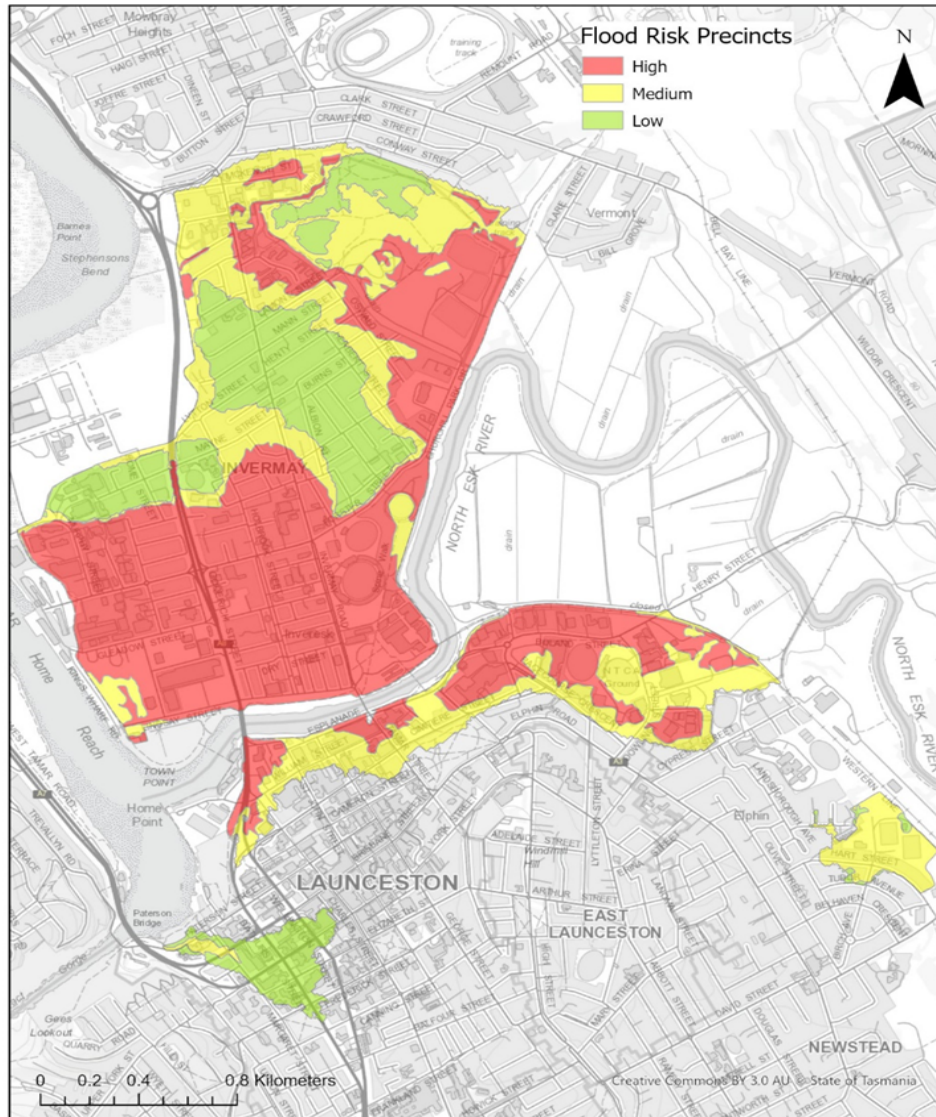


Figure 4: Identified Flood Risk Precincts

### 3.1 The Role of planning in Floodplain Risk Management

Planning plays a key role in managing floodplain risks by integrating flood risk considerations into land use and development decisions. Effective planning helps minimize risks to people, property, and infrastructure, while providing clear guidance on flood hazards.

Key elements include:

- **Strategic Guidance on Land Use Location:** Planning identifies suitable areas for different land uses based on flood risk, aiming to avoid high-risk areas and ensure compatibility with flood hazards.
- **Development Controls to Minimise Risk:** In flood-prone areas, planning enforces controls such as building restrictions, floor level requirements and subdivision provisions to reduce risks to people and property. These planning tools help manage development in a way that ensures safety and resilience, addressing residual risks even in areas where development is within the floodplain.

### 3.2 Draft Specific Area Plan (SAP)

The purpose of the Specific Area Plan is to minimise the risk to human life and damage to property caused by flooding and ensure that use and development of land protected by levees is managed to:

- a) ensure consideration of the flood risk in the location of future land uses; and
- b) require new buildings to be resilient to the impacts of flood inundation.

The proposed SAP provides a comprehensive package of controls for use and development, applying a risk-based approach to floodplain management having provisions that deal with both the characteristics and locations of different uses and forms of development.

From a use perspective controls are proposed on those uses that are strategically important such as hospitals schools and emergency services, and also those uses that are particularly vulnerable such as higher density housing and aged care facilities.

Development standards propose consideration of resilience of buildings, floor levels and impact of building on the characteristics of flooding.

Further, the current controls (*S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan*) primarily focus on the geographical location of flood-prone areas (relative to the 1%AEP flood level). Precincts are identified by land use characteristics. The proposed SAP seeks to apply a more contemporary approach based on the relative level of risk.

The proposed SAP also addresses the inconsistency in the planning controls of levee-protected flood-prone areas in Launceston.

The city has 3 key areas protected by levees:

1. The Invermay/ Inveresk area - This area is controlled by the current *LAU- S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan*. These are site specific provisions developed in 2010, at the time of the levee reconstruction project.
2. The area of the city south of the North Esk - Currently the planning scheme provides no flood consideration in this area.
3. Newstead area - The Newstead levee was completed in 2018 following the June 2016 floods. The area protected by the levee in Newstead is covered by the general *C12.0 Flood-Prone Areas Hazard Code*.

The proposed approach aims to establish uniform planning controls to address flood risk across all levee-protected areas in Launceston. This creates a more cohesive and effective flood management strategy that enhances safety and resilience for all affected communities. Additionally, consistent planning controls simplify the requirements, making it easier for both the community and developers to understand and comply with the standards.

The SAP overlay map provides for a tailored spatial approach allowing application of use and development standards consistent with the level of risk of particular spatial areas.

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**4. DETAILED DESCRIPTION OF THE PROPOSED PLANNING CONTROLS - A RISK BASED APPROACH.**

**4.1 LAU-S17.6.1 Unacceptable uses**

|  |   |
|--|---|
| <b>Objective:</b>  |   |
| To prevent the establishment of new land uses that present an unacceptable risk when subject to, or isolated by, flood inundation  |   |
| <b>Acceptable Solution</b>   | <b>Performance Criteria</b>                       |
| <p><b>A1</b></p> <p>If for the establishment of new non-residential uses except for:</p> <ul style="list-style-type: none"> <li>(a) Custodial facility;</li> <li>(b) Storage (Liquid fuel depot), within the High or Medium FRP;</li> <li>(c) Significant community infrastructure within the high or Medium FRP.</li> </ul> <p><b>A2</b></p> <p>If for the establishment of new residential uses except for:</p> <ul style="list-style-type: none"> <li>(a) Residential care facility;</li> <li>(b) Retirement village;</li> <li>(c) Respite centre</li> <li>(d) Assisted housing</li> <li>(e) residential uses in the high FRP (other than single dwellings).</li> </ul> | <p><b>P1</b></p> <p>No Performance Criterion.</p> |

The purpose of this clause is to prohibit certain identified, new non-residential and residential uses that could pose unacceptable risks when exposed to or isolated by flood inundation. As per the A2 (e) of the clause, multiple dwellings will not be allowed within the High FRP.

These restrictions aim to protect public safety, safeguard critical community services such as hospitals and emergency services, protect vulnerable populations, minimize environmental harm and to prevent damage to property and infrastructure. By carefully locating uses that may be at high risk of flooding, the clause ensures that development is directed away from areas where flood hazards could cause significant harm.

4.2 LAU-S17.6.2 Intensity of uses

|  |   |
|--|---|
| <b>Objective:</b>  |   |
| To limit the intensity of uses subject to, or isolated by, flood inundation.   |   |
| <b>Acceptable Solution</b>   | <b>Performance Criteria</b>   |
| <p><b>A1</b></p> <p>a) if for residential use in the low FRP; or<br/>b) in the High or medium FRP:</p> <p>(i) Residential use up to 200m<sup>2</sup> of gross floor area on a single title; or</p> <p>(ii) Extensions to existing residential use of no more than 10% of the gross floor area existing or approved on the 1st January 2008.</p>  | <p><b>P1</b></p> <p>No Performance Criterion.</p>   |
| <p><b>A2</b></p> <p>a) if for non-residential use in the low FRP, except for:</p> <p>(i) Significant community infrastructure;<br/>(ii) Public art gallery;<br/>(iii) Community meeting and entertainment.</p> <p>b) in the High or medium FRP:</p> <p>(i) Non-Residential use up to 400m<sup>2</sup> of gross floor area on a single title; or</p> <p>(ii) Visitor accommodation use within a dwelling up to 200m<sup>2</sup> of gross floor area on a single title; or</p> <p>(iii) Extensions to existing non-residential use of no more than 10% of the gross floor area existing or approved on the 1st January 2008.</p> | <p><b>P2</b></p> <p>Must be designed and located to prevent an unacceptable level of risk to life and property having regard to the advice contained within a comprehensive risk assessment report.</p> |

The Acceptable Solution (A1) of this clause encourages residential uses within the Low FRP without limitations. However, for residential uses located within the High or Medium FRPs, there is a restriction of 200m<sup>2</sup> gross floor area on a single title, and an extension limit of up to 10% of the gross floor area. It is important to note that these restrictions must not be read in isolation, as they work in combination with other relevant controls, such as restrictions on unacceptable uses, floor levels, and more.



Under A2 of the clause, the establishment of non-residential uses is permitted within the Low FRP, with the exception of three specifically listed non-residential uses. Additionally, this section allows non-residential uses up to 400m<sup>2</sup>, visitor accommodation within a single dwelling up to 200m<sup>2</sup> gross floor area on a single title, or extensions to existing non-residential uses of no more than 10%.

If a proposed use does not meet the A2 Acceptable Solution, there is an option to address the Performance Criteria and demonstrate compliance subject to discretionary assessment. This provides a pathway to apply for a planning permit where uses can meet the performance criteria, subject to a comprehensive risk assessment.

The primary purpose of this clause is to manage the controlled intensification of land uses that are subject to or isolated by flood inundation, ensuring that development in flood-prone areas is carefully regulated to reduce flood risks.

**4.3 LAU-S17.6.3 Dangerous goods and hazardous materials**

|  |   |
|--|---|
| <b>Objective:</b>  |   |
| To ensure the storage of dangerous goods and hazardous materials are managed to avoid impacts on the environment during a flood. |   |
| <b>Acceptable Solution</b>   | <b>Performance Criteria</b>   |
| <b>A1</b><br>No Acceptable Solution.   | <b>P1</b><br>Dangerous Goods or Hazardous materials must be stored in accordance with a flood impact report and flood emergency response plan that ensures potential impacts on the environment are minimised having regard to:<br>(a) the quantity of material stored;<br>(b) the nature of the materials stored;<br>(c) the nature and characteristics of the proposed use development;<br>(d) the characteristics of the inundation of the land that is subject to the risk;<br>(e) the capacity of the development to withstand flooding; and<br>(f) the capacity of the owner or occupants to respond to or manage the flood risk. |

The proposed new planning controls for the storage of dangerous goods or hazardous materials in flood-prone areas are designed to minimise potential environmental harm during flooding events, addressing gaps identified in the current Specific Area Plan (*LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan*).

As there is no Acceptable Solution for this clause, any proposal involving the storage of dangerous goods or hazardous materials in flood-prone areas is required to be submitted as a discretionary planning application. The applicant must address the performance criteria and demonstrate how compliance can be achieved. This will require a flood impact

report and a flood emergency response plan to demonstrate that potential impacts on the environment are minimised. Further, these new measures ensure that developments consider key factors such as the quantity and nature of materials, the specific inundation risks, and the potential environmental impacts during a flood. This approach reflects a strong commitment to sustainable practices, aiming not only to safeguard human lives but also to protect ecosystems, promote biodiversity, and preserve the broader natural environment as a whole.

**4.4 LAU-S17.6.4 Emergency management**

|   |   |
|---|---|
| <b>Objective:</b>   |   |
| To ensure use appropriately considers emergency management planning in the event of a flood and as part of its ongoing operations.  |   |
| <b>Acceptable Solution</b>  | <b>Performance Criteria</b>   |
| <p><b>A1</b><br/>If for:</p> <ul style="list-style-type: none"> <li>(a) Residential uses with less than 4 dwellings; or</li> <li>(b) Non-residential uses with a gross floor area of 400 m2 or less.</li> </ul> | <p><b>P1</b><br/>Use must demonstrate that it is designed and would operate to minimise the impacts of inundation having regard to:</p> <ul style="list-style-type: none"> <li>(a) The advice contained within a flood emergency response plan;</li> <li>(b) The need for preparedness to respond in the event of possible inundation;</li> <li>(c) Plans for evacuation and relocation of portable property; and</li> <li>(d) The requirements for post event recovery.</li> </ul> |

This new standard dealing with flood emergency management to ensure that the use appropriately consider emergency management in the event of a flood and as part of their ongoing operations. The acceptable solution of the clause allows residential uses with less than 4 dwellings and non-residential uses with a gross floor area of 400m2 or less. Any development that cannot meet the relevant acceptable solutions outlined in the clause must demonstrate that they are designed and will operate in a manner that minimises the impacts of inundation. This includes the necessity for flood emergency response plans, detailed plans for relocation and evacuation, and requirements for post-event recovery.

By incorporating these elements, the new planning controls aim to enhance community resilience and protect both people and property during flood events.

4.5 LAU-S17.7.1 Floor levels

|  |  |
|--|--|
| <b>Objective:</b>  |  |
| To ensure building floor levels are constructed in a manner that minimises the risk to human life and damage to property caused by flooding.   |  |
| <b>Acceptable Solutions</b>  | <b>Performance Criteria</b>  |
| <b>A1</b><br>Habitable floor levels of buildings within the Residential or Visitor Accommodation Use classes must be equal to or higher than the level shown in Table 17.7.1.  | <b>P1</b><br>No Performance criterion.   |
| <b>A2.1</b><br>If for new non-residential development in the low FRP, except for:<br>(i) Significant community infrastructure;<br>(ii) Public art gallery; or<br>(iii) Community meeting and entertainment.<br>which must have a floor levels equal to or higher than the level shown in Table 17.7.2. | <b>P2</b><br>Buildings must have a floor level that demonstrates that the development will be able to manage the risk of flooding to tolerable levels, having regard to:<br>(a) comprehensive risk assessment that demonstrates that with the proposed development there would be no increase in flood related risks for the property the subject of the application in the year 2050, compared to a building that complied with the Acceptable Solution;<br>(b) a flood impact report; and<br>(c) the recommendations of a flood emergency response plan. |

**Table 17.7.1**

| Location               | Floor level |
|------------------------|-------------|
| Invermay               | 5.3 m AHD   |
| City (Eastern Portion) | 5.3 m AHD   |
| City (Western Portion) | 3.5 m AHD   |
| Newstead               | 5.6 m AHD   |

**Table 17.7.2**

| Location  | 0.5% AEP including freeboard (m AHD) |
|-----------|--------------------------------------|
| Newstead  | 5.9 m                                |
| City East | 5.9 m                                |
| City West | 5.9 m                                |
| Invermay  | 5.8 m                                |

This clause introduces changes to the habitable floor level requirements for residential uses and new habitable floor level requirements for visitor accommodation uses. The proposed floor levels are based on the Australian Height Datum (AHD) level of each property. Notably, some properties within the subject area are already located above the required AHD levels.

By incorporating these adjustments, it is aimed to enhance flood resilience and ensure that new developments are better protected against potential inundation risks. By establishing these requirements, the SAP aims to enhance the overall safety of residential developments in flood-prone areas, ensuring that new constructions are appropriately elevated to mitigate the risk of inundation.

The A2.1 of the clause allows new non-residential developments without floor level requirements within the low FRP except for Significant community infrastructure, public art gallery and Community meeting and entertainment uses which are required to meet the outlined minimum floor levels.

Any non-residential development that cannot meet the acceptable solution of the clause may apply for a discretionary planning application, provided it can demonstrate, through a comprehensive risk assessment, a flood impact report, and recommendations from a flood emergency response plan, that the development can manage the flood risk to tolerable levels. This application will be subject to meeting the performance criteria and must satisfactorily address flood risk concerns.

**4.6 LAU-S17.7.2 Effects on others**

|  |   |
|--|---|
| <b>Objective:</b>  |   |
| To ensure that new buildings and works do not alter the behaviour of floods in a manner that has a materially detrimental impact on property or the safety of persons external to the development site.                    |   |
| <b>Acceptable Solution</b>   | <b>Performance Criteria</b>   |
| <p><b>A1</b><br/>If for:</p> <p>(a) new buildings with 400m<sup>2</sup> or less Gross Floor Area; and</p> <p>(b) filling of land utilising less than 25m<sup>3</sup> (Net) of imported material at the effective date.</p> | <p><b>P1</b><br/>Development and works must not have a detrimental impact on the characteristics of the flood or cause an increase in adverse impact to human life and property having regard to the advice contained in a flood impact report.</p> |

The purpose of this clause is to ensure that any new building or works do not alter flood behavior in a way that could materially harm property or endanger the safety of people outside the development site. The acceptable solutions of the clause are based on the scale of the development. Any development that cannot meet the acceptable solutions must demonstrate compliance by showing that the proposed development and works will not negatively affect flood characteristics or increase adverse impacts on human life and property. This must be supported by a flood impact report, which provides advice on how to mitigate such risks.

4.7 LAU-S17.7.3 Building resilience

|  |  |
|--|--|
| <b>Objective:</b>  |  |
| To minimise the potential for buildings to structurally fail as a consequence of flooding. |  |
| <b>Acceptable Solution</b>   | <b>Performance Criteria</b>  |
| <b>A1</b><br>If for buildings in a low or medium FRP.                                      | <b>P1</b><br>Buildings within the high FRP must be capable of withstanding the forces of flood water, debris and buoyancy for flood levels specified in Table 17.7.3 assuming no levee protection, having regard to the advice of a suitably qualified person and a flood impact report. |

Table 17.7.3 - Flood levels

| Location               | Flood level |
|------------------------|-------------|
| Invermay               | 5.0 m AHD   |
| City (Eastern Portion) | 5.0 m AHD   |
| City (Western Portion) | 3.2 m AHD   |
| Newstead               | 5.3 m AHD   |

The proposed new standards for building resilience aims to minimise the potential for structural failure as a consequence of flooding. These controls specifically address the need for buildings in the High FRP to withstand the forces of floodwater, debris, and buoyancy at specified flood levels in the SAP. The acceptable solution of the clause allows buildings within Low or Medium FRP. For buildings proposed within the High FRP they must address the performance criteria and are required to seek advice from a suitably qualified professional and prepare a flood impact report that evaluates risks and informs design strategies.

By incorporating these planning controls, the proposed SAP ensures that all structures are designed to endure extreme conditions, enhancing safety for occupants and surrounding communities.

4.8 LAU-S17.7.4 Subdivision

|  |  |
|--|--|
| <b>Objective:</b>  |  |
| To limit opportunities for the intensification of residential development and occupation of areas subject to flood risk. |  |
| <b>Acceptable Solution</b>   | <b>Performance Criteria</b>            |
| <b>A1</b><br>Subdivision must not create any additional lots capable of any future residential development unless:       | <b>P1</b><br>No Performance Criterion. |

|   |  |
|---|--|
| <p>(a) it is within the Low FRP or medium FRP; or</p> <p>(b) it is for residential activities associated with the educational activities and within the Inveresk Cultural Precinct; or</p> <p>(c) it is to:</p> <ul style="list-style-type: none"><li>i. separate existing dwelling units; or</li><li>ii. separate existing residential and non-residential buildings;</li></ul> <p>that have been approved by Council on a single title.</p> |  |
|---|--|

The proposed planning controls on subdivision aim to limit the intensification of residential development and occupation in areas at risk of flooding. Specifically, the proposed controls will prohibit further subdivisions for residential uses within the High FRP.

The social, economic and environmental benefits of the proposed amendment are as follows:

- **Improved Resilience:** The uniform planning controls across all the levee-protected areas create a cohesive strategy that enhances community resilience. The introduction of new habitable floor level requirements and structural resilience controls enhances the ability of new buildings to withstand flooding.
- **Enhanced Community Safety:** By broadening the scope of flood risk assessment and management, the SAP increases overall safety for residential and other uses, reducing the likelihood of flood-related injuries, fatalities and damage to properties.
- **Consistent Regulations:** Establishing uniform planning controls across levee-protected areas addresses existing inconsistencies in flood risk management, making it easier for communities to understand and comply with regulations.
- **Reduced Emergency Response Costs:** By proactively addressing flood risks, the SAP can lower costs associated with emergency services, repairs, and recovery efforts. The SAP will increase community preparedness and resilience as a result of requiring emergency management plans for significant new use and development.
- **Long term Economic Stability:** By minimising flood-related damage, the SAP supports the economic health of communities, ensuring that local businesses and residences are safeguarded against future flood risks.
- **Climate Change Adaptation:** By addressing current and future flood risks, the plan supports climate resilience, helping communities adapt to changing weather patterns.
- **Protection of the Natural Environment:** The proposed new planning controls are designed to minimise potential environmental harm during flooding events, addressing gaps identified in the current Specific Area Plan (*LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan*).
- **Incorporating National Best Practice for Floodplain Management in Launceston:** The proposed planning controls have been formulated with the aim of aligning with the guidelines set out in the *Australian Institute for Disaster Resilience*

*Handbook 7, Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia (Attachment 5), as well as other relevant frameworks, including the Queensland Reconstruction Authority's guidelines - 2011 (Attachment 6). This alignment ensures that the planning controls reflect national best practice in flood risk management.*

The social, economic and environmental consequences of the proposed amendment are:

- **Impact on Property Values:** In the short term, the perception of increased flood risk and stricter regulations may negatively impact property values, particularly in areas that are newly classified as high risk.
- **Limited Development Opportunities:** Stricter planning controls may restrict the types of new developments allowed in flood-prone areas, limiting opportunities for housing and business expansion.
- **Increased Development Costs:** Higher construction standards and compliance measures can lead to significantly increased costs for developers

On balance, the proposed Specific Area Plan seeks to rationalise land use within the levee-protected areas of Launceston by integrating a risk-based approach that prioritises safety and resilience. It aims to accommodate future developments while ensuring that all land uses and developments are carefully considered in relation to flood risk. This framework not only seeks to minimise the potential for damage to property and loss of life but also encourages new buildings to be designed with resilience to flood impacts. By tailoring restrictions based on the vulnerability of different uses and the specific characteristics of developments, the amendment attempts to create a consistent strategy for floodplain management in Launceston that protects both community and the environment.

## 5. PROPOSED AMENDMENT

The City of Launceston has prepared, by its own motion, under section 40D(b) of the Land Use Planning and Approvals Act 1993 (the Act), a scheme amendment to:

- remove LAU-S10.0 from the Launceston Local Provisions Schedule;*
- remove LAU- S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan from the overlay maps;*
- insert LAU - S17 Flood Levee Protected Areas Specific Area Plan into the Launceston Local Provisions Schedule attached as Instrument 1a;*
- insert LAU-S17 Flood Levee Protected Areas Specific Area Plan into the overlay maps, attached as Instrument 1b; and*
- modify C12.0 Flood-Prone Areas Hazard Code overlay map (instrument 2) by*
  - removing the mapped areas where proposed LAU - S17 Flood Levee Protected Areas Specific Area Plan applies.*
  - Including the areas where the current LAU - S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan overlay map applies, but which are not covered by the proposed LAU - S17 Flood Levee Protected Areas Specific Area Plan overlay map.*

## **6. STRATEGIC OUTCOMES**

### **6.1 State Strategy**

The amendment furthers the objectives in Schedule 1 of LUPPA, by promoting sustainable and orderly development through more efficient use of underutilised, serviced, highly accessible, urban land. Attachment 2 includes an assessment against the objectives of Schedule 1 of LUPAA and the State Policies.

### **6.2 Regional Strategy**

The Northern Tasmanian Regional Land Use Strategy (NRLUS) was originally declared by the minister for planning in accordance with the relevant provisions of LUPPA on 27 October 2011. The current version was amended on 23 June 2021 and provides a framework for the sustainable use and development of land within the region.

The NRLUS is a strategic regional plan for the eight council areas in the north and north-east of Tasmania. It has a 20 year time horizon to 2032 for integrated infrastructure, land use development and transport planning, and is underpinned by economic development, social and environmental strategies. It defines three land use categories to direct the allocation of all land in the region. The detailed assessment against the relevant principles, policies and actions of the NRLUS is provided in the Attachment 2 of this report.

### **6.3 Statutory Considerations**

#### **6.3.1 Section 40D(b) of Land Use Planning and Approvals Act 1993**

Section 40D allows the planning Authority, by its own motion, to prepare a draft amendment of a Local Provisions Schedule (LPS).

#### **6.3.2 Sections 32 and 34 of Land Use Planning and Approvals Act 1993**

Section 32 of Land Use Planning and Approvals Act 1993, provides for the contents of a LPS, and Section 34 outlines the LPS Criteria. Attachment 2 provides a detailed assessment of the amendment against the requirements of these provisions. The amendment is considered to satisfy all the listed considerations and meet the LPS Criteria.

#### **6.3.3 City of Launceston Corporate Strategic Plan 2014-2024**

Section 20(1) of the Local Government Act 1993 (Tas) requires a planning scheme amendment to have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Act.

Attachment 2 includes an assessment against the Corporate Strategic Plan.

#### **6.3.4 Section 56S Water and Sewerage Industry Act 2008**

Under Section 56S(1) of the Water and Sewerage Industry Act 2008, a Planning Authority must refer a draft planning scheme amendment to the relevant regulated entity. Under Section 56S(2) of the same Act, the relevant regulated entity may provide comments during the public notification period. The proposed Specific Area Plan was referred to TasWater on 22 November 2024 provided their submission, noting they have no objection and no formal comments.



### **6.3.5 Launceston Flood Risk Management Act 2015**

In accordance with Section 17 of the Launceston Flood Risk Management Act 2015, a Planning Authority is required to refer a draft planning scheme amendment to the relevant regulated entity. Under Section 17(4) of the same Act, the regulated entity may provide comments during the public notification period. The proposed Specific Area Plan was referred to the Launceston Flood Authority and presented at the LFA Board Meeting on 09/09/2024. The LFA has raised no objections and provided no formal comments.

## **7. CONCLUSION**

The proposed planning scheme amendment seeks to introduce the Flood Levee Protected Areas Specific Area Plan (SAP) into the Launceston Local Provisions Schedule. This SAP provides a comprehensive set of controls for land use and development, taking a risk-based approach to floodplain management. It includes provisions that address the specific characteristics and locations of different uses and types of development within levee-protected areas.

This is a positive strategic outcome as it aims to reduce the risk to human life and property from flooding. The SAP ensures that land use and development in these areas are carefully managed to account for flood risk, particularly by guiding the location of future uses and ensuring that new buildings are designed to be resilient to potential flood inundation.

For the above reasons, it is assessed that the proposed planning scheme amendment is consistent with the objectives and other requirements of the *Land Use Planning and Approvals Act 1993*, the intent of the Tasmanian Planning Scheme - Launceston and is consistent with the Northern Tasmanian Regional Land Use Strategy and State policies.

### **RISK IMPLICATIONS:**

Not considered relevant to this report.

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

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

### **STRATEGIC DOCUMENT REFERENCE:**

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

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

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

1. Attachment 1 - Draft SAP - Final Draft [**11.2.1** - 13 pages]
2. Attachment 2 - Statutory Assessment [**11.2.2** - 15 pages]
3. Attachment 3 - Molino Stewart - Flood Risk Assessment [**11.2.3** - 83 pages]
4. Attachment 4 - GLN Planning Report [**11.2.4** - 69 pages]
5. Attachment 5 - Australian Institute for Disaster Resilience - Handbook 7 [**11.2.5** - 110 pages]
6. Attachment 6 - Queensland Reconstruction Authority Guidelines [**11.2.6** - 92 pages]

**11.3. DA0453/2024 - 65A Bourke Street and 65 Bourke Street Launceston - Residential - Partial Demolition, Construction of Alterations and Additions to a Dwelling and Construction of a Crossover with Right of Way access over 65 Bourke Street**

**FILE NO:** DA0453-2024

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

**APPROVER:** Michelle Ogulin (Acting General Manager Community and Place Network)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

|                               |  |
|-------------------------------|--|
| Applicant:                    | S. Group   |
| Property:                     | 65A Bourke Street and 65 Bourke Street, Launceston |
| Zoning:                       | Inner Residential                                  |
| Receipt Date:                 | 16/10/2024   |
| Validity Date:                | 6/11/2024  |
| Further Information Request:  | 18/10/2024   |
| Further Information Received: | 06/11/2024   |
| Deemed Approval:              | 18/12/2024   |
| Representations:              | 4  |

**RELEVANT LEGISLATION:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 1 October 2020 - 9.2 - 65A Bourke Street, Launceston - Residential - Partial Demolition and Construction of Alterations and Additions to Existing Dwelling - DA0427/2020

DA0586/2010 - Subdivision - subdivide and adhere 10m<sup>2</sup> land - approved under delegation

**STANDARDS REQUIRING PLANNING DISCRETION:**

9.4.2 - Setbacks and building envelope for all dwellings  
9.4.6 - Privacy for all dwellings

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**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0427/2024 Residential - Partial demolition, construction of alterations and additions to a dwelling and construction of a crossover with ROW access of 65 Bourke St at 65a Bourke Street Launceston, subject to the following conditions:

**1. ENDORSED PLANS & DOCUMENTS**

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

- a. Cover page, Prepared by S Group, Project J008586, Drawing No. A001, Rev B, Dated 23/10/2024. Plans to be amended.
- b. Site Plan, Prepared by S Group, Project J008586, Drawing No. A101, Scale 1:200 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- c. Site Plan Title, Prepared by S Group, Project J008586, Drawing No. A102, Scale 1:200 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- d. Ex/Demo Ground Floor Plan, Prepared by S Group, Project J008586, Drawing No. A201, Scale 1:100 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- e. Ex/Demo Lower Floor Plan, Prepared by S Group, Project J008586, Drawing No. A202, Scale 1:100 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- f. Proposed Upper Floor Plan, Prepared by S Group, Project J008586, Drawing No. A203, Scale 1:100 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- g. Proposed Ground Floor Plan, Prepared by S Group, Project J008586, Drawing No. A204, Scale 1:100 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- h. Proposed Lower Floor Plan, Prepared by S Group, Project J008586, Drawing No. A205, Scale 1:100 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- i. Ex/Demo Roof, Prepared by S Group, Project J008586, Drawing No. A206, Scale 1:100 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- i. Proposed Roof, Prepared by S Group, Project J008586, Drawing No. A207, Scale 1:100 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- j. Proposed carport plan, Prepared by S Group, Project J008586, Drawing No. A208, Scale 1:100 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- k. Section Sheet 01, Prepared by S Group, Project J008586, Drawing No. A401, Scale 1:50 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- l. Section Sheet 02, Prepared by S Group, Project J008586, Drawing No. A402, Scale 1:50 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- m. Section Sheet 03, Prepared by S Group, Project J008586, Drawing No. A403, Scale 1:50 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- n. Section Sheet 04, Prepared by S Group, Project J008586, Drawing No. A404, Scale 1:50 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- o. Ex/Demo Elevation Sheet 01, Prepared by S Group, Project J008586, Drawing No. A501, Scale 1:100 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- p. Ex/Demo Elevation Sheet 02, Prepared by S Group, Project J008586, Drawing No. A502, Scale 1:100 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- q. Proposed Elevation Sheet 01, Prepared by S Group, Project J008586, Drawing No. A503, Scale 1:100 @A3, Rev B, Dated 23/10/2024. Plans to be amended.
- r. Proposed Elevation Sheet 02, Prepared by S Group, Project J008586, Drawing No. A504, Scale 1:100 @A3, Rev B, Dated 23/10/2024. Plans to be amended.

## **2. AMENDED PLANS REQUIRED**

Prior to the commencement of any work and use, amended plans must be submitted to the satisfaction of the Manager City Development to replace plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed and will then form part of the Permit. The amended plans must show:

- a. The roof proposed over the new deck between the rear of the dwelling and laundry must be redesigned so it is totally below the height of the adjoining brick wall.
- b. The car port noted on the plans must be corrected to say car park and wheel stops must show at the internal end of the proposed car space.

Amended plans should include identification information such as updated revision numbers, revision date and revision description. The changes are to be highlighted in red clouds or a format agreed with the planning officer.

## **3. CAR PARKING**

Prior to the commencement of the use, the parking space must be constructed as shown on the endorsed plans and must include wheel stops at the end of the space to prevent vehicles over running the space.

## **4. LEGAL TITLE**

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

## **5. HOURS OF CONSTRUCTION**

- a) Unless otherwise approved in writing by the Manager Health and Compliance construction activities must only be carried out between the hours of:
  - i. Monday to Friday - 7 am to 6 pm; and
  - ii. Saturday - 8 am to 6 pm.

b) Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed state-wide (Easter Tuesday excepted).

## **6. HERITAGE**

The development must be undertaken in accordance with the conditions included on the Tasmanian Heritage Council 'Notice of Heritage Decision' for THC Application No. 8533, dated 5 December 2024 and attached to the permit.

## **7. DAMAGE TO COUNCIL INFRASTRUCTURE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **12. 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.

## **13. AMENITY**

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

## **14. NO BURNING OF WASTE**

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

## **15. DEMOLITION**

The developer must:

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

## 16. BUILDING ACT 2016 REQUIREMENTS

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.

### Notes

#### A. General

*This permit was issued based on the proposal documents submitted for DA0453/2024. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Tasmanian Civil & Administrative Appeal Tribunal (TASCAT) is withdrawn or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

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

#### B. Restrictive Covenants

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

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

#### C. Appeal Provisions

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

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

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



*D. Permit Commencement.*

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

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**REPORT:**

**1. THE PROPOSAL**

Development includes internal and external works. A lean-to between the rear of the dwelling and external laundry is proposed to be demolished along with a set of stairs. The laundry is to be altered with the northern face existing entry door and a circular window and eastern facing window to be relocated to the eastern elevation.

A set of stairs from the frontage of the site down to the lower ground level adjoining the northern side of the dwelling is also to be removed, along the timber inset circular windows within the gable roof form to both the front and rear elevation. The windows are to be replaced with circular glazed windows.

A new deck is proposed off the rear of the dwelling in place of the lean-to with an outdoor kitchen and barbeque. This area will be roofed with an extension of the deck to extend along the northern side of the retained laundry but this will not be roofed.

Along the northern side of the dwelling, where the ground level is lower than street level, a 6m deep x 2.85m raised car park platform (noted as a carport on the drawings although not to be covered), is proposed. Principally formed of concrete, the slab will be 600mm short of the dwelling to allow access to the wall of dwelling, this section will be constructed of a material which can be removed.

Off the eastern end of the car space will be stairs down to ground level to allow ground level access to the rear of the dwelling, the access being a Right of Way (ROW) over 65 Bourke Street.

Internal changes are proposed to allow the construction of a mezzanine bedroom and ensuite within the front section of the dwelling. One of the front two bedrooms is proposed to be altered to a bathroom and stair well to access the loft. To provide lighting to the loft ensuite a raised skylight is proposed. It has a triangular protrusion in elevation with a height of up to 1.25m above the existing roof height.

The property is listed by the Tasmanian Heritage Council who have jurisdiction over the Planning Authority in relation to the appropriateness of the design and building form of the proposed development when considering heritage values. The Planning Authority's assessment is limited to the development matters of the Inner Residential zone provisions.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**



65A Bourke Street, Launceston (not to scale)

**3. PLANNING SCHEME REQUIREMENTS**

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

**4. REFERRALS**

| REFERRAL                          | COMMENTS  |
|-----------------------------------|---|
| <b>INTERNAL</b>                   |   |
| Infrastructure and Assets Network | Conditions recommended.   |
| Environmental Health              | Conditions recommended.   |
| Heritage/Urban Design             | N/A   |
| Building and Plumbing             | Standard notes recommended for the permit.  |
| <b>EXTERNAL</b>                   |   |
| TasWater                          | The application did not require referral to TasWater.   |
| State Growth                      | N/A   |
| TasFire                           | N/A   |
| Tas Heritage Council              | Conditional consent was approved 5 December 2024.<br>The conditions included not allowing the raised carpark platform, retention of the circular louvred sash, retention of internal building materials and reinstatement of the original front door. |
| 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 9 November 2024 to 25 November 2024. Four representations were received. The issues raised are summarised in the following table. All representations received for this application were circulated to Councillors on 5 December 2024.

|   |
|---|
| <b>Issue 1</b><br><b>The public notice does not state that the building is entered on the Tasmanian Heritage Register.</b>  |
| <i>Comment 1</i><br><i>Council advertises what the application is for not the elements that specifically require assessment.</i>  |
| <b>Issue 2</b><br><b>The removal of the louvred vent structure from the front and rear facades should not be removed.</b>   |
| <i>Response 2</i><br><i>This is a matter for the THC to consider in their assessment of heritage matters.</i>   |
| <b>Issue 3</b><br><b>Has the current front door style been approved and what are is the proposed style/pattern of the 'original' door is to be replaced.</b>  |
| <i>Response 3</i><br><i>The current door is contemporary. The detail of the replacement door will be determined by the THC.</i>   |
| <b>Issue 4</b><br><b>What is the functional purpose of the removable section of the elevated car space, noting that this is not a carport.</b>  |
| <i>Response 4</i><br><i>The function of the removable section is not a planning matter. Amended plans will be required demonstrating the carport must be named a car space.</i>   |
| <b>Issue 4</b><br><b>Why were shadow diagrams not provided to demonstrate the impact of the construction of the raised car parking space and glass balustrade works on the neighbouring residence at 65 Bourke Street. The shiny glass element is also not invisible and is incongruent with the heritage setting.</b>  |
| <i>Response 4</i><br><i>The car parking space is south of 65 Bourke St and the balustrade is approximately 1m high. It will not have any shadowing effect on 65 Bourke St and the glass balustrade surrounding the space is not of a height which will receive sunlight to impact on the one window within the adjoining wall of the neighbouring property. The design of the space is subject to consideration of the THC.</i> |
| <b>Issue 5</b><br><b>Provision should be made for wheel stops at the end of the car space to prevent a car damaging the building beyond.</b>  |
| <i>Response 5</i><br><i>Wheel stops have been required in the conditions for safety reasons.</i>  |

|   |
|---|
| <p><b>Issue 6</b><br/><b>What justification is provided for the width of the stairs at the end of the car space. A 1.2m wide stair away from 65 Bourke St would give more privacy and amenity to that property and provide greater garden space.</b></p>  |
| <p><i>Response 6</i><br/><i>The width of the stairs is not a necessary planning concern. There is a window within the wall of the adjoining dwelling but the relative position and height of the stairs should not cause overlooking into that property.</i></p>  |
| <p><b>Issue 7</b><br/><b>Why were shadow diagrams not provided to show the impact of the proposed deck roof structure on 67 Bourke Street which projects over the existing brick wall along the common boundary. The roof should not protrude above the wall.</b></p>   |
| <p><i>Response 7</i><br/><i>The applicant has agreed to lower the roof. The roof will be required to be lowered via conditions.</i></p>   |
| <p><b>Issue 8</b><br/><b>The proposed 'pop-out roof' for the proposed mezzanine floor bathroom is out of character with the heritage characteristics of the building.</b></p>   |
| <p><i>Response 8</i><br/><i>The pop-out roof must be considered against the planning scheme in respect of the building envelope, the encroachment being able to meet the performance criteria with the roof not causing unreasonable shadowing nor being a significant visual intrusion upon 67 Bourke St. This is a matter for the THC to consider in their assessment of heritage matters</i></p>   |
| <p><b>Issue 9</b><br/><b>The appropriateness of the internal changes is questioned.</b></p>   |
| <p><i>Response 9</i><br/><i>The planning scheme does not consider the internal works. These are a matter for the THC.</i></p>   |
| <p><b>Issue 10</b><br/><b>The extension to the right hand wall from the building (southern elevation) viewed from the street and neighbour will change the skyline of the building and create an odd extrusion of brickwork.</b></p>  |
| <p><i>Response 10</i><br/><i>The only proposed element that might be visible would be a 1.2m extent of the deck roof with a maximum height of 400mm. The applicant has agreed to reduce the roof height for it to sit below the height of the brick boundary fence.</i></p>   |
| <p><b>Issue 11</b><br/><b>Any required screening should be limited in height.</b></p>   |
| <p><i>Comment 11</i><br/><i>As the deck is raised 1m above ground and within 3m of the southern side boundaries the use of screening to 1.7m high would for a compliant structure. The northern side of the deck adjoins a blank wall of 65 Bourke Street, and, given the alignment of windows in the adjoining wall of 67 Bourke Street and existence of the laundry between the deck and boundary of 65a Bourke Street, the neighbour is happy for the deck to not be provided with a screen.</i></p> |

## **6. CONCLUSION**

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

### **RISK IMPLICATIONS:**

Not considered relevant to this report.

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

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

### **STRATEGIC DOCUMENT REFERENCE:**

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

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

Not considered relevant to this report.

### **DISCLOSURE OF INTERESTS:**

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

### **ATTACHMENTS:**

1. DA04532024 65A Bourke Street and 65 Bourke Street Launceston Planning S  
[11.3.1 - 8 pages]
2. DA04532024 Plans to be endorsed [11.3.2 - 19 pages]
3. Notice of Heritage Decision W A 8533 [11.3.3 - 2 pages]

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**11.4. DA0479/2024 - 48 Bill Grove, Mowbray - Residential - Construction of a Dwelling and an Outbuilding**

**FILE NO:** DA0479/2024

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

**APPROVER:** Michelle Ogulin (Acting General Manager Community and Place Network)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

|                               |                        |
|-------------------------------|------------------------|
| Applicant:                    | Graeme Rex Johnson     |
| Property:                     | 48 Bill Grove, Mowbray |
| Zoning:                       | General Residential    |
| Receipt Date:                 | 30/10/2024             |
| Validity Date:                | 31/10/2024             |
| Further Information Request:  | N/A                    |
| Further Information Received: | N/A                    |
| Deemed Approval:              | 12/12/2024             |
| Representations:              | 3                      |

**RELEVANT LEGISLATION:**

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

**STANDARDS REQUIRING PLANNING DISCRETION:**

8.4.2 Setbacks and building envelope for all dwellings  
C9.5.2 Sensitive use within an attenuation area

**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0479/2024 - Residential - Construction of a dwelling and an outbuilding at 48 Bill Grove, Mowbray, subject to the following conditions:

**1. ENDORSED PLANS & DOCUMENTS**

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

- a. Cover Page, Prepared by Gowland Drafting, Drawing No. 240802-P1, Dated 21/10/24
  - b. Overall Site Plan, Prepared by Gowland Drafting, Drawing No. 240802-P2, Dated 21/10/24
  - c. Site Plan, Prepared by Gowland Drafting, Drawing No. 240802-P3, Dated 21/10/24
-

- d. Residence Ground Floor Plan, Prepared by Gowland Drafting, Drawing No. 240802-P4, Dated 21/10/24
- e. Residence Lower Floor Plan, Prepared by Gowland Drafting, Drawing No. 240802-P5, Dated 21/10/24
- f. Residence Elevation Plan, Prepared by Gowland Drafting, Drawing No. 240802-P6, Dated 21/10/24
- g. Residence Elevation Plan, Prepared by Gowland Drafting, Drawing No. 240802-P7, Dated 21/10/24
- h. Shed Floor Plan, Prepared by Gowland Drafting, Drawing No. 240802-P8, Dated 21/10/24
- i. Shed Elevation Plan, Prepared by Gowland Drafting, Drawing No. 240802-P9, Dated 21/10/24

## **2. LEGAL TITLE**

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

## **3. HOURS OF CONSTRUCTION**

a) Unless otherwise approved in writing by the Manager Health and Compliance construction activities must only be carried out between the hours of:

- i. Monday to Friday - 7 am to 6 pm; and
- ii. Saturday - 8 am to 6 pm.

b) Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed state-wide (Easter Tuesday excepted).

## **4. OUTBUILDINGS**

The use of outbuildings is not permitted for human habitation and is limited to residential storage and related residential activities only.

## **5. DAMAGE TO COUNCIL INFRASTRUCTURE**

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

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

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

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

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

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

## **7. 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.

## **8. PROTECTION OF PIPELINES**

The existing underground Council pipes are to be located, both in alignment and depth, prior to the start of construction and all necessary steps taken to protect these pipes from damage during the construction process, including from vehicular access over the pipes, or from loads transmitted to the pipes from the proposed development. This shall be achieved in the following manner:

- a. Footings must be no closer than 1.5 metres from the outer edge of the pipe,
- b. Footings must extend below the line of influence, being a line rising at 45 degrees from the invert of the pipe,
- c. There must be a minimum clear space between buildings or substantial structures of at least 3 metres in width to allow maintenance along the line of the pipe.
- d. Manholes or inspection openings are not to be covered and must remain accessible at all times.

No work over or immediately adjacent to the pipe is to commence without the written permission of the Chief Executive Officer or his delegate pursuant to Section 13 of the *Urban Drainage Act 2013*.

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

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). The payment of the scheduled Occupation Fee (comprising a minimum base fee and a square metre weekly rate) is required prior to the occupation commencing. No occupation of the road reserve is permitted without approval.



## 10. AMENITY

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

## 11. NO BURNING OF WASTE

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

## 12. BUILDING ACT 2016 REQUIREMENTS

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the *Building Act 2016*.

### Notes

#### A. General

*This permit was issued based on the proposal documents submitted for DA0479/2024. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.*

*This permit takes effect after:*

- a. *The 14 day appeal period expires; or*
- b. *Any appeal to the Tasmanian Civil & Administrative Appeal Tribunal (TASCAT) is withdrawn or determined; or*
- c. *Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. *Any other required approvals under this or any other Act are granted.*

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

#### B. Restrictive Covenants

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

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

**C. Appeal Provisions**

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

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

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

**D. Permit Commencement**

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

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**REPORT:**

**1. THE PROPOSAL**

The proposal is for the construction of a single dwelling and associated outbuilding at 48 Bill Grove, Mowbray.

The proposed dwelling will include four bedrooms, two bathrooms, a living room, a dining area, a kitchen, a laundry, a media room, a deck, and a garage on the ground floor. The lower ground floor will include workshops and storerooms with access from the southern side of the dwelling.

In addition, the proposal includes an 18m (L) x 9m (W) outbuilding with access via four roller doors located on the eastern side of the building. The proposal also incorporates a retaining wall with a height of less than 0.9m, requiring minimal cut of 0.2m to 0.5m below the existing ground level along the north, south and west sides of the outbuilding, as shown in drawing no. 240802-P8 & P9.

**2. LOCATION AND NEIGHBOURHOOD CHARACTER**



48 Bill Grove, Mowbray (not to scale)

The property at 48 Bill Grove, Mowbray is located within a General Residential Zone with a site area of 21940sqm. The site has an irregular shape, a downward slope of approximately 10.16% - 22.72% from the frontage to the rear. The area consists of both General Residential Zoned land and Rural Zoned land, while predominantly residential land to the west of the subject site.

The site is subject to overlays including Priority Vegetation Area, Waterway and Coastal Protection Area, Landslip Hazard, Electricity Transmission Infrastructure Protection, Bushfire Prone Areas, Coastal Inundation Hazard and Flood prone Hazard Areas. However, these overlays are not applicable, as the standards are not affected by the proposed use and development.

**3. PLANNING SCHEME REQUIREMENTS**

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

**4. REFERRALS**

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

|                      |     |
|----------------------|-----|
| TasFire              | N/A |
| Tas Heritage Council | N/A |
| Crown Land           | N/A |
| TasRail              | N/A |
| EPA                  | N/A |
| Aurora               | N/A |

## 5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 9 November 2024 to 25 November 2024. Three representations were received. The issues raised are summarised in the following table. All representations received for this application were circulated to Councillors on 5 December 2024.

|  |
|--|
| <p><b>Issue 1</b><br/>The proposed development falls outside of the prescribed building envelope as referenced under clause 8.4.2 (A3) and also located within the internal frontage setback.</p>  |
| <p><i>Response 1</i><br/>The proposed heights and setbacks of the development comply with the prescribed building envelope, except for the building envelope specified in Figure 8.3 of the General Residential Zone. The application has been assessed against Performance Criteria P3 under Clause 8.4.2, which considers unreasonable loss of amenity to adjoining properties, and it is deemed to be compliant.</p>                      |
| <p><b>Issue 2</b><br/>The outbuilding proximity to our property line may also inhibit our ability to undertake future works upon our existing outbuilding,</p>   |
| <p><i>Response 2</i><br/>This is not a matter that is considered by the relevant Planning Scheme Provisions.</p>   |
| <p><b>Issue 3</b><br/>The height of the proposed outbuilding is approximately 5m at its apex, which is significantly higher than our outbuilding, including the other neighbouring properties. The outbuilding height will cast a shadow over the rear yard.</p>   |
| <p><i>Response 3</i><br/>The proposed heights and setbacks of the dwelling and outbuilding comply with the prescribed building envelope, except for the building envelope specified in Figure 8.3 of the General Residential Zone. The application has been assessed against Performance Criteria P3 under Clause 8.4.2, which considers overshadowing the private open space of adjoining properties, and it is deemed to be compliant.</p> |
| <p><b>Issue 4</b><br/>The construction of the proposed outbuilding would significantly impact the scenic view from our dwelling over the rural landscape.</p>  |
| <p><i>Response 4</i><br/>This is not a matter that is considered by the relevant Planning Scheme Provisions.</p>   |

**Issue 5**

**The proposed outbuilding appears to be used as a workshop which may disrupt our familiar peace and quiet by the regular use of tools, equipment and machinery.**

*Response 5*

*A condition will be included in the permit, restricting its use to residential storage and related residential activities.*

**Issue 6**

**The building at this address may have an affect on my Springs.**

*Response 6*

*This is not a matter that is considered by the relevant Planning Scheme Provisions.*

**Issue 7**

**Concerns about storm water flow onto the farm like the rest of Bill Grove, Marlyn Street and Vermont Road.**

*Response 7*

*This is not a matter that is considered by the relevant Planning Scheme Provisions. However, the access ways, manoeuvring and circulation spaces, including the development's stormwater runoff will be managed on-site and assessed under the Building Act 1993 at the time of considering building and plumbing applications.*

**6. CONCLUSION**

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

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

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

**STRATEGIC DOCUMENT REFERENCE:**

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

**BUDGET AND FINANCIAL IMPLICATIONS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

1. DA0479 2024 48 Bill Grove Mowbray Planning Scheme Assessment [**11.4.1** - 14 pages]
2. DA0479-2024 - 48 Bill Grove Mowbrary - Plans to be Endorsed [**11.4.2** - 9 pages]

## 12. ANNOUNCEMENTS BY THE MAYOR

### 12.1. Mayor's Announcements

FILE NO: SF2375

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#### Report - Mayor Garwood

- Attendance at City Nation Place Global 2024 (Attachment 1)

#### Thursday, 28 November 2024

- Attended Elevate - Launceston College Celebration, Door of Hope, South Launceston

#### Friday, 29 November 2024

- Attended the Children's University Graduation, Sir Raymond Ferrall Centre, Newnham
- Officiated at the City of Launceston "Lighting of the Christmas Tree", Brisbane St Mall

#### Monday, 2 December - Friday, 6 December 2024

- Attended Australian Local Government Association Conference, Margaret River, Western Australia and visited with a number of other Councils including Busselton, Mandurah and Perth City. Report to be provided.

#### Saturday, 7 December 2024

- Officiated at the City of Launceston Lion's Christmas Parade, central Launceston

#### Sunday, 8 December 2024

- Participated in Lilydale Carols, Lilydale Bowls Club

#### Monday, 9 December 2024

- Met with Sacred Heart students for Town Hall tour, Launceston

#### Tuesday, 10 December 2024

- Participated in the Walk Against Family Violence, central Launceston

#### Thursday, 12 December 2024

- Participated in the Town and Gown Parade, Civic Square, Launceston
  - Attended the University of Tasmania Graduation Ceremony, Door of Hope, South Launceston
-

**13. 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).*

**14. QUESTIONS BY COUNCILLORS**

**14.1. 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).*

**14.1.1. Councillor Question on Notice - Councillor L McMahon - Cancellation of Carol by Candlelight - Council Funding - 28 November 2024**

**FILE NO:** SF6381

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**APPROVER:** Sam Johnson OAM (Chief Executive Officer)

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**QUESTIONS AND RESPONSES:**

The following questions, submitted to Council on 28 November 2024 by Councillor L McMahon, have been answered by Sam Johnson OAM (Chief Executive Officer).

**Questions:**

1. Given the organising Committee for the Carols by Candlelight received \$15,000 from Council Events funding, will Council be seeking:
  - a) a full explanation as to why the event was cancelled at the 11<sup>th</sup> hour;
  - b) a full report on what work had been completed for the event;
  - c) when were the participants notified of its cancellation;
  - d) has any of the funding been expended; and
  - e) when will the funding be returned to Council?

**Response:**

The questions have been circulated to Officers and a report will be provided at a future Council meeting.

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**ATTACHMENTS:**

Nil

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**14.1.2. Councillor Question on Notice - Councillor A J Palmer - Launceston Aquatic Centre - 4 December 2024**

**FILE NO:** SF6381, SF5350

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**APPROVER:** Sam Johnson OAM (Chief Executive Officer)

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**QUESTIONS AND RESPONSES:**

The following questions, submitted to Council on 4 December 2024 by Councillor A J Palmer, have been answered by Michelle Ogulin (Acting Manager Community and Place Network).

**Questions:**

A constituent has contacted me with concerns about the condition of the disability wheelchairs and hoists in the changerooms at the Launceston Aquatic Centre. It has been reported that this equipment does not always function properly.

1. Should this equipment be replaced? Are regular servicing and maintenance checks conducted to ensure it is in working order?

**Response:**

*The Aquatic Centre currently manages two stationary hoists and one mobile hoist, all of which undergo regular servicing by a local supplier to ensure they remain in optimal working condition. These hoists are checked daily, both in the morning and evening by Centre staff, as issues such as incorrect docking during charging and accidental emergency stop activations are occasionally encountered.*

*To support patrons in the proper operation of the hoists, user guides are supplied, providing clear instructions for usage and for ensuring the equipment is adequately docked for charging.*

*Additionally, the Centre maintains three wheelchairs designed to assist patrons in accessing the pool. While two of the wheelchairs are operational, one is undergoing refurbishment, with parts currently on order. These wheelchairs are routinely inspected to confirm their usability, with parts replaced as needed to address any wear and tear or problems caused by the pool's corrosive environment.*

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**ATTACHMENTS:**

Nil

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**14.2. 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).*

**15. NOTICES OF MOTION**

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

**15.1. Notice of Motion - Councillor A G Harris - City of Launceston to Establish a Memorandum of Understanding with Dorset Council to Facilitate the Development of Stage 3 of the North East Rail Trail - 20 November 2024**

**FILE NO:** SF5547

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**APPROVER:** Sam Johnson OAM (Chief Executive Officer)

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**DECISION STATEMENT:**

To consider a Notice of Motion submitted by Councillor A G Harris regarding a Memorandum of Understanding with the Dorset Council for the North East Rail Trail.

**RELEVANT LEGISLATION:**

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

**RECOMMENDATION:**

That Council:

1. in support of the North East Rail Trail Stage 3 – Lilydale Falls to Scottsdale, Council requests that the Chief Executive Officer:
  - a) undertake relevant due diligence checks to be satisfied that project costs anticipated by Dorset Council are reasonable estimates;
  - b) work with Dorset Council to develop a Memorandum of Understanding between City of Launceston and Dorset Council that includes, but is not limited to, the following matters:
    - a. a letter of support from City of Launceston to Dorset Council for the purpose of making a funding application to the Australian Government's Regional Precincts and Partnerships Program or Growing Regions Program;
    - b. clarification of the approach to funding for the North East Rail Trail Stage 3 which is provisionally:
      - i. \$1,470,000 in grant funding from the Australian Government

- ii. \$1,800,000 to be sought by City of Launceston and Dorset Council from the Regional Precincts and Partnerships Program or the Growing Regions Program
  - iii. \$600,000 from Dorset Council
  - iv. \$323,400 from City of Launceston
2. provides a commitment that City of Launceston and Dorset Council will each maintain the part of the North East Rail Trail that sits within their respective municipality to an agreed standard.

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**REPORT:**

Following the presentation by Dorset Council Representatives at the Workshop held 7 November 2024, Dorset Council asked the City of Launceston to collaborate, develop and enter into a formal Memorandum of Understanding (MoU), to form a partnership in the development of the North East Tasmania Rail Trail Stage 3 - Lilydale Falls to Scottsdale.

This would involve:

1. City of Launceston providing a letter of support to a proposed Federal Regional Funding (rPPP) application.
2. In principal support for City of Launceston to work with the Dorset Council to lobby to attain the approximately two-thirds of the funding shortfall of \$1.8M from Federal Regional Precincts and Partnerships Program (rPPP) or the Growing Regions Program (GRP) funds
3. Council to consider funding the remaining one-third of the identified funding shortfall as follows:
  - a. \$323,400.00 - City of Launceston and \$600,000 - Dorset Council.
  - b. City of Launceston to commit to maintaining the section of the North East Rail Trail within City of Launceston municipality from Wyena to Lilydale Falls and also the proposed pathway from Lilydale Falls into Lilydale.

**OFFICER COMMENTS:**

*Leanne Purchase (Senior Leader Parks and Sustainability)*

**Background**

In 2019, legislation to allow for the alternate use of the disused rail corridor from Scottsdale (Dorset local government area) to Coldwater Creek (Launceston local government area) passed parliament.

In 2021, Dorset Council as applicant lodged a planning permit application to Dorset Council as Permit Authority (including consent from the Crown) for construction of a 26 kilometre portion of the North East Rail Trail to the boundary of the Launceston municipality, noting that the remainder of the proposed trail (the part within the Launceston municipality) would be subject to a separate planning application. The permit was granted. An appeal was lodged and dismissed the same year.

In 2023, Dorset Council as applicant lodged a development application with Launceston Council as Permit Authority, seeking a permit for the North East Rail Trail from Wyena to Lilydale Falls. The permit was granted. The decision was appealed and dismissed the same year.

Following receipt of the City of Launceston planning permit for the length of trail extending from Wyena to Lilydale Falls, Dorset Council undertook a review of the project plan, including appraisal of full project costings (construction and maintenance) and review of the project business case. It was subsequently resolved at Dorset Council's Ordinary Council Meeting on 22 July 2024 that Council – amongst other matters – would:

- i. seek to receive written submissions from the community regarding the revised project business case
- ii. work with City of Launceston throughout the ensuing consultation period and
- iii. pursue further funding opportunities that will support delivery of the project.

Further to Dorset Council's resolution and having now received extensive community feedback on the business case and the project more broadly, Dorset Council is seeking to advance the next phases of the North East Rail Trail project in partnership with City of Launceston.

To this end, at a Workshop with City of Launceston Councillors held on 7 November 2024, members of Dorset Council's Executive Management Team provided City of Launceston Councillors with an overview of the project including its background, outcomes of the project plan review and the received community feedback, and talked to options for project partnership between Dorset Council and City of Launceston.

### **Comment on Councillor Harris's motion**

Material from the Workshop on 7 November 2024 is included with this Notice of Motion as attachments 1, 2 and 3.

Councillor Harris's report references a path from Lilydale to Lilydale Falls. This path does not form part of the North East Rail Trail Stage 3 – Lilydale Falls to Scottsdale.

### **RISK IMPLICATIONS:**

Please refer to attachment 1 – Council Report – North East Rail Trail - Stage 3 (Scottsdale to Lilydale Falls) and attachment 2 – Revised Business Case – North East Rail Trail – June 2024.

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

Please refer to attachment 1 – Council Report – North East Rail Trail - Stage 3 (Scottsdale to Lilydale Falls) and attachment 2 – Revised Business Case – North East Rail Trail – June 2024.

**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:**

Consideration is contained in the report. In addition to capital costs, Dorset Council estimates that ongoing operational and maintenance costs will total \$116,000 for the Scottsdale to Lilydale Falls length of the trail (approximately 40 kilometres). This equals approximately \$40,600 per annum for the 14 kilometres of the trail in the Launceston municipality (Wyena to Lilydale).

**DISCLOSURE OF INTERESTS:**

The Author and Chief Executive Officer have no interests to declare in this matter.

**ATTACHMENTS:**

1. ATTACHMENT 1 - Dorset Council Agenda Report - North East Rail Trail [15.1.1 - 12 pages]
2. ATTACHMENT 2 - Revised Business Case - North East Rail Trail - June 2024 [15.1.2 - 52 pages]
3. ATTACHMENT 3 - Prospectus - North East Rail Trail Extension - June 2024 [15.1.3 - 8 pages]

**15.2. Notice of Motion - Mayor Councillor M K Garwood - Street Art Festival and Street Art Laneways - 22 November 2024**

**FILE NO:** SF5547

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**APPROVER:** Sam Johnson OAM (Chief Executive Officer)

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**DECISION STATEMENT:**

To consider a Notice of Motion submitted by Mayor Councillor M K regarding the launch of a street art festival and development of street art laneways.

**RELEVANT LEGISLATION:**

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

**RECOMMENDATION:**

That Council:

1. pursuant to the City of Launceston Public Art Strategy 2023-2031, prioritises the Opportunity - City Centre Laneways recommendation for a Street Art Laneway Gallery to be developed for delivery in FY2024/2025, and a second gallery for delivery in FY2025/2026; and
2. pursuant to the City of Launceston Public Art Strategy 2023-2031, prioritises the Opportunity - City Centre Laneways recommendation for a Laneway Festival to be developed in conjunction with each gallery described in the above recommendation.

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**REPORT:**

Launceston has a remarkable network of city centre laneways, and there is immense opportunity for the City of Launceston to work with inner city businesses and property owners to support the integration of public artworks in these spaces, and to assist with graffiti vandalism.

Recent murals such as those placed on Kings Meadows Toilet Block by artist Kira Patterson, Criterion Place by artists Tom O'Hern and James Cowan, and the Patterson Street East Carpark by artists Mel McVee and Benjamin Kluss, have demonstrated the effectiveness of street art in mitigating graffiti vandalism in urban areas and creating a sense of community pride. Public art programs have played a key role in spearheading the transformation of inner-city laneways around the world.

At its Ordinary Meeting on 9 March 2023, Council unanimously adopted the Public Art Strategy 2023 - 2031 (the Strategy). The Strategy sets out a clear vision for public art in Launceston and provides a number of recommendations which can assist with improving Launceston's laneways, including the development of a Laneway Festival, and Street Art Laneway.

To further foster and support the Street Art scene in Launceston, and to generate an impactful and transformative public art presence in the city centre laneways, a Laneway Festival, and Street Art Laneway should be prioritised for delivery in FY2024/2025, and again in FY2025/2026.

**OFFICER COMMENTS:**

*Marcus Grantham (Team Leader Placemaking)*

Graffiti vandalism has increased over the past 24 months. During the 2023 calendar year, the Council spent \$41,473 removing graffiti. For the period 1 Jan - 23 October 2024, the Council has expended \$38,678 in removing graffiti which is anticipated to surpass 2023's annual result. The Council's recent mural installations have proven to be an effective tool in graffiti prevention, with no new cases of graffiti noted in these locations.

As per the Public Art Strategy 2023-2031, a Laneway Festival format plays to Launceston's strengths, attracting locals and visitors alike, and can involve artists and arts organisations 'adopting a laneway' and submitting proposals for a program that may be curated and produced by the City, outsourced to a festival producer, or delivered in partnership. The festival can be used as a launch platform for a new Street Art Laneway Gallery which will provide an ever-changing collection of works for an ongoing city centre attraction.

There are several locations across the city suitable to host street art, on both Council, and privately owned assets. These locations include, but are not limited to:

- Tatler Parade
- Centre Way Lane
- Dicky Whites Lane
- Criterion Place
- Laneway between 123 and 127 Charles Street

The Council will need to seek owner and/or heritage approval to install murals on privately-owned and/or heritage assets in these locations.

In addition, Council could identify and enable an inner-city laneway to become a legal Street Art Laneway Gallery. The site will be an inner-city partner to the legal street art walls in Royal Park. The site can be regulated, requiring artists to book their painting sessions and agree to a standard set of terms and conditions.

Due to weather constraints, street art is best delivered in the drier months from November - April. Due to the timelines involved to meet this constraint, it is recommended that Council Officers deliver a laneway event in early 2025, with a large-scale event to be delivered in partnership with an external provider in FY2025/2026.

The Council is sufficiently resourced to deliver a smaller-scale laneway and festival to be delivered in early 2025, which can be reviewed to understand the requirements for the larger festival in FY2025/2026. The indicative costs associated with a 4-day laneway and festival program delivered in FY2025/2026 are in the order of \$200,000 to \$260,000, variable to program inclusions, and artists involved.

Opportunities may exist for the Council to seek additional funding from arts and events organisations to assist with the development of a curated program.

**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 2: We facilitate prosperity by seeking out and responding to opportunities for growth and renewal of our regional economy.

10-Year Goal: To have realised opportunities that grow and sustain our economy and foster creative and innovative people and industries.

Focus Areas:

3. To provide an environment that is supportive to business and development within the municipality.
4. To promote tourism and the development of a quality tourism offering for Launceston.
5. To understand and support the establishment and growth of new and creative industries and businesses in Launceston.

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:

2. To promote and enhance Launceston's rich heritage, culture and natural environment.
3. To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.
4. To promote and attract national and international events and support the sector to ensure a diverse annual events calendar.
5. To support the central business district (CBD) and commercial areas as activity places during day and night.



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

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

Focus Areas:

4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.

**BUDGET AND FINANCIAL IMPLICATIONS:**

The indicative costs associated with a small-scale laneway and festival program delivered in FY2024/2025 are in the order of \$75,000 to \$100,000. A budget transfer from the underspent Alexandra Suspension Bridge project to a new public art program would fund the laneway project.

The indicative costs associated with a 4-day laneway and festival program delivered in FY2025/2026 are in the order of \$200,000 to \$260,000 and would need to be considered as part of the Council's future budgeting process.

**DISCLOSURE OF INTERESTS:**

The Author and Chief Executive Officer have no interests to declare in this matter.

**ATTACHMENTS:**

Nil

**15.3. Notice of Motion - Councillor S Cai - Graffiti Removal from Private Dwellings Within the Launceston Municipality - 28 November 2024**

**FILE NO:** SF5547

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**APPROVER:** Sam Johnson OAM (Chief Executive Officer)

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**DECISION STATEMENT:**

To consider a Notice of Motion submitted by Councillor S Cai regarding Notice of Motion - Graffiti removal from private dwellings within the Launceston Municipality.

**RELEVANT LEGISLATION:**

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

**RECOMMENDATION:**

That Council:

1. considers expanding graffiti removal to include private dwellings and infrastructure by:
    - reviewing and amending the City of Launceston's graffiti policy framework to expand to removal of graffiti in all locations throughout the municipality.
- 

**REPORT:**

The City of Launceston has a zero-tolerance approach to graffiti and works with Tasmania Police, the local community and other relevant agencies to prevent, reduce and remove graffiti.

Currently, Council only removes graffiti from its infrastructure and assets, utilising a dedicated resource. Daily inspections are conducted as part of the servicing schedule and removal is conducted usually within a 24-hour period or immediately if the content is of an offensive nature - as this is a well-recognised method of discouraging further vandalism. Graffiti is illegal unless the City of Launceston has designated a legalised area, or the owner of a property has given permission for it. In the Launceston municipality, there are some legalised graffiti walls in a defined space at the Royal Park Skate Park. There are also legalised murals and other forms of street art, many on privately-owned buildings and Council owned assets, which add to the uniqueness of the Launceston streetscape.

Any graffiti or tagging in the CBD on private buildings is currently the responsibility of the property owner to remove. The Council will provide notification when observed. If the Council observes any graffiti deemed as offensive in nature to the community, regardless of the asset owner, team members will cover or remove.

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**OFFICER COMMENTS:**

*Leigh Handley (Manager Operations)*

If Council amends its policy and requires our team members to attend to graffiti removal on privately owned buildings and infrastructure there will be budget and resourcing implications.

The estimated cost implications would be:

- \$25,000 to remove current tagging; and
- \$130,000 recurrent annual expenditure.

This would also divert resources from other servicing activities, which has been estimated at up to 575 hours per annum, resulting in a reduction of pressure cleansing of surfaces (or other services as directed by the Manager) throughout the Launceston municipality.

**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:**

As noted in the officer comments, additional budget will be required to implement this Notice of Motion.

**DISCLOSURE OF INTERESTS:**

The Author and Chief Executive Officer have no interests to declare in this matter.

**ATTACHMENTS:**

1. Notice of Motion - Councillor S Cai - Graffiti removal from private dwellings within the Launceston municipality [15.3.1 - 2 pages]

**15.4. Notice of Motion - Mayor Councillor M K Garwood - Mobile LED Screen - 28 November 2024**

**FILE NO:** SF5547

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**APPROVER:** Sam Johnson OAM (Chief Executive Officer)

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**DECISION STATEMENT:**

To consider a Notice of Motion submitted by Mayor Councillor M K Garwood regarding the procurement of a mobile LED screen for city activation and events.

**RELEVANT LEGISLATION:**

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

**RECOMMENDATION:**

That Council:

1. investigates the procurement of a large mobile LED screen to support City activation, and events; and
  2. the project is to be considered as part of annual plan and budget discussions.
- 

**REPORT:**

There is an identified need and community desire for city activation and events, as demonstrated by the fantastic attendance at the Silverdome to watch the Tasmania JackJumper's play in the NBL finals earlier this year, and at UTAS Stadium in 2023 to view our Matildas Soccer team play in the World Cup finals.

Furthermore, correspondence received by event organisers reveal that the costs associated with hiring screens can be prohibitive when hosting events in the city.

The Council can support city activation, the community, and organisations in the delivery of events by procuring a large mobile screen that is fit for purpose for a range of activations and event types, in a variety of locations.

**OFFICER COMMENTS:**

*Marcus Grantham (Team Leader Placemaking)*

The Council has previously investigated the procurement of a permanent LED screen to assist with the activation and events held in the CBD. It has found the key risks and constraints in the asset delivery are:

- operating costs and staffing requirements related to programming uninterrupted media content;
- disruptive, and high installation costs due to the infrastructure requirements of a large screen;
- design requirements for the permanent integration of a large screen which considers the heritage character of the City; and
- risk of vandalism and the associated repair timelines.

The procurement of a mobile LED screen mitigates many of these risks and constraints, and supports the delivery of a variety of Council's strategic goals:

- City of Launceston Public Art Strategy 2023-2031: Opportunity - Outdoor Gallery, and Community Connections;
- City of Launceston Cultural Strategy 2020-2030: Contribute to Northern Suburbs revitalisation - My Place My Future / ABCDE Learning sites;
- My Place My Future: Strategic Action Celebration of Community Strengths.

In 2023, Liveable Communities conducted a Youth Engagement which asked what survey respondents value most about being a young person in Launceston asked. It found that the top three themes were: friends and family (35%), entertainment (27%), and accessibility (22%). The theme of entertainment specifically included suggestions for a drive-in cinema, arts, and live music. Additionally, Council's Community Connector identified strong community desire for outdoor movie events. A program proposed for Riverbend Park was considered not feasible due to the costs associated with the regular hire of a screen.

Mayor Councillor M K Garwood's recommendation to investigate the procurement is a sensible approach so that the Council can further understand the requirements of operating and managing a screen.

High-level inquiries into a mobile LED screen reveal the capital cost associated with the delivery of a large-scale screen (minimum 4m in width) that can be towed by a utility vehicle, site upgrades, and associated equipment (trailer, speakers, media controllers, wireless microphone and transmitters, and storage) would be in the order of \$300,000 to \$400,000. The operating costs vary depending on the content / media being displayed and can range from \$0 to \$3,000 per showing.

The minimum viewable distance for a large-scale screen would likely be 6m and visible and audible to an audience of over 1,000 participants.

While further studies would need to take place to understand site accessibility, power, and other constraints, potential uses and sites for a mobile LED screen could include:

- Brisbane Street Mall;
- Civic Square;
- Riverbend Park;
- support events and activities which may include:
  - Northern suburbs outdoor cinema
  - Carols by Candlelight, Symphony under the stars
  - Major sporting events such as the Olympics;
- live-streaming Launceston's key assets such as Cataract Gorge; and
- key city sites such as Albert Hall, Princes Square, Cataract Gorge, and City Park

Council will need to negotiate training for staff to operate and transport the screen or engage an external provider. Additionally, Council will need to consider a storage location for the screen.

**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 Chief Executive Officer have no interests to declare in this matter.

**ATTACHMENTS:**

Nil

**15.5. Notice of Motion - Mayor Councillor M K Garwood - Bicycle Donation to Tasmania Police - 12 December 2024**

**FILE NO:** SF5547

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**APPROVER:** Sam Johnson OAM (Chief Executive Officer)

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**DECISION STATEMENT:**

To consider a Notice of Motion submitted by Mayor Councillor M K regarding council purchasing two bicycles for donation to Tasmania Police to reintroduce bike patrols in Launceston's central business district (CBD), demonstrating Councils commitment to a collaborative partnership with one of its key stakeholders.

**RELEVANT LEGISLATION:**

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

**RECOMMENDATION:**

That Council:

1. purchase two (2) fit-for-purpose bicycles, to a combined maximum value of \$15,000 (excluding GST), to be donated to Tasmania Police for the sole purpose of reintroducing the bike patrols within the Launceston Central Business District.

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**REPORT:**

Numerous complaints have been received to council by CBD business owners who perceive an increase in anti-social behaviour in the city and a corresponding desire to see a stronger police presence in the CBD. Anecdotal feedback to council indicates that traders feel safer when the police are stationed with their vehicle in the Brisbane Street Mall (BSM). However, the presence of a vehicle can also heighten anxiety within the community that something might be wrong or a serious crime is occurring.

To increase police presence while also minimising anxiety associated with police vehicles in the mall, I recommend the purchase of two bicycles for Tasmania Police to enable bicycle patrols to resume.

The above has been discussed with Tasmania Police who have advised the previous service ceased when the previous bikes were decommissioned. Following the decommissioning of the bikes Tasmania Police has not budgeted for their return. Tasmania Police has confirmed that they will resource the bikes (staffing) if council purchases the bikes.

It is envisaged the bikes could be co-branded.

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**OFFICER COMMENTS:**

*Michelle Ogulin (Acting General Manager Community and Place) and Linda Page (Team Leader Community Development)*

Bicycle patrols are regularly utilised by police in Australia to patrol:

- around schools
- shopping centres and public spaces
- traffic operations
- crash and crime hot spots
- major and community events (Queensland Police, 2016).

Resumption of bike patrols is expected to increase police mobility and the ability to effectively and quickly respond to criminal and anti-social behaviour in high pedestrian activity areas in the city. The presence of bikes may also provide the sense of security traders have spoken about while also being more aligned with community policing principles which reflect communication, conversation and relationship building with the community.

Bicycle patrols are associated with more frequent public contact, a wider variety of community engagement, and higher rates of proactive policing when compared to car patrols (Sytsma, 2024<sup>1</sup>). Community perceptions of bike patrols reflect higher performance of job duties in a procedurally just manner (Sytsma, 2024<sup>2</sup>).

Bicycles are an effective tool for police as they are able to access places that vehicles can't, they complement foot and vehicle patrols, they are silent and they have the added benefit of being able to traverse various terrain easier than other modes of transport (Queensland Police, 2016<sup>3</sup>).

The option of a traditional bike or e-bike is less expensive than a patrol car or motorcycle yet nimble, quiet, and far more environmentally and community friendly. It enables officers access to areas that are difficult to get to quickly in a vehicle, particularly in areas of heavy foot traffic, allowing officers to pursue suspects in crowded areas, through tight spaces, or through challenging terrain where motor vehicles struggle (Criminal Security Intelligence, 2024<sup>4</sup>).

Further, there is growing evidence which suggests that real or perceived fear or reluctance to engage with police as a result of cultural, social, medical or trauma related reasons may be alleviated by a less overwhelming physical, aural and visual presence offered by bike patrols (Grimes, 2023<sup>5</sup>).

As a progressive leader committed to a dignity and people first approach to working with vulnerable communities, this proposal is an actionable support mechanism which enables

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<sup>1</sup> Sytsma, V. (2024). The influence of job assignment on community engagement: bicycle patrol and community-oriented policing. *Police Practice and Research*, 19(4), 1-18. DOI:[10.1080/15614263.2017.1364998](https://doi.org/10.1080/15614263.2017.1364998)

<sup>2</sup> Sytsma, V. (2024). The influence of job assignment on community engagement: bicycle patrol and community-oriented policing. *Police Practice and Research*, 19(4), 1-18. DOI:[10.1080/15614263.2017.1364998](https://doi.org/10.1080/15614263.2017.1364998)

<sup>3</sup> Queensland Police, (2016, April 21). *Police on bikes since 1896*. <https://mypolice.qld.gov.au/sunshinecoast/2016/04/21/police-bikes-since-1896/>

<sup>4</sup> [Why choose CSI electric security patrol bikes? - CSI: Criminal Security Intelligence](#)

<sup>5</sup> [Using Bicycle Patrols to Connect Officers to Their Communities - Police - Government Fleet](#)



a more people focussed and agile response to Tasmania police incidents, real or perceived, while balancing community safety and sense of belonging.

**RISK IMPLICATIONS:**

The risk with co-branding with the police is blurring the line as to who is the responsible agency. The police have specific statutory powers that council does not and there is a real risk that by co-branding with Tasmania Police, the community may then become confused about council's role and attribute responsibility to council for any police issues. Co-branding may also impact on the day-to-day business of council and independence from the judicial and policing system. This may have flow on effects for our regulations and compliance officers who interact with the community. There is a real risk people will conflate our work with the police's work and it is therefore not recommended that council co-brands with Tasmania Police on the bikes.

Consideration also needs to be given to the extent to which the City of Launceston's community safety agenda warrants proportional intervention in the current budget short fall in Tasmania Police capital investment. In addition to the capital expenditure council officers recommend Tasmania Police invest in the appropriate bicycle safety, maintenance and operational protocols aligned with community focussed policing principles.

**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:**

The maximum value of two bicycles will be \$15,000. Consideration must be given to the model, size(s), and variable equipment required to be used as part of an officer pool to ensure correct and appropriate fit to minimise injury to be advised by Tasmania Police.

**DISCLOSURE OF INTERESTS:**

The Author and Chief Executive Officer have no interests to declare in this matter.

**ATTACHMENTS:**

Nil

**15.6. Notice of Motion - Councillor L McMahon - Waiving of all On-Street Dining Fees for a Period of 3 Months - 4 December 2024**

**FILE NO:** SF5547

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**APPROVER:** Sam Johnson OAM (Chief Executive Officer)

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**DECISION STATEMENT:**

To consider a Notice of Motion submitted by Councillor L McMahon regarding waiving of all on-street dining for a period of 3 months

**RELEVANT LEGISLATION:**

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

**RECOMMENDATION:**

That Council:

1. resolves to waive all on-street dining fees across the municipality for a period of 3 months (~90 days), effective from the 20 December 2024 to activate public spaces and to stimulate economic activity.
- 

**REPORT:**

On street dining plays a significant role in creating vibrant and welcoming public spaces. It enhances the social atmosphere of our city while supporting local businesses by increasing customer traffic and fostering a thriving dining culture.

In light of the current economic challenges and the need to invigorate public spaces, waiving on-street dining fees for a temporary period will reduce financial pressures on businesses, encouraging greater participation in outdoor dining. This initiative aligns with the Council's objectives. To support economic recovery, boost the local economy, and activate public spaces as key areas of community interaction and engagement.

This is a modest financial impact in relation to the potential benefits of increased economic activity, which supports more than 40 businesses and adds to community vibrancy.

**OFFICER COMMENTS:**

*Anna Feldman (Project Manager, Strategic Projects)*

Waiving of on-street dining fees for the period proposed is supported by Council officers. The proposed time-limited waiver of on-street dining fees aligns with the methods and strategic directions of the City Heart Place Plan, as well as with Council's broader objectives of stimulating economic activity and activating public spaces.

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Furthermore, the fee waiver complements the proposed trial of parklets (dining decks) along George Street between Cameron and Brisbane Streets during the same period.

Limiting the waiver to three months reduces the risk of creating expectations for ongoing fee waivers, businesses keeping on-street dining setups in unsuitable locations, or neglecting to maintain high standards, which could lead to a cluttered or untidy appearance.

**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:**

The waiver of these fees will reduce revenue by approximately \$11,558.

**DISCLOSURE OF INTERESTS:**

The Author and Chief Executive Officer have no interests to declare in this matter.

**ATTACHMENTS:**

1. Notice of Motion Councillor Lindi McMahon Waiving On Street Dining Fees [**15.6.1** - 1 page]

**16. COMMITTEE REPORTS**

**16.1. Transport Committee Meeting - 28 October 2024**

**FILE NO:** SF7429

**AUTHOR:** Erica Deegan (Manager Infrastructure and Engineering)

**APPROVER:** Chelsea van Riet (Acting General Manager Infrastructure and Assets Network)

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**DECISION STATEMENT:**

To receive a report from the Transport Committee Meeting held on 28 October 2024.

**RECOMMENDATION:**

That Council:

1. receives the report from the Transport Committee Meeting held on Monday, 28 October 2024.
- 

**REPORT:**

The Transport Committee at its meeting held on Monday, 28 October 2024 received presentations from Maryanne Mitchell, (Community Development Officer City of Launceston), entitled "Let's Talk Road Safety in the Northern Suburbs" and "Northern Suburbs Bus Shelter Project".

The committee also discussed:

- a Memorandum of Understanding in relation to Lilydale and Golconda Roads;
- the progress of the Forster Street cycleway works;
- a proposal from the Department of State Growth in relation to Park and Ride facilities in the Launceston area;
- the Tasmanian e-bike regulation review; and
- pedestrian protection at traffic lights in Cimitero Street.

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

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**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.

**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

**17. COMMUNITY AND PLACE NETWORK**

**17.1. In-Kind Support Proposal for Able Australia**

**FILE NO:** SF7646

**AUTHOR:** Kate Schindler (Grants and Sponsorship Officer)

**APPROVER:** Michelle Ogulin (Acting General Manager Community and Place Network)

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**DECISION STATEMENT:**

To consider providing in-kind support to Able Australia by offering 20 adult concession aquatic 10-visit passes, valued at \$1,206.00, to support the delivery of the Launceston Aquatic Centre component of the 'Able Launceston Festivale and Fitness for All' program.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 31 October 2024 - Agenda Item Number 17.1 - Community Grants Round 1 2024-2025

**RECOMMENDATION:**

That Council:

1. notes that Able Australia submitted a grant application in Round One of the 2024/2025 Community Grant (Organisations) program. While the application was deemed eligible, it was not funded as the available budget was fully allocated to higher-scoring applications; and
  2. agrees to provide in-kind support to Able Australia by providing twenty (20) adult concession aquatic ten (10)-visit passes, valued at \$1,206.
- 

**REPORT:**

Background

Able Australia submitted a Community Grant application in Round 1 of the 2024/2025 Community Grant (Organisations) program. The application was assessed by the community grant assessment panel and would have been recommended to receive \$3,709.50 in funding, however, the application was not funded as the available budget was fully allocated to higher-scoring applications.

Able Australia's proposed program aims to create opportunities for 20 Tasmanians with disabilities to participate in enjoyable community activities in Launceston. A key component of the program involves visits to the Launceston Leisure & Aquatic Centre, where Able support workers assist participants in activities focused on fitness, fun and

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water safety. Their application includes a budget for 10-visit passes and transportation to the facility.

Consideration

While the program was unable to be funded through the Community Grant (Organisations) program due to budget limitations, the community grant assessment panel recognised the significant community benefit of the proposed program and recommended exploring alternative avenues for support.

In-kind support, such as providing 20 adult concession aquatic 10-visit passes valued at \$1,206 would enable Able Australia to deliver a portion of their proposed program, fostering inclusion and participation for individuals with disabilities in meaningful community activities.

Launceston Leisure and Aquatic has been consulted and is supportive of providing these passes with the approval of Council.

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Approval of the proposed in-kind support will provide a positive economic impact by reducing costs for Able Australia, enabling the delivery of a program that benefits individuals with disabilities. The initiative will have minimal environmental impact and will deliver valuable social and health benefits by fostering inclusion, enhancing accessibility and encouraging participation in community activities within Launceston.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

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

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

Focus Areas:

2. To define and communicate our role in promoting social inclusion and equity.
3. To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community.
4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.
5. To promote and support active and healthy lifestyles of our community.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Remitting the fees associated with providing 20 adult concession aquatic 10-visit passes will result in a reduction of revenue by \$1,206.00.

The budget adjustment consideration of this item has been approved by the Acting General Manager Community and Place Network.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

1. CG P 906 - Able Australia - Confidential redacted application [17.1.1 - 13 pages]



**17.2. Petition Response - Thomas Wickert - Community Pantry Reinstatement at Princes Square**

**FILE NO:** SF0097

**AUTHOR:** Michelle Ogulin (Acting General Manager Community and Place Network)

**APPROVER:** Michelle Ogulin (Acting General Manager Community and Place Network)

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**DECISION STATEMENT:**

To consider a response to the petition received from Thomas Wickert calling for a community pantry to be installed in Princes Square.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**PREVIOUS COUNCIL CONSIDERATION:**

Council – 31 October 2024 – 17.2 - Community Pantry Initiative

**RECOMMENDATION:**

That Council:

1. notes the ongoing work by the Liveable Communities team to install a new community pantry at Princes Square.
- 

**REPORT:**

In July 2024, a community pantry fridge placed in Princes Square by an anonymous group was removed due to legal and safety concerns.

In August 2024, a second community pantry was placed in Princes Square, this time affixed to the wrought iron fence. Due to safety concerns and possible damage to the heritage listed fence, the pantry was again removed.

To ensure continued access to a safe, regulated pantry, the Council initiated a community pantry trial with the aims of:

- assessing the impact of a community pantry within the CBD.
  - gauging the need and community interest for a permanent pantry in the CBD.
  - exploring ways to improve the pantry's accessibility and functionality.
  - identifying potential risks and challenges associated with placing a pantry in public spaces.
-

Civic Square was chosen as the trial site due to its proximity to the CBD, essential services and amenities, while minimising the risk of vandalism. The pantry's location was promoted through the installation of ground decals within Civic Square, social media and the Council's website.

Observations from the trial include:

- Packaged foods were the most popular items.
- Sanitary products were the least requested.
- Some donations included used or unsealed items, such as toothpaste, which were discarded for safety reasons.
- During the trial's second phase, donations decreased, and a large number of empty plastic bags accumulated in the pantry.

While the pantry required minimal day-to-day management, pantries located further from council workspaces would require additional travel time, impacting officers' availability for regular duties. No instances of vandalism were reported during the trial. Community feedback highlighted that the pantry was difficult to access for those arriving by car and was not easily recognisable in the area.

The trial also highlighted that community pantries require ongoing management by dedicated individuals or community organisations to ensure they remain functional, well-maintained and free of inappropriate or unsafe items.

Council officers are continuing their work on establishing a second community pantry at the perimeter of Princes Square. A site has been identified at the corner of Frederick Street and Charles Street, just outside the heritage curtilage of the square. This location provides convenient vehicle access, is within sight of a local supermarket, and is close to the location where pantries were installed (without appropriate permissions) in July and August 2024.

The Shed in Rocherlea (a men and community shed) has been engaged to design and construct the pantry. As Princes Square is on the Tasmanian Heritage Register, Heritage Tasmania has provided design advice to Council to ensure the pantry design reflects the heritage of Princes Square, including painting the pantry in a way that echoes the heritage character of the area.

Importantly, placing the pantry outside of the park means that heritage constraints to the design and operation of the pantry are minimised while still ensuring the pantry reflects the heritage character of the park.

Additionally, and following the Council meeting on 31 October at which the pantry trial outcomes were presented, Council officers met with a community organisation who is offering to partner with Council to take on the day-to-day management and supervision of the community pantry at Princes Square. Officers are continuing to work with this community group around the finer details of how the pantry will be managed with the aim of installing and commissioning the pantry in the new year.

### **RISK IMPLICATIONS:**

As per the report to Council on 31 October, the risks to the party remain unchanged.

Should Council choose to own and operate a community pantry without a community partner, a variety of risks are anticipated:

- Potential for perishable or non-perishable items to spoil, leading to foodborne illnesses or contamination, which could expose Council to liability.
- Risk of public health and hygiene concerns due to vandalism or unsanitary conditions.
- Community expectation for further Council involvement and responsibility to stock and manage pantries long-term.
- Ongoing maintenance and repairs should the pantry be vandalised.
- Ongoing operations may require additional Council resources to investigate claims (e.g. donated goods being misused (resold or vandalized) or hoarded).

Other identified risks include:

- If a community group is selected to operate the pantry in future, the selected community group may not, in perpetuity, have the capacity or resources to maintain the pantry on an ongoing basis.
- As the pantry is near Princes Square's heritage curtilage, there may be restrictions or approvals required for installation that could delay the project or cause non-compliance issues.
- A lack of adequate community consultation may lead to misinformation or rejection of the pantry.
- Reputational risks should any incidents related to the pantry (e.g., theft, misuse, or unsanitary conditions) be raised could damage the Council's reputation, especially if public expectations are not met.

Officers anticipate that by partnering with the aforementioned community group many of these risks can be ameliorated.

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

A community pantry, operated in conjunction with service providers or community groups, can:

- foster stronger community bonds, encouraging people to work together, share resources, and support each other in times of need.
- help address food insecurity in vulnerable populations, promoting inclusivity and reducing inequality.
- create a sense of ownership and responsibility, empowering them to take initiative in community welfare.
- instill pride in the local area and contribute to a greater sense of place and belonging among residents.
- serve as a focal point for community-driven initiatives, encouraging more residents to participate in local projects and fostering a culture of volunteerism.

- provide schools, arts groups, and community organisations with visibility and an opportunity to demonstrate their community engagement, strengthening their role in the local area.
- help reduce food waste by redistributing surplus food from the community, contributing to a more sustainable and responsible approach to food consumption.

**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

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**17.3. Petition Response - Denise Delphin - DA0272/2024 General Retail and Hire - Addition of Bottleshop - 385-389 Invermay Road**

**FILE NO:** SF0097, DA0272/2024

**AUTHOR:** Anushka Gardiye (Town Planner)

**APPROVER:** Michelle Ogulin (Acting General Manager Community and Place Network)

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**DECISION STATEMENT:**

To consider the petition received at the Council Meeting on 14 November 2024 regarding the construction of alterations and additions to a shop (Coles Supermarket) to allow the additional use of a bottle shop at 385-389 Invermay Road, 393A-393B Invermay Road and 391 Invermay Road, Mowbray.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**RECOMMENDATION:**

That Council:

1. acknowledges the petition received under section 57(2) of the *Local Government Act 1993 (Tas)*; and
  2. notes that the Development Application DA0272/2024 General Retail and Hire - Addition of Bottleshop - 385-389 Invermay Road was advertised from 5 to 22 October 2024 with no representations received during the advertising period and subsequently was issued a planning permit on 8 November 2024.
- 

**REPORT:**

At its Meeting on 14 November 2024, Council received a paper petition containing 131 signatures.

This petition met the general requirements of section 57(2) of the Local Government Act 1993 (Tas) (the Act).

The petition requested:

*Stop the proposed development of a Liquorland Bottleshop at the Coles Supermarket, Mowbray. There are currently four (4) existing bottleshops within a 5km radius of this proposed development and a further bottleshop is not seen by community as a necessary community need.*

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## Background

### Petitioner's Concern

The petitioners have requested to stop the proposed development of a Liquorland Bottleshop at the Coles Supermarket in Mowbray.

They claim that the addition of another bottleshop at this location is unnecessary, given the existing availability of alcohol retail outlets in the area. Furthermore, they do not view the proposed development as fulfilling a necessary community need.

### Response

The Council received Development Application (DA0272/2024) on 21 June 2024 for the *General Retail and Hire - Construction of alterations and additions to a shop to allow the additional use of a bottle shop, and installation of illuminated signage* at 385-389 Invermay Road, 393A-393B Invermay Road, and 391 Invermay Road, Mowbray.

The subject properties are located within the General Business Zone of the Tasmanian Planning Scheme – Launceston, where the General Retail and Hire use class is listed as a 'no permit required' use. However, the application was categorised as a Discretionary Planning Application due to the discretions relate to the following clauses of the Tasmanian Planning Scheme – Launceston.

15.3.3 Retail impact

15.4.2 Setbacks

C1.6.1 Design and siting of signs

C1.6.2 Illuminated signs

Accordingly, the application was publicly advertised for a 14-day period, from 5 October 2024 to 22 October 2024, providing the community with an opportunity to raise concerns. However, no representations were received during the advertising period.

Once the advertising period was finished, the development was assessed on its merits and the planning approval was granted on 8 November 2024, in accordance with Sections 51 and 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Launceston.

Further, before the bottle shop can commence operations, it must be granted a liquor licence by the state's Commissioner for Licensing. This process takes into consideration the "best interests of the community," including factors such as the general costs and benefits to the community, the potential for the proposed supply of liquor to cause undue offence, annoyance, disturbance, or inconvenience to local residents, and any possible adverse effects on public health and safety.

Licensing laws also require that liquor licence applications be advertised on the Liquor and Gaming Commission's website, providing the public with an opportunity to object to or support the proposal in writing.

### **RISK IMPLICATIONS:**

Not considered relevant to this report.

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**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

*Tasmanian Planning Scheme – Launceston*

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

#### 17.4. Carols in the Park

**FILE NO:** SF2191

**AUTHOR:** Kate Schindler (Grants and Sponsorship Officer)

**APPROVER:** Michelle Ogulin (Acting General Manager Community and Place Network)

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#### **DECISION STATEMENT:**

To consider that Council funds and leads the production of Carols in the Park, scheduled to be held on Sunday, 22 December 2024.

#### **RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

#### **RECOMMENDATION:**

That Council:

1. approves funding of up to \$85,377 to facilitate the production of Carols in the Park, to be held in City Park on Sunday 22 December 2024, in collaboration with the community and local business sponsorship; and
  2. agrees that any unspent funds from the allocated amount are returned to the Special Event Sponsorship budget.
- 

#### **REPORT:**

##### Background

Launceston Carols by Candlelight Inc. received \$15,000 in sponsorship under Round 1 of the 2024/2025 Major Event Sponsorship Program in June 2024. However, the organisation has since announced the cancellation of the 2024 Carols by Candlelight event.

In response, the City of Launceston proposes to take the lead in producing Carols in the Park to ensure its continuation. Recognised as a beloved community tradition, the cancellation has provoked significant public sentiment, prompting Council officers to act swiftly to maintain the event for 2024.

The proposed event will be delivered in partnership with local businesses, community groups and sponsors to uphold the carols tradition, utilising existing budget allocations without additional impact on ratepayer funds.



### Funding

The following funding sources have been identified to support the proposed event:

#### **Previously approved funding:**

\$15,000 remains allocated and approved for the Launceston Carols by Candlelight event under the Major Event Sponsorship program.

#### **Reallocation of unused event sponsorship funds:**

Two events approved for funding in the 2024/2025 Event Sponsorship budget are no longer proceeding:

- *Alleyways* – \$15,000
- *Alive After 5* – \$3,750

Additionally, \$1,627 remains unallocated in the 2024/2025 Small Event Sponsorship budget.

#### **Contribution partnership agreements budget:**

\$50,000, previously allocated to MONA FOMA remains unallocated for the 2024/2025 financial year and is available for reallocation.

### Consideration

The Tourism and Events team will lead the production of the Carols in the Park event, working collaboratively with Council stakeholders to ensure its success.

The Recreation and Parks team has expressed their support for the event being held in City Park, aligning with the shared vision of revitalising this cherished community tradition in its original setting.

Additional support for the event has already been secured:

- Launceston Carols by Candlelight Inc. has committed \$5,000 in funding.
- Councillor McMahon has facilitated the appointment of a creative director and garnered support from local businesses and community sponsors, including both cash donations and in-kind support.

Although the City of Launceston has recently supported the Carols by Candlelight event through its Event Sponsorship program rather than by directly organising the event, the Mayor and Chief Executive Officer have expressed interest in Council taking a leadership role in organising beloved annual events like Carols as part of the future Event Strategy. This approach would ensure continuity of beloved events like carols and maintain their profile while reducing reliance on third-party organisers. The event's recent cancellation has highlighted this opportunity, positioning Council to showcase its agility and responsiveness to community needs.

If Council proceeds with this proposal, the Special Event Sponsorship budget will retain \$52,036, ensuring funds are available for other special events that may arise during the 2024/2025 financial year. Any unspent funds from Carols in the Park will be returned to the Special Event Sponsorship pool, expanding the budget available to support additional event opportunities this financial year.

**RISK IMPLICATIONS:**

While the draft Event Strategy outlines the intention for Council to take a leading role in city-run events, it has not yet been formally endorsed. As a result, there is a potential risk that the community may come to expect the City of Launceston to assume responsibility for the leadership, funding, and ongoing production of the Carols in the Park event on an annual basis.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Approval of funding for the Carols by Candlelight event will:

- result in a positive economic impact to the Launceston community through attracting attendees to City Park, supporting local businesses and enhancing Launceston's reputation as a vibrant and family-friendly destination during the festive season.
- have minimal negative impact on the environment.
- foster significant social benefits, including opportunities for community participation, the celebration of cultural traditions, and the building of community spirit and inclusiveness, ensuring a cherished tradition continues to bring people together.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

Strategic Priority 2: We facilitate prosperity by seeking out and responding to opportunities for growth and renewal of our regional economy.

10-Year Goal: To have realised opportunities that grow and sustain our economy and foster creative and innovative people and industries.

Focus Areas:

1. To actively market the City and region and pursue investment.
2. To facilitate direct investment in the local economy to support its growth.
3. To provide an environment that is supportive to business and development within the municipality.
4. To promote tourism and the development of a quality tourism offering for Launceston.

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:

2. To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.
4. To support the central business district (CBD) and commercial areas as activity places during day and night.

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

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

Focus Areas:

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

**BUDGET AND FINANCIAL IMPLICATIONS:**

The proposed budget for Carols in the Park is as follows:

| <b>Event</b>   | <b>2024/2025 budget</b> | <b>Pre-committed</b> | <b>Recommendation</b> | <b>Balance</b> |
|--|-------------------------|----------------------|-----------------------|----------------|
| 2024/2025 Small Event Sponsorship Budget   | \$100,000               | \$79,623             | \$20,377              | \$0            |
| 2024/2025 Major Event Sponsorship funding already committed to Carols by Candlelight 2024. | \$15,000                | \$15,000             | \$15,000              | \$0            |
| 2024/2025 Contributions Partnership Agreement Sponsorship Budget                           | \$75,000                | \$25,000             | \$50,000              | \$0            |
|  | \$190,000               | \$119,623            | \$85,377              |                |

Importantly, no additional Council funds need to be allocated to this event and it can be accommodated within the approved Statutory Budget for 2024/2025 with the reallocations noted in this table above.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

Nil

## 17.5. Cultural Advisory Committee Representative Ratification

**FILE NO:** SF7357

**AUTHOR:** Marcus Grantham (Team Leader Place Making)

**APPROVER:** Michelle Ogulin (Acting General Manager Community and Place Network)

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### **DECISION STATEMENT:**

To appoint community representatives to the Cultural Advisory Committee.

### **RECOMMENDATION:**

That Council:

1. receives and notes the Report; and
  2. endorses the appointment of Amr Elsayed, Ariel Chanko and Judith Ridge as new community representative members of the Cultural Advisory Committee.
- 

### **REPORT:**

The primary purpose of the Cultural Advisory Committee (the committee) is to work in collaboration with the Council to provide Councillors and employees with strategic advice and informed feedback on matters pertaining to cultural development in the City of Launceston and the implementation of the Cultural Strategy. It also assists in promoting awareness and understanding of arts and culture in the City, in line with the role and objectives set out in the committee's terms of reference.

The terms of reference also states that the membership of the committee will include:

- two City of Launceston Councillors (currently Councillor Walker and Councillor Britton)
- a maximum of up to eight skills-based members appointed by the City of Launceston, with appointees reflecting the following requirements:
  - o a diverse range of expertise to provide a balance of cultural disciplines.
  - o the capacity to consider the direction of cultural opportunities in a fair and equitable manner.
  - o the ability to consider issues in a wider community context.
  - o the awareness of arts and cultural activities, priorities and organisations in the municipality.
  - o a mix of skills and attributes to complement other members of the committee.
  - o the diversity of the broader Launceston community.

Community representatives are appointed by the Council with the initial term being up to two years. Community representatives may re-apply and be considered for further terms.

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Nominations for at least one vacant community representative position were sought from community members through a publicly advertised expression of interest (EOI) process.

Notices seeking EOI submissions were advertised in The Examiner on Saturday, 5 October 2024, with written submissions closing on Sunday, 20 October 2024.

Eight EOIs were received which were considered by an assessment panel consisting of Michelle Ogulin (Acting General Manager Community and Place), Shane Fitzgerald (General Manager Creative Arts and Cultural Services) and Henry Watson (Place and Cultural Development Officer). As all three of the recommended applicants bring relevant and diverse skills and experience which are considered to be valuable to the committee, the recommendation of the panel was that the three applicants be appointed. With 5 existing community representatives already on the committee there is scope to appoint 3 new representatives to bring the total to 8 community representatives.

**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 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 2: We facilitate prosperity by seeking out and responding to opportunities for growth and renewal of our regional economy.

10-Year Goal: To have realised opportunities that grow and sustain our economy and foster creative and innovative people and industries.

Focus Areas:

5. To understand and support the establishment and growth of new and creative industries and businesses in Launceston.

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:

1. To promote and enhance Launceston's rich heritage, culture and natural environment.

**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

**18. CREATIVE ARTS AND CULTURAL SERVICES NETWORK**

**No items have been identified as part of this Agenda**

## 19. INFRASTRUCTURE AND ASSETS NETWORK

### 19.1. Lilydale Golconda Memorandum of Understanding (MoU)

**FILE NO:** SF0362

**AUTHOR:** Erica Deegan (Manager Infrastructure and Engineering)

**APPROVER:** Chelsea van Riet (Acting General Manager Infrastructure and Assets Network)

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#### **DECISION STATEMENT:**

To consider entering into a Memorandum of Understanding (MOU) with Dorset Council to:

- Create a shared understanding of the importance of the Golconda Road and Lilydale Road connection as a key freight route between the municipalities; and
- Outline the terms and conditions of collaboration between the councils to lobby for funding to improve road and pavement conditions of Golconda Road, to High Productivity Vehicle (HPV) standards, with a focus on safety and productivity outcomes.

#### **RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

*Roads and Jetties Act 1935 (Tas)*

#### **RECOMMENDATION:**

That Council:

1. authorises the Chief Executive Officer to enter into a formal Memorandum of Understanding (MoU) under the following terms:
    - a) duration shall be from the date of signing until the collaboration outlined within the MOU is complete, or until such time as either council determines the MoU is no longer applicable;
    - b) nothing in the MoU creates or implies any obligations on the part of either council to enter into any contract, agreement, commitment or other arrangement, nor are the provisions intended to give rise to legal rights, obligations or liabilities on the part of either council;
    - c) areas of collaboration shall include:
      - i. shared understanding
      - ii. advocacy and lobbying
      - iii. road and pavement improvements
      - iv. data sharing and analysis
      - v. community engagement
-



- d) periodic reporting to Council on progress; and
2. authorises the Chief Executive Officer to exercise any right, option or discretion exercisable by Council under the Memorandum of Understanding.
- 

**REPORT:**

Dorset Council has approached City of Launceston to enter into a Memorandum of Understanding (MoU) to collaborate to improve the Golconda Road and Lilydale Road connection.

Golconda Road is an important strategic transport link for freight and the agriculture and forestry industries. It provides a vital connection for logistics, workforce mobility, and supply chains between Scottsdale and Launceston and Bell Bay. The connection is critical for efficient freight movement and economic connectivity.

The road also provides access for visitors travelling to key towns and attractions in the region such as Lilydale, Hollybank Forest Reserve, the Pipers Brook Wine Region and Bridestowe Estate (Lavender Farm).

The combined transportation types using the road – heavy vehicles and freight trucks, light commercial vehicles, personal and tourist vehicles – requires collaboration and strategic planning to forecast demand and implement infrastructure upgrades to ensure the road and pavement conditions meet current and future needs.

In July 2024, Dorset Council received \$2.580 million, under tranche 7 of the Federal Government's *Heavy Vehicle Safety and Productivity Program*, as part of a \$3.225 million project to upgrade 3.4km of Golconda Road between Little Forester River and North Blumont Road.

In 2024, the City of Launceston received \$696,184 under the Local Roads and Community Infrastructure (LRCI) Program and \$200,000 under the Safer Rural Roads Program to upgrade safety of the Golconda Road and Lilydale Road connection through the implementation of consistent line marking, signage, guideposts and guard rails.

Further upgrades of Golconda Road are required to meet the increasing volume of heavy vehicles and deliver improved efficiency, productivity and safety of the freight network. In particular, upgrades to meet HPV standards are required to increase the productivity of B Double / Heavy Mass Limit (HML) Truck and Dog in cartage.

Over the past five years, the National Heavy Vehicle Regulator permit requests for Golconda Road have increased consistently by 15-20% per year. The permits are typically for HML semi-trailers and B-doubles. The trend in the heavy vehicle industry to move towards larger vehicles, such as larger B-doubles and A-doubles, will place significant strain on Golconda Road, which was not designed or built to accommodate vehicles of this size.

A recent traffic count of Golconda Road (east of Pipers Brook Road) was undertaken by the City of Launceston for a one-week period in November 2024. The results indicate a growth of around 2.5% per year.

This increasing demand is likely to lead to accelerated pavement deterioration, reduced structural integrity, and a higher frequency of maintenance requirements. Furthermore, the road's existing geometry, including narrow roads, hilly sections, and limited shoulder space, may pose safety risks for all road users. The lack of suitable infrastructure for larger vehicles could also result in traffic delays, increased accident risks, and reduced overall efficiency of freight movements.

The purpose of the MoU is to outline the terms and conditions of collaboration between the City of Launceston and Dorset Council to lobby for funding to improve the road and pavement conditions of Golconda Road, with a focus on safety and productivity outcomes.

**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:

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

**BUDGET AND FINANCIAL IMPLICATIONS:**

Consideration is contained in the report. In addition to capital costs, Dorset Council estimates that ongoing operational and maintenance costs will total \$116,000 for the Scottsdale to Lilydale Falls length of the trail (approximately 40 kilometres). This equals approximately \$40,600 per annum for the 14 kilometres of the trail in the Launceston municipality (Wyena to Lilydale).

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

Nil

**19.2. Action in Respect of a Grant from the Tasmanian Government for Projects in Lilydale**

**FILE NO:** SF0915

**AUTHOR:** Leanne Purchase (Acting Manager Parks and Sustainability)

**APPROVER:** Chelsea van Riet (Acting General Manager Infrastructure and Assets Network)

**DECISION STATEMENT:**

To consider action in respect of an offer of funding from the Tasmanian Government.

**RECOMMENDATION:**

That Council:

1. receives and notes the report; and
2. requests the Chief Executive Officer write to the Tasmanian Government to seek an amendment to the grant deed referenced as *Launceston City Council, \$190,000, October 2024*, to request an amendment to (a) under *Clause 1.1: the Approved Purpose for which the Grant is provided* as follows:

| <b>Original</b>  | <b>Amendment</b>   |
|--|--|
| (a) the design and construction of a pedestrian and cycle pathway between Lilydale Falls and Lilydale; | (a) investigate possible location(s) and review the associated feasibility for a pedestrian and cycle pathway between Lilydale Falls and Lilydale; |

Item (b) under *Clause 1.1: the Approved Purpose for which the Grant is provided* will remain unchanged.

**REPORT:**

If Council are not supportive of the officer recommendation, two alternatives are provided:

Alternative 1

Accept only the pool component of the grant deed.

*That council determines to:*

- (i) *decline the component of the grant related to Clause 1.1 (a): the design and construction of a pedestrian and cycle pathway between Lilydale Falls and Lilydale;*
- (ii) *accept the component of the grant related to Clause 1.1 (b): council-led improvements to better integrate the Lilydale pool, playground, toilet and BBQ areas.*

Alternative 2

Decline to accept the deed.

*That Council:*

- (i) determines not to accept the grant of \$190,000 offered to support the development of the design and construction of a pedestrian and cycle pathway between Lilydale Falls and Lilydale; and council-led improvements to better integrate the Lilydale pool, playground, toilet and barbecue areas; and*
- (ii) requests that the Chief Executive Officer provide written advice of the Council's determination to the Tasmanian Government.*

**Background**

Council has received a grant deed from the Department of State Growth for \$190,000 for the following approved purpose:

- the design and construction of a pedestrian and cycle pathway between Lilydale Falls and Lilydale; and
- council-led improvements to better integrate the Lilydale pool, playground, toilet and barbecue areas.

Council officers have not accepted the grant deed as the works outlined are unplanned and unbudgeted.

Further to the grant deed there was information published by Hon. Michael Ferguson MP in the Lilydale Progressive Community Newsletter in November 2024 indicating that “...*the Tasmanian Liberal Government has provided \$150,000 to the Launceston City Council for construction of the new path.*” The article goes on to quote the Member for Bass saying: “*Council will now undertake detailed design and planning, as well as public consultation.*”

Path between Lilydale Falls and Lilydale

Council records indicate that a path between Lilydale township and Lilydale Falls was contemplated in 2009. The path was to run alongside Golconda Road. At that time, the Council investigated the possibility of widening the road shoulder between Lilydale township and Lilydale Falls to make space for the path.

Feedback from the Tasmanian Government at the time was that there were too many constraints, including bridges, culverts, low-lying pasture and the proximity of wastewater treatment ponds - and that a widened road shoulder would be unsuitable for pedestrians.

The option of placing a path outside the road reserve was also considered. The success of this action would have been dependent on landowner approvals/acquisitions and the availability of funds to ensure the trail could be built to accommodate the constraints listed above, including flooding.

Ultimately, there were other capital works priorities, so no further work progressed.

Key issues with the proposed project include:

- There is no identified corridor for the path.
- Golconda Road is undesirable based on historical advice noted above.
- A possible alternative is the rail line between Lilydale Falls Reserve and Station Road/Lalla Road in Lilydale, however this option has not been explored in any detail.
- The Council has no budget allocation in 2024/25 for planning, designing, land acquisitions and other relevant matters to the delivery of a walking and cycle path.
- The grant is insufficient to meet the outcomes specified in the grant deed.

#### Lilydale Pool improvements

The Council has not been engaged by the Tasmanian Government in relation to the scope. Further to this, Council has recently invested in the Lilydale Pool, but construction of a better footpath from the playground to the barbecue area would be a positive improvement at the facility. The construction of a path between these areas at the pool may be possible, however further scoping would be required to establish if the notional amount indicated, \$40,000, would be sufficient.

#### **RISK IMPLICATIONS:**

In relation to the path between Lilydale Falls and Lilydale in particular, the grant deed has created a reputational risk for Council in that the community expectation has been created but the Council has been offered insufficient budget for the outcome.

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

Not considered relevant to this report.

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

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

**BUDGET AND FINANCIAL IMPLICATIONS:**

As noted in the report, the works are unplanned and unbudgeted. For the proposed path between Lilydale Falls and Lilydale, the funding is insufficient for the purpose specified in the deed.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

Nil

### 19.3. City Park Macaques

**FILE NO:** SF7137, SF0832

**AUTHOR:** Leanne Purchase (Acting Manager Parks and Sustainability)

**APPROVER:** Chelsea van Riet (Acting General Manager Infrastructure and Assets Network)

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#### **DECISION STATEMENT:**

To consider breeding controls for the City Park Japanese macaques.

#### **RELEVANT LEGISLATION:**

*Environmental Protection and Biodiversity Conservation Act 1999* (Cth)

This legislation scaffolds a list of specimens taken to be suitable for live import. The Japanese macaque (scientific name *macaca fuscata*) does not appear in this list, which means live import to introduce genetic diversity to the troop is not permitted.

*Nature Conservation (Wildlife) Regulations 2021*

The Council holds a Wildlife Exhibition Licence issued pursuant to the above regulations. The licence requires the Council to, amongst other things, microchip all wildlife kept under the licence and ensure that any breeding is in accordance with a species management plan.

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

Council Meeting – 7 August 2000 – Report on Monkeys in City Park

Council Meeting – 21 August 2000 – future management of the City Park Monkeys, Mayoral Appeal For New Monkey Enclosure

Council Meeting – 4 September 2000 – Aldermen's Question Time – matters relating to Monkey Enclosure Appeal

Council Meeting – 18 September 2000 – Aldermen's Question Time – fundraising for City Park Monkeys

Council Meeting – 13 November 2000 – Launceston City Council Monkey Enclosure Fund Rules

Council Meeting – circa December 2000 – Aldermen's Reports – donation to Monkey Appeal

Council Meeting – 18 December 2000 – Proposed New Monkey Enclosure

Council Meeting – 26 February 2001 – City Park Monkey Enclosure, Mayor's Monkey Appeal

Council Meeting – 26 March 2001 – City Park Monkey Enclosure, Councillor Questions Without Notice regarding obtaining new monkeys, rehousing the monkeys

Council Meeting – 10 September 2001 – City Park Monkeys – New Monkey Enclosure

Workshop – 3 March 2022 – Discussion of the P2R2 Consulting Review Report dated 22 February 2022

Workshop – 31 March 2022 – Draft City of Launceston City Park Monkeys Communications Plan 2022

Workshop – 8 December 2022 – Taronga Report Background and Recommendations

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Council Meeting – 22 February 2024 – Councillor Question on Notice – Councillor S Cai –  
City Park Monkeys – 8 February 2024

**RECOMMENDATION:**

That Council:

1. receives and notes the report;
2. determines that in respect of the reproductive, genetic and social management of the City Park Japanese macaques, action is to be taken to prevent all breeding within the troop;
3. if recommendation 2 above is resolved in the affirmative:
  - a) notes that a consequence of that resolution will be that attrition will occur over an estimated 20-25 years, until no Japanese macaques remain in City Park;  
and
  - b) requests the Mayor communicates the Council decision to the Mayor of Ikeda, Japan.

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**REPORT:**

**Summary**

The City of Launceston's display of Japanese macaques in City Park is relatively unique for Australian local government. The Japanese macaques have been exhibited in City Park since 1981.

A recent audit identified some matters that require urgent attention in respect to management of the Japanese macaques, the most pressing being the need to ensure that breeding is in accordance with a species management plan. This is a condition of the Council's Wildlife Exhibition Licence, issued pursuant to the *Nature Conservation (Wildlife) Regulations 2021*.

In relation to breeding, Council officers recommend that the species management plan for the Japanese macaques provides for controls that prevent all reproduction within the troop. This is because of a lack of options to introduce genetic diversity to the troop.

A decision of the Council is sought in respect of this matter because the consequence of implementing controls that prevent all reproduction within the troop is attrition over an estimated 20-25 years, until no Japanese macaques remain in City Park.

**Background**

In 1981, Council obtained a troop of 10 Japanese macaques as part of a Sister City arrangement with the City of Ikeda, Japan. This provided a continuation to previous animal exhibits kept in the *Victorian pleasure garden* provision of City Park, and connection was made with the 1979 United Nation's Year of the Child, to use the monkey exhibit as a *monument ... to the efforts of the children of Launceston*.



### **Historical issues with the management of the welfare of the macaques**

In March 2000, a species management plan was developed to guide the day-to-day welfare of the animals, and to identify requirements for the longer term.

In June 2000, the presence of herpes B virus within the troop was confirmed. Expert advice was provided around three options for the troop: troop euthanasia, re-homing with another institution, or refitting the enclosure and management to reduce the impact of stress on the macaques, and so minimising aggravation of the herpes B virus.

In response, at a Council Meeting held on 21 August 2000 Council determined that -

- 1) *Council maintain the Macaque colony in City Park and manage the risk associated with possible Herpes B transfer.*
- 2) *Interim crush cages and new handling equipment be immediately installed to minimise risks from monkey handling.*
- 3) *Examine the recruitment of a professional zoo keeper.*
- 4) *A new enclosure in City Park be designed and costed as a matter of urgency and consultation on location be undertaken.*
- 5) *A Mayoral Appeal be launched to help Council raise funds for a new enclosure.*
- 6) *A genetic management plan be developed for implementation in the short term.*

Discussions around troop euthanasia were not well received by the community.

It is not clear whether steps were taken to recruit a professional zoo keeper at that time, or develop a genetic management plan. It does not appear that the species management plan was revised to consider the implications of herpes B, which may have addressed matters such as the unavailability of breeding stock to maintain genetic diversity, or the need to adhere to sex and age ratios in order to manage aggression. Nor was the species management plan resourced as recommended, resulting in gaps in its implementation.

Inbreeding appears not to have been controlled and the introduction of new genetics was unsuccessful, with one of two introduced male Japanese macaques dying soon after joining the troop, and the majority of the second introduced male's offspring likely culled as part of a cohort euthanased soon after. It is understood that many of the Japanese macaques in the exhibit today are closely related.

There has been little decision-making around maintaining appropriate age and sex ratios within the troop structure, but there has been a critical need to restrict numbers. This has been achieved through culling, or euthanasing injured or aggressive Japanese macaques. This is traumatic for the remaining Japanese macaques, and terribly sad and difficult for Council employees and veterinarians.

There have also been gaps in addressing workplace health and safety risks to staff, including a lack of training in primate care.

### Recent interventions

In 2021, the Council engaged a biosecurity risk management consultant to advise on the management of macaques and future options. Because of the troop's infection with the herpes B virus, a strong argument was made that the troop should be euthanased. This action was not supported by the specialised veterinarians and primate handlers that were needed to complete this task humanely.

Leading on from the Council's exploration of the above, experts associated with Taronga Zoo visited Launceston in 2022, spending time with the macaques' carers, observing the troop in the outdoor and indoor facilities in City Park, and meeting with other Council officers to discuss outcomes and recommendations.

Positive feedback was that:

- the health and wellbeing of the macaques was good and the troop was behaviourally appropriate, demonstrating many natural behaviours
- infrastructure was acceptable - requiring only minor adjustments
- outdoor and indoor areas were clean and well maintained
- the facility was an appropriate size for the number of animals\*
- good safety procedures were in place, with excellent compliance including the use of personal protective equipment
- City of Launceston employees demonstrated dedication to the care of the macaques
- the macaques attracted significant public interest.

*\* We have since come to understand that the macaques are overcrowded when housed in the indoor enclosure overnight. This is with reference to standards around the exhibition of primates that apply in New South Wales. There is no equivalent legislation in Tasmania.*

Challenges, barriers and limitations were:

- Council employees' fears of the herpes B virus and the perception that the macaques are diseased has created a barrier to progress
- the macaques' diet lacked variety, and practices at the time did not maximise feeding time as an opportunity for enrichment or management of the macaques (for example, using meal times to move the macaques between indoor and outdoor enclosures)
- some aging and failing infrastructure required attention (for example, indoor heating and deterioration of some enclosure structures)
- a lack of indoor ventilation to facilitate drying of surfaces and minimise persistence or aerosols (which would in turn limit the persistence of the herpes B virus in the environment)
- limited complexity and height to outdoor and indoor enclosures
- improper use and structure of the raceway to facilitate separation and capture of animals for veterinary procedures
- employees caring for the macaques were not trained as primate keepers
- no individual animal identification and record keeping
- limited knowledge of age, reproductive status, sex, and health of the troop
- no reliable veterinary service for routine procedures or emergencies
- low genetic integrity of the troop.

### **Herpes B virus**

Expert advice was sought in relation to Council's concerns about human exposure to the herpes B virus. While the consequences of human infection with herpes B virus may be catastrophic, the likelihood of becoming infected is extremely low. An understanding of the virus in terms of its presence in the Japanese macaques, how it is transmitted to people, and its survival and persistence in the environment is important to understanding this risk.

It is now understood that if the Japanese macaques are healthy and stress-free, they do not shed the virus. Appropriate housing and management facilities, robust cleaning and disinfection protocols, appropriate and compliant use of personal protective equipment, and immediate post exposure first-aid protocols significantly reduce the risk of humans being infected. Additionally, quick diagnosis and antiviral therapy in the early stages of infection significantly reduce the risk of serious illness or fatality.

The example of the Japanese macaques in Japan provides further perspective. Interactions between people and the macaques often result in people being bitten, but there have been no recent reports of the transmission of the herpes B virus. Most documented cases of transmission have been in laboratory settings, when the Japanese macaques are stressed and there is a lot of exposure to fluids from the Japanese macaques.

### **Current management of the welfare of the macaques**

Weekdays, the Japanese macaques are under the care of a Council officer who is a qualified primate keeper. Diet, enrichment activities and training are a particular focus. Weekend care is provided by a roster of Council officers with support from the primate keeper as required. Work is currently underway to determine whether employment of a casual primate keeper could assist with leave coverage and supplement the weekend roster, to further assure the wellbeing of the macaques.

Improvements to the care and accommodation of the Japanese macaques have been made incrementally as we work through the challenges, barriers and limitations identified above. Most recently, engineering designs for improvements to the viewing platform have been sourced, with a view to providing a cover to the exhibit that would allow the Japanese macaques to move between the indoor and outdoor parts of the exhibit 24 hours a day.

Work is under way to finalise a contemporary species management plan for the Japanese macaques to ensure the further consideration of:

- the herpes B virus
- diet, enrichment and training
- facilities and infrastructure
- the people caring for the macaques, including veterinarians
- record keeping and individual animal identification (microchipping is a requirement of the Council's Wildlife Exhibition Licence)
- reproductive, genetic and social management (breeding in accordance with a species management plan is a requirement of the Council's Wildlife Exhibition Licence), and
- education of visitors to the exhibit.

A recent inspection associated with the Council's Wildlife Exhibition Licence identified some matters that require immediate attention in respect to Council's management of the Japanese macaques, the most pressing being the need for Council to ensure that breeding is accordance with a species management plan. This is a condition of the Council's Wildlife Exhibition Licence, issued pursuant to the *Nature Conservation (Wildlife) Regulations 2021*.

### **Breeding and the future for the Japanese macaques in Launceston**

Sentiment toward keeping animals in captivity has shifted since 1981 when the macaques came to Launceston, and the exhibition of wildlife in zoos in Australia has changed as a consequence. In this context, consideration should be given to what the future looks like for City Park's Japanese macaques, with this consideration to be reflected in the species management plan.

As noted earlier, it is a condition of the Council's Wildlife Exhibition Licence that breeding is in accordance with the Japanese macaques' species management plan.

Council officers are of the view that inaction in respect to the inbreeding of the Japanese macaques is not appropriate. Sourcing more Japanese macaques for genetic diversity is not an option that is available to Council. This is because the Japanese macaque does not appear in the list of specimens taken to be suitable for live import, pursuant to the *Environmental Protection and Biodiversity Conservation Act 1999 (Cth)*. With this in mind, it is suggested that the management of breeding occurs through reproductive control, which could take three forms:

- culling - **Not recommended**
- partial intervention, which involves neutering the most reproductively mature animals and leaving a select group to allow ongoing breeding - **Not recommended because a relatively high rate of breeding is still possible which leaves the matter of genetic diversity to be addressed**
- prevention of all breeding within the troop, meaning that attrition will occur over an estimated 20-25 years, until no Japanese macaques remain in City Park – **Recommended.**

Because the problem of genetic diversity remains with partial intervention, the prevention of all breeding within the troop is the option preferred by Council officers.

Veterinary advice relevant to the City Park Japanese macaques is that this is best achieved through the surgical reproductive control of males in the troop. This would be done over a two year period to be sure that juvenile males are included.

### **RISK IMPLICATIONS:**

Many community members and visitors to Launceston enjoy visiting the City Park Japanese macaque exhibit. Transparency in communication about the ongoing welfare of the Japanese macaques will be required to assist with understanding of the decision the Council makes in relation to breeding within the troop.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

The Japanese macaques have been exhibited in City Park since 1981. The exhibit is well attended and attracts both complaints and compliments.

**STRATEGIC DOCUMENT REFERENCE:**

Not applicable.

**BUDGET AND FINANCIAL IMPLICATIONS:**

If the Council determines that action is to be taken to prevent all breeding within the troop, the likely solution of surgical intervention will occur over two or so years and will have a corresponding budget impact. Exact costs are not known at this time. In the event costs cannot be covered by existing budget allocations for care of the Japanese macaques, a budget transfer will be sought.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

Nil

**20. ORGANISATIONAL SERVICES NETWORK**

**20.1. City of Launceston Annual Plan 2024/2025 - Progress Against Annual Plan Actions for Period Ending 30 September 2024**

**FILE NO:** SF6938

**AUTHOR:** Emily Lewis (Corporate Planning Officer)

**APPROVER:** Nathan Williams (Acting General Manager Organisational Services Network)

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**DECISION STATEMENT:**

To consider the progress against Council's 2024/2025 Annual Plan Actions for the period ending 30 September 2024.

**PREVIOUS COUNCIL CONSIDERATION:**

Council – 27 June 2024 – Agenda Item 15.5 - City of Launceston Annual Plan 2024/2025 Workshop – 23 May 2024 - Annual Plan and Budget 2024/2025 - Public Consultation Feedback

Council - 4 April 2024 – Agenda Item 15.4 - Proposed 2024/2025 Annual Plan and Statutory Estimates

Workshop – 29 February 2024 - Draft Budget and Annual Plan 2024/25

**RECOMMENDATION:**

That Council:

1. receives and notes progress against 2024/2025 Annual Plan Actions for the period 30 September 2024.
- 

**REPORT:**

Progress against the 2024/2025 Annual Plan Actions for the period ending 30 September 2024 is provided in the attached report.

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

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**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. Q 1 Progress Report - Annual Plan 2024-25 [20.1.1 - 34 pages]

**20.2. Budget Amendment - 12th December 2024**

**FILE NO:** SF6817/SF7334

**AUTHOR:** Samuel Kelty (Manager Finance)

**APPROVER:** Nathan Williams (Acting General Manager Organisational Services Network)

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**DECISION STATEMENT:**

For Council to:

1. consider changes to the Council's 2024/2025 Statutory Estimates.

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

2. consider adjustments made during 1 November 2024 to 30 November 2024 by the Chief Executive Officer to the 2024/2025 Budget.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**RECOMMENDATION:**

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993 (Tas)* and by an absolute majority, approves the following changes to the 2024/2025 Statutory Estimates:
    - (a) Revenue
      - i. the net increase in revenue from external grants and contributions of \$0.
    - (b) Expenses
      - i. the net increase in operations expenditure of \$300,000.
    - (c) Capital Works Expenditure
      - i. the decrease in the Council's funded expenditure of \$300,000.
  2. notes that amendments from Recommendation 1. result in:
    - (a) the underlying operating deficit being amended from \$630,841 to \$930,841 (excluding capital grants of \$19,178,656 and other adjustments of \$5,000,000) for 2024/2025.
    - (b) the capital budget being amended from \$43,549,166 to \$43,249,166 for 2024/2025.
  3. pursuant to section 82(7) of the *Local Government Act 1993 (Tas)*, receives the Chief Executive Officer's report on adjustments to the 2024/2025 budget for the period 1 November 2024 to 30 November 2024.
-



**REPORT:**

**1. Budget Amendments**

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

|  | <b>Operations<br/>\$'000</b> | <b>Capital<br/>\$'000</b> |
|--|------------------------------|---------------------------|
| <b>Statutory Budget as 01/07/2024</b>                      | (3,065)                      | 26,911                    |
| Adjustments Approved by Council to 31/10/2024              | 16,613                       | 16,638                    |
| Balance Previously Advised as at 31/10/2024                | 13,548                       | 43,549                    |
| <br><u>Amendments</u>                                      |                              |                           |
| Additional Council Funds                                   | 0                            | 0                         |
| Capital to Operations                                      | -300                         | -300                      |
| Operations to Capital                                      | 0                            | 0                         |
| External Funds   | 0                            | 0                         |
| External Funds Not Received                                | 0                            | 0                         |
| <b>Statutory Budget as at 30/11/2024</b>                   | <b>13,248</b>                | <b>43,249</b>             |
| <br><u>Underlying Results Adjustment</u>                   |                              |                           |
| Deduct Capital Grants and Contributions                    | (19,179)                     |                           |
| Deduct Tamar Estuary River Health Action Plan Contribution | 5,000                        |                           |
| <b>Underlying Operating Budget Surplus/(Deficit)</b>       | <b>(931)</b>                 |                           |

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

Details of the amendments are as follows:

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

| Project Number | Project Description                                  | Current Approved Amount | Transfer From    | Transfer To      | New Budget         |
|----------------|--|-------------------------|------------------|------------------|--------------------|
| CP24689        | Town Hall & Annexe Refurbishment 24/25               | \$1,204,020             | \$300,000        | \$0              | \$904,020          |
| OP25419        | OPM2025 Town Hall/Annexe Refurbishment (Non-Capital) | \$0                     | \$0              | \$300,000        | \$300,000          |
|                | <b>TOTALS</b>  | <b>\$1,204,020</b>      | <b>\$300,000</b> | <b>\$300,000</b> | <b>\$1,204,020</b> |

**The project scope of works:**

Work is currently planned for refurbishment of areas across the Town Hall and Annexe buildings. A number of these work do not meet Council’s capitalisation requirements and will need to be undertaken within operational project. This budget amendment moves funds from the capital project for the Town Hall and Annexe refurbishment across to a major operational project to enable this work to be undertaken.

| Capital to Operations                                | Operations       | Capital            |
|--|------------------|--------------------|
| OPM2025 Town Hall/Annexe Refurbishment (Non-Capital) | \$300,000        | (\$300,000)        |
| <b>TOTAL</b>   | <b>\$300,000</b> | <b>(\$300,000)</b> |

**1(b) The following items need to be reallocated between Capital projects but do not alter the operating surplus:**

| Project Number | Project Description                        | Current Approved Amount | Transfer From    | Transfer To      | New Budget         |
|----------------|--|-------------------------|------------------|------------------|--------------------|
| CP23705        | Alexandra Suspension Bridge 1722           | \$2,937,022             | \$830,000        | \$0              | \$2,107,022        |
| CP24545        | Trevallyn Road Kings Bridge Retaining Wall | \$250,000               | \$0              | \$100,000        | \$350,000          |
| CP24718        | QVMAG, HVAC Systems                        | \$0                     | \$0              | \$150,000        | \$150,000          |
| CP24719        | Public Art Program                         | \$0                     | \$0              | \$200,000        | \$200,000          |
| CP24420        | Parks Pump Station Renewals 22/23          | \$100,000               | \$0              | \$380,000        | \$480,000          |
|                | <b>TOTALS</b>                              | <b>\$3,287,022</b>      | <b>\$830,000</b> | <b>\$830,000</b> | <b>\$3,287,022</b> |

**The project scope of works:**

Following the successful tender award of the Alexandria Suspension Bridge 1722, residual funds can be utilised to progress other projects as proposed.

**Trevallyn Road Kings Bridge Retaining Wall** – Forecast construction costs are greater than anticipated. The current wall, located just north of Kings Bridge is bulging/failing and requires reconstruction. Current estimates to complete the work exceed the available funding.

**QVMAG, HVAC Systems** – system deficiencies at the QVMAG sites require investigation to determine future renewal works required and budgetary requirements.

**Public Art Program** – The intent of this funding is to increase within this financial year the level of investment in Public Art Installations, including at the Road Safety Centre. Parks **Pump Station Renewals 22/23** - Council’s sewer pumpstation that services the Churchill Park Sports Complex requires renewal due to the asset reaching the end of its life. The pumpstation also requires an upgrade to meet the increased demand of the site.

| Project Number | Project Description                    | Current Approved Amount | Transfer From    | Transfer To      | New Budget         |
|----------------|--|-------------------------|------------------|------------------|--------------------|
| CP24615        | Roads Reconstruction Program 24/25     | \$179,014               | \$50,000         | \$0              | \$129,014          |
| CP24547        | Transport - Other Asset Renewal 23/24  | \$510,000               | \$510,000        | \$0              | \$0                |
| CP24672        | Kerb Renewal Program 24/25             | \$100,000               | \$100,000        | \$0              | \$0                |
| CP24589        | Corin Street Bridge Deck Renewal       | \$50,000                | \$48,500         | \$0              | \$1,500            |
| CP24555        | South Prospect Growth Area New Roads   | \$325,000               | \$66,614         | \$0              | \$258,386          |
| CP24531        | Invermay Rd/Lindsay St Traffic Signals | \$2,250,000             | \$0              | \$775,114        | \$3,025,114        |
|                | <b>TOTALS</b>                          | <b>\$3,414,014</b>      | <b>\$775,114</b> | <b>\$775,114</b> | <b>\$3,414,014</b> |

**The project scope of works:**

The project's initial work scope has expanded to include a large pavement failure on the Northern extent of the site boundary. Unfavorable geotechnical ground conditions were identified through the design process and testing significantly increasing pavement reconstruction scopes on Invermay Road which has increased the project cost significantly. This work is required due to asset failure, there will be efficiencies and disruptions minimised by delivering the scope of works as part of the Invermay & Lindsay Street Traffic Signals project. The following transport-related projects from Infrastructure and Asset Network have been identified to cover the increased cost.

**Road Reconstruction Program 24/25** - There is \$50,000 of Council funds remaining in the project which can be utilised to fund the Invermay Rd/Lindsay St Traffic Signals Project. The remaining funds on this project are grant-based roads to recovery funding used for specific road reconstruction projects.

**Transport - Other Assets Renewal 23/24** - These funds have been budgeted to cover urgent asset failures that arise between budgeting and works being identified. The expanded scope for this project meets this requirement.

**Kerb Renewal Program 24/25** - These funds are set aside to be used for Kerb renewals associated with road reseals or rehabilitation works. The pavement reconstruction section of the expanded works will include approximately 250 metre of Kerb renewal. The expanded scope for these projects meets the requirement.

**Corin Street Bridge Deck Renewal** - The project has been paused and awaiting Councilor consultation on permanent road closure or network changes to improve antisocial traffic behaviour on Denison Road. This will proceed to workshop in 2025, and the renewal requirements will be reconsidered following.

**South Prospect Growth Area New Roads** - Multiple projects have been previously budgets to cater for potential works in South Prospect. Future budget considerations can be included as the private development progresses.

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

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

| Project Number | Project Description                                | Budget Before This Adjustment | Adjustment  | Revised Budget     | Type of Change |
|----------------|--|-------------------------------|-------------|--------------------|----------------|
| CP24629        | IT Infrastructure Renewal Program 24/25            | \$910,133                     | (\$64,100)  | \$846,033          | Decrease       |
| CP24716        | Princess Theatre Spotlight Replacement             | \$0                           | \$64,100    | \$64,100           | Increase       |
| CP24658        | Sports Facility Renewal Program 24/25              | \$381,775                     | (\$20,000)  | \$361,775          | Decrease       |
| CP24717        | Launceston Regional Tennis Centre Lighting Upgrade | \$0                           | \$20,000    | \$20,000           | Increase       |
| CP24555        | South Prospect Growth Area New Roads               | \$258,386                     | (\$133,000) | \$125,386          | Decrease       |
| CP24545        | Trevallyn Rd Kings Bridge Retaining Wall           | \$350,000                     | \$133,000   | \$483,000          | Increase       |
|                | <b>TOTALS</b>                                      | <b>\$1,900,294</b>            | <b>\$0</b>  | <b>\$1,900,294</b> |                |

The following capital project adjustments have occurred in the period 1 November 2024 to 30 November 2024:

| Project Number | Project Description                     | Current Approved Amount | Transfer From   | Transfer To     | New Budget       |
|----------------|---|-------------------------|-----------------|-----------------|------------------|
| CP24629        | IT Infrastructure Renewal Program 24/25 | \$910,133               | \$64,100        | \$0             | \$846,033        |
| CP24716        | Princess Theatre Spotlight Replacement  | \$0                     | \$0             | \$64,100        | \$64,100         |
|                | <b>TOTALS</b>                           | <b>\$910,133</b>        | <b>\$64,100</b> | <b>\$64,100</b> | <b>\$910,133</b> |

**The project scope of works:**

The follow spots at the Princess Theatre are now 27 years old and have started to fail. A recent failure caused the delay to the start of the show while the problem was fixed. Funds have been identified withing the IT Infrastructure Renewal Program to allow the failing lights to be replaced to ensure there is no impact on future shows.

| Project Number | Project Description                                | Current Approved Amount | Transfer From   | Transfer To     | New Budget       |
|----------------|--|-------------------------|-----------------|-----------------|------------------|
| CP24658        | Sports Facility Renewal Program 24/25              | \$381,775               | \$20,000        | \$0             | \$361,775        |
| CP24717        | Launceston Regional Tennis Centre Lighting Upgrade | \$0                     | \$0             | \$20,000        | \$20,000         |
|                | <b>TOTALS</b>                                      | <b>\$381,775</b>        | <b>\$20,000</b> | <b>\$20,000</b> | <b>\$381,775</b> |

**The project scope of works:**

A written commitment was made by the previous General Manager to contribute towards the renewal lighting at the Regional Tennis Centre should Tennis Tasmania be successful in securing funds renew the lighting to LEDs through grant process with the State Government. Tennis Tasmania have advised that their grant application was successful, and works are now underway to upgrade lights. Funds have been identified within the Sports Facility renewal project which were utilised to make Council's contribution.

| Project Number | Project Description                      | Current Approved Amount | Transfer From    | Transfer To      | New Budget       |
|----------------|--|-------------------------|------------------|------------------|------------------|
| CP24555        | South Prospect Growth Area New Roads     | \$258,386               | \$133,000        | \$0              | \$125,386        |
| CP24545        | Trevallyn Rd Kings Bridge Retaining Wall | \$350,000               | \$0              | \$133,000        | \$483,000        |
|                | <b>TOTALS</b>                            | <b>\$608,386</b>        | <b>\$133,000</b> | <b>\$133,000</b> | <b>\$608,386</b> |

**The project scope of works:**

The existing retaining wall is hand stacked bluestone and is showing visible signs of failure. There are numerous large voids, and the face of the wall is starting to bulge. Safety measures were put in place to prevent pedestrians from walking beside the retaining wall in case of a complete failure. The decision has been made to ensure that the retaining wall is reinstated with a bluestone face to ensure visual consistency with the wider Trevallyn area, this requirement has resulted in additional cost to the project. Cost savings have already been realised for this aspect of the project with the reuse of the bluestone that the Council acquired due to the removal of the failed retaining wall on private property in South Esk Road during Summer 2023/24. The following project from Infrastructure and Asset Network has been identified to cover the increased cost.

**South Prospect Growth Area New Roads** - Multiple projects have been previously budgeted to cater for potential works in South Prospect. Future budget considerations can be included as the private development progresses.

**RISK IMPLICATIONS:**

Section 82 of the Local Government Act 1993 (Tas) requires statutory estimates can be altered by an absolute majority, and any amendment made by the CEO which do not alter the total estimates must be reported to Council. Failure to do either of these would be a breach of legislation.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

**BUDGET AND FINANCIAL ASPECTS:**

As per the report.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

Nil

**20.3. 2024/2025 Fees and Charges Amendments**

**FILE NO:** SF7648

**AUTHORS:** Samuel Kely (Manager Finance) and Eve Gibbons (Business Leader Carr Villa)

**APPROVER:** Nathan Williams (Acting General Manager Organisational Services Network)

**DECISION STATEMENT:**

To consider an amendment to the adopted 2024/2025 Fees and Charges to ensure the supply of a right to be buried in a cemetery operated by a local, state, or territory government is not subject to GST.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 4 April 2024 - Agenda Item 15.3 - Fees and Charges 2024/2025

**RECOMMENDATION:**

That Council:

1. pursuant to section 2015 of the *Local Government Act 1993 (Tas)*, approves the below fees which will change the previously adopted Fees and Charges for 2024/2025 as listed below:

| Line No.       | Fee Name  | GST Status | 2024/2025 Fee |
|----------------|---|------------|---------------|
|                | <b>COMMUNITY AND PLACE</b>  |            |               |
|                | <b>Carr Villa Memorial Park</b>                                   |            |               |
| 426            | Burial Single Depth Interment Fee Only                            | Taxable    | \$3,123.00    |
| <b>NEW NO.</b> | Burial Single Depth (at need) Right of Burial Fee                 | GST Exempt | \$1,018.20    |
| 430            | Burial Double Depth Interment Fee Only                            | Taxable    | \$3,631.00    |
| <b>NEW NO.</b> | Burial Double Depth (at need) Right of Burial Fee                 | GST Exempt | \$920.90      |
| 433            | Burial Infant under 12 years Interment Fee Only                   | Taxable    | \$923.00      |
| <b>NEW NO.</b> | Burial Infant under 12 years (at need) Right of Burial Fee        | GST Exempt | \$246.35      |
| 435            | Pre-purchase of right of burial                                   | GST Exempt | \$1877.25     |
| 436            | Conversion Free Ground to Private (Carr Villa Memorial Park Only) | GST Exempt | \$471.80      |
| 463            | A' Section Rose Garden first placement                            | GST Exempt | \$1,694.00    |

|     |   |            |            |
|-----|---|------------|------------|
| 464 | A' Section Rose Garden each of second and third placements (if required)                  | GST Exempt | \$771.00   |
| 465 | B' Section Rose Garden first placement  | GST Exempt | \$1,255.00 |
| 466 | B' Section Rose Garden each of second and third placements (if required)                  | GST Exempt | \$614.00   |
| 467 | Red Oak Tree position Lawn Cemetery   | GST Exempt | \$1,554.00 |
| 468 | Barakee Waters - Placement single depth (each)  | GST Exempt | \$1,694.00 |
| 469 | Barakee Waters - 2nd placement at double depth (each)                                     | GST Exempt | \$1,255.00 |
| 470 | Barakee Waters - Cremorial Panel (per niche)  | GST Exempt | \$1,694.00 |
| 471 | Clay Grove and Kooyong Garden placement - per placement                                   | GST Exempt | \$1,255.00 |
| 472 | Granite Wall, per single niche  | GST Exempt | \$1,255.00 |
| 473 | Northern Wall Main Bay per single niche   | GST Exempt | \$361.00   |
| 474 | Northern Wall Pergola Pillars per single niche  | GST Exempt | \$996.00   |
| 475 | Northern Wall Ex Serviceman - DVA criteria  | GST Exempt | \$361.00   |
| 476 | Lawn and Pergola Walls first placement in niche   | GST Exempt | \$1,255.00 |
| 477 | Lawn and Pergola Walls second placement in niche  | GST Exempt | \$771.00   |
| 478 | Colonnade Walls per single niche  | GST Exempt | \$1,008.00 |
| 479 | Western Wall per single niche   | GST Exempt | \$1,008.00 |
| 480 | Fence Piers per single niche  | GST Exempt | \$1,008.00 |
| 481 | Feature Gardens Special Rose per placement  | GST Exempt | \$1,818.00 |
| 482 | Feature Gardens Water Feature first placement   | GST Exempt | \$1,818.00 |
| 483 | Feature Gardens Water Feature second placement  | GST Exempt | \$1,258.00 |
| 484 | Pool of Eternal Memories  | GST Exempt | \$1,258.00 |
| 485 | Ash Interment - Placement in a grave or a memorial plinth on a grave                      | GST Exempt | \$578.20   |
| 491 | <b>Ash Placement Garden - Garden of Memories</b>  |            |            |
| 492 | Bed 1,2,3,4,17 and 18 Tier 1. Per Placement   | GST Exempt | \$1,433.00 |
| 493 | Bed 5,6,14 and 19. Tier 2. Per Placement  | GST Exempt | \$1,645.00 |
| 494 | Bed 7,8,9,10,11,12,13,15 and 16 Tier 2. 1st Placement                                     | GST Exempt | \$1,645.00 |
| 495 | Bed 7,8,9,10,11,12,13,15 and 16 Tier 2. 2nd Placement at double depth                     | GST Exempt | \$1,327.00 |
| 496 | Bed 7,8,9,10,11,12,13,15 and 16. Tier 2. 3rd and 4th placement when double block reserved | GST Exempt | \$1,327.00 |
| 497 | Bed 20,21,22,23,24 and 25 Tier 3. Per Placement   | GST Exempt | \$1,751.00 |
| 498 | <b>Ash Placement Garden - Reflection Walls</b>  |            |            |
| 499 | Wall 1-11. Tier 4. Per Placement  | GST Exempt | \$2,069.00 |
| 500 | <b>Ash placement Garden - Niche Walls</b>   |            |            |
| 501 | Wall A. Row A-D per placement   | GST Exempt | \$1,645.00 |
| 502 | Wall A. Row E-F per placement   | GST Exempt | \$1,433.00 |
| 503 | Wall B. Row A-D per placement   | GST Exempt | \$1,645.00 |
| 504 | Wall B, Row E-F per placement   | GST Exempt | \$1,433.00 |



|     |                                |            |            |
|-----|--------------------------------|------------|------------|
| 505 | Wall C. Row A-D per placement  | GST Exempt | \$1,645.00 |
| 506 | Wall C. Row E-F per placement  | GST Exempt | \$1,433.00 |
| 507 | Wall D. Row A-D per placement  | GST Exempt | \$1,645.00 |
| 508 | Wall D. Row E-F per placement  | GST Exempt | \$1,433.00 |
| 509 | Wall E. Row A-D per placement  | GST Exempt | \$1,645.00 |
| 510 | Wall E. Row E-F per placement  | GST Exempt | \$1,433.00 |
| 511 | <b>Lilydale Cemetery</b>       |            |            |
| 513 | Columbarium - per single niche | GST Exempt | \$771.00   |

**REPORT:**

Carr Villa Memorial Park (Carr Villa) was notified on the 20 November 2024, by the Australasian Cemeteries and Crematoria Association (ACCA), that the Australian Tax Office (ATO) had made a Draft Goods and Services Tax Determination (GSTD 2021/D2): *Goods and services tax: Is the supply of a burial right in respect of a public cemetery subject to GST?*

On Thursday 4 December 2024 at 2.00pm, the Final Determination (GSTD 2024/D2) was released by the ATO.

The final determination addresses the GST implications for Australian government agencies supplying burial rights in public cemeteries, stating the supply of a right to be buried in a cemetery operated by a local, state, or territory government is not subject to GST, and include the following:

*GSTD 2024/2*

*Ruling*

*10. The following supplies made by an Australian government agency are not subject to GST:*

- the supply of a burial right in a public cemetery*
- the renewal of a burial right in a public cemetery, and*
- the supply of any permission that must be obtained under state or territory legislation to exercise a burial right by physically burying human remains or creating a memorial at the location covered by the burial right.*

The final determination has determined a burial right over public land is a licence that grants to a person the right to bury or inter human remains (including cremated human remains) in a public cemetery. It makes lawful that which would otherwise not be permissible.

A grant of a burial right is separate to the actual act of burial, interment or cremation. Burial rights do not include supplies of goods and services relating to burial, such as grave digging services. They also do not include supplies in installing a memorial on the site, such as supply and installation of gravestones, or plaques.

The final GST determination by the ATO is attached.

Following the announcement of the draft determination, amendments have been made to align Carr Villa's operations with the pending final determination effective 5 December 2024. These updates not only ensure compliance with ATO requirements but also prevent

financial impacts on key stakeholders, including funeral homes and community members, due to any delays in implementation.

Due to the timing of the notifications, we were unable to obtain Council endorsement of the revised changes prior to their implementation. As a result, we are now seeking retrospective approval for the updated fees.

**RISK IMPLICATIONS:**

Consideration contained in Report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Consideration contained in Report.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

**BUDGET AND FINANCIAL IMPLICATIONS:**

There are no budget or financial implication to Council with this change as the same fee will be charged, but GST will no longer be charged and remitted to the ATO, meaning end users will see a reduction in price.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

1. Attachment 1 - Final Determination Goods and Services Determination GSTD 2024 D 2 [20.3.1 - 17 pages]

## 20.4. Investment Policy (12-PI-002)

**FILE NO:** SF4127

**AUTHOR:** Nathan Williams (Acting General Manager Organisational Services Network)

**APPROVER:** Nathan Williams (Acting General Manager Organisational Services Network)

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### **DECISION STATEMENT:**

To consider and approve Council's revised Investment Policy (12-PI-002).

### **RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

### **PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 7 November 2024 – Long Term Financial Planning  
Audit Panel Meeting – 26 August 2024 – Item 13.2 Investment Governance Review

### **RECOMMENDATION:**

That Council:

1. approves the Investment Policy (12-PI-012) (ECM Doc Set ID 5162164) as follows:

## **Investment Policy**

### **PURPOSE**

To set the objectives for the investment of financial assets and provide the framework and risk profile for the formulation of Council's Investment Strategy by:

- Providing an authorising framework for control and security over financial assets.
- Mandating risk and diversification parameters for the investment of Council's financial assets
- Ensuring funds are invested in accordance with the requirements of the *Local Government Act 1993*.

### **SCOPE**

This policy applies to all financial assets owned or controlled by Council, with the following exceptions:

- Loans made and authorised by Council to external bodies.
  - Investments other than for the management of cash funds.
  - Cash held by special committees.
  - Superannuation Funds.
  - Trust funds administered under separate deeds or where there is a specific resolution removing them from this Investment Policy.
-

## **POLICY**

The Investment Policy outlines the principles and guidelines governing how the Council manages its financial assets. It aims to ensure the prudent use of public funds by prioritising security, liquidity, and return on investments. The policy typically specifies the types of allowable investments, risk management strategies, and compliance with legal and regulatory requirements, promoting transparency, accountability, and alignment with the Council's broader financial objectives.

## **OBJECTIVE**

The investment objective for Council's financial assets will be to optimise the investment return within the risk parameters of this policy.

## **AUTHORISING FRAMEWORK**

### **Authorities Policy**

Council is the approving authority for the formulation of and variations to the Investment Policy.

Financial assets will be invested consistent with this policy.

### **Strategy**

The Chief Executive Officer is the approving authority for the Investment Strategy.

### **Changes to Strategy**

The General Manager Organisational Services or Chief Financial Officer may authorise a strategy review in response to changes of market conditions or market products

### **Legislation**

Under section 75, *Local Government Act 1993*, a Council may invest any money:

- In any manner in which a trustee is authorised by law to invest trust funds; and
- In any investment the Treasurer approves.

## **Authorised Investments**

### **Controls**

#### Transfer of funds

Two signatories are required to transfer funds in accordance with 12-PI-027 Bank Signatory Policy.

Funds held other than in the trading account must, where possible, be on the condition that any redemption will only be transferred into Council's trading account.

Where institutions are unable to provide this facility the General Manager Organisational Services is to ensure adequate controls exist to protect the Council's financial assets.

#### Signatories

The signatories are to be as specified in 12-PI-027 Bank Signatory Policy.

### Separation of Duties

The Council Officer responsible for the monitoring, reconciling and reporting of Council's financial assets must not be a signatory to any account.

## **RISK**

### Approach to Risk

Council officers will take a conservative approach to assessing risk, which will be reflected by all investments other than the LTP being made in term deposit investments. The assessment of risk will extend beyond the investment rating of the institution. Schedule 1 outlines some of the risks and the approach Council will take. The supply of investment products is an ever developing market, and as such the risks outlined should not be regarded as exhaustive.

### Long Term Pool & Investment Advisor

Council staff will use the services of appropriately qualified investment advisors to assist with monitoring of investment performance, strategy development and choice of investments whenever investments are made in managed funds or similar. The Long Term Pool ("LTP") must be invested considering advice from the Investment Advisor and in line with approved Policy objectives and risk appetite. A separate strategy for the LTP will be developed in conjunction with the Investment Advisor. With increased return expectations does come an inherent increase in the risk profile of these investments, however this risk can be mitigated by the use of the investment advisor.

### Investment Parameters

Council's non LTP financial assets will only be invested in cash investments such as Term Deposits, that is they are not to be invested in:

- equities.
- structured products
- cryptocurrency

When assessing cash and term deposit style products Council officers will be vigilant for products that meet the legal requirements to be sold as a cash product while the underlying investments is equities, structured debt or other non-cash assets.

### Duration

When assessing fixed term investments Council officers will determine the cash flow requirements to ensure that sufficient liquidity remains for Council to meet its obligations.

### Diversification

The amount invested with any one financial institution should not exceed the following percentages of funds invested under the Investment Policy:

## Direct Deposits

| Long Term Rating<br>(Standard and Poors) | Maximum Percentage of<br>Total Investments | Single Institution Maximum<br>Percentage of Total<br>Investments |
|--|--|--|
| AAA                                      | 100%                                       | 65%  |
| AA                                       | 100%                                       | 65%  |
| A  | <u>30%</u>                                 | <u>30%</u>   |
| BBB and below                            | Nil  | Nil  |

The above diversification restrictions do not apply to the LTP; however its strategy must still reflect appropriate diversification and no third party investment manager will hold a majority of its assets.

## ENVIRONMENTAL CONSIDERATION

Several financial institutions provide investment products centred on 'ethical' or 'green' investments commonly referred to as Green Deposits. This is a nuanced and often subjective market, as definitions of 'ethical' or 'green' can vary and sometimes conflict, depending on individual perspectives. While the institution offering these products may invest in these industries, the specific funds themselves typically do not. Each case is carefully assessed when considering Green Deposits.

The Council may prioritize investing its funds in Green Deposits, provided they meet all other investment criteria.

The Investment Strategy will establish annual targets for the amounts to be allocated to Green Deposits.

Although the environmental restrictions outlined above do not directly apply to the LTP, investments will be selected to ensure no more than 10% exposure to fossil fuel industries, using a methodology agreed upon with the Investment Advisor.

## STRATEGY

### Methodology

Council staff in conjunction with the Council's independent investment advisor (if appointed) will monitor investment performance, strategy development and choice of investments within this policy.

As part of the budget process the Council will each year perform an analysis of cash needs both current and future. An Investment Strategy will be formulated to allocate financial resources in a manner that optimises return over the allocation duration within the confines of the risk profile defined in this Policy.

### Investment Strategy

The Investment Strategy will be reviewed each year and submitted to the Chief Executive Officer for approval.

The Investment Strategy will contain:

- A breakdown of Council funds by class according to:
  - Trading funds
  - Working Capital
  - Conditional Funding
  - Restricted Cash
  - Cash backed reserves
  - Capex Carryover
  - Employee Provisions
  - Long Term Cash
  - Long Term Pool (LTP) of up to a maximum amount of \$5,000,000 over a period of up to 5 years to match Council's longer term liabilities.
- The target investment duration
- How funds will be invested
- The target return for funds
- The name of Council's investment advisor (if appointed)

Once formulated the Investment Strategy must be approved by the Chief Executive Officer before any changes in investments can be made.

#### Choice of investment

Investing officers may invest differently from the advisor's recommendations provided that:

- The investment complies with all other requirements of this policy
- The investment is in accordance with the Investment Strategy
- The investment is approved by the General Manager Organisational Services.

Any variation from the advisor's recommendations shall be reported to the next meeting of the Audit Panel.

#### Market conditions

The General Manager Organisational Services or Chief Financial Officer may authorise a strategy review in response to changes of market conditions or market products.

### **REPORTING**

- The Manager Finance is responsible for the preparation of:
  - A brief report of financial asset balances each calendar month. This will typically include some brief management items of note.
  - A calendar quarterly report will also be provided to the Audit Panel, detailing:
    - ♣ investment performance relative to benchmark over different time periods
    - ♣ counterparty percentage exposure of total portfolio
    - ♣ and addressing any other material relevant factors.
  - An annual 1 page public dashboard report.

- Benchmarks:
  - Bank deposit investment performance shall be measured against the Official Cash Rate.
  - Managed Funds Investment performance will be measured against its own appropriate benchmark.
  - The LTP's benchmark is CPI+2% p.a. over rolling 5 year periods (after investment-related costs).

### **PRINCIPLES**

Council's Organisational Values apply to all investing activities.

### **RELATED POLICIES & PROCEDURES**

12-PI-015 Investment Strategy  
Long Term Financial Plan

### **RELATED LEGISLATION**

*Trustee Act 1898* – As Amended  
*Local Government Act 1993*

### **REFERENCES**

Common law responsibilities - The *Local Government Act 1993* permits investment in any investment which a trustee is authorised by law to invest trust funds.

The *Trustee Act 1898* Part II Investments, requires that all investments are to be made exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of another person. The interpretation of these is a matter of common law.

Section 75, *Local Government Act 1993*

### **DEFINITIONS**

#### **Authorised deposit-taking institution (ADI)**

A financial institution licensed by the Australian Prudential Regulatory Authority (APRA) to carry on banking business, including accepting deposits from the public. This includes:

- banks
- building societies,
- credit unions.

*Austrac Website Jan 21*

#### **Conservative Approach to Risk**

An investing strategy that seeks to preserve an investment portfolio's value by investing in lower risk products.

#### **Equities**

Investments in the share capital of firms either directly or through managed funds or derivatives.

#### **Financial Assets**

A financial asset is a liquid asset that gets its value from a contractual right or ownership claim. Cash, stocks, bonds, mutual funds, and bank deposits are all examples of financial assets. Unlike land, property, commodities, or other tangible physical assets, financial

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assets do not necessarily have inherent physical worth or even a physical form. Rather, their value reflects factors of supply and demand in the marketplace in which they trade, as well as the degree of risk they carry.

Council will only hold cash financial assets, with the exception of funds which are used to achieve the goals of the LTP following guidance from the Investment Advisor in the form of a managed fund.

*Investopedia: November 2024*

Council will only seek to invest in the Managed Fund type of Financial Asset such as mutual funds, exchange-traded funds or hedge funds for the purpose of achieving the goals for the LTP and within the overall risk profile of this Policy.

### **Financial institution**

Authorised Deposit-taking Institutions, non-bank financial intermediaries, and insurers and funds managers.

*Council of Financial Regulators Website Jan 21*

Any authorised deposit-taking institution authorised under the Trustee Act to receive deposits.

### **Standard and Poors**

A rating agency that assesses capacity of an obligor to meet its financial obligations.

### **Stress testing**

Analysis of the institution or product to determine its ability to maintain the investment balance during a down turn in market factors that affect the investment product.

### **Structured products**

Managed Funds or Floating Rate Notes where the underlying investment is a securitised instrument.

### **Official Cash Rate (OCR)**

The Official Cash Rate is the interest rate paid by banks in the overnight money market in Australia and is regulated by the Reserve Bank of Australia.

### **Sector**

The asset class in which funds are invested e.g. government, corporate, asset backed etc.

### **REVIEW**

This policy will be reviewed no more than 4 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

## **SCHEDULE 1**

### **RISKS**

#### **Risk Profile**

Council officers will take a conservative approach to assessing risk when investing in term deposits. Unless otherwise stated, consideration of the below risks when framing recommendations is also an important responsibility of the investment advisor (if used).

#### Diversification Risk

The risk associated with the size of loss relative to the total portfolio from placing investments with a single or relatively small number of funds, notes, product styles or underlying economic factors.

Council officers will be diligent when placing investments such as managed funds or floating rate notes to avoid products that have invested in the same underlying assets.

#### Duration Risk

When selecting investment products with a duration beyond 48 hours, particular attention is to be given to what is being rated, principal and interest, principal or principal at maturity. For products where the rating is for principal only or principal at maturity, the risk of losing income can increase with long duration products. The particular product should be assessed on the probability of capital loss, return loss and inflation erosion.

Council funds will not be invested in long duration products with a high principal on maturity rating based on a third party underwriting.

#### Institution Risk

The risk associated with concentrating the portfolio with one institution.

Finance staff will actively monitor the portfolio to identify both the fund manager and the investing institution for investments held and maintain the portfolio within the investment parameters.

#### Product Risk

A number of State Governments have strict statutory controls on the type of products and markets that local government may invest in. As a result there are products in the market structured so that they fit the definition of a highly rated cash investment while the fund has a high (up to 100%) exposure to equities or structured debt products. Council funds will not be invested in these products.

Any product offering significantly higher return than its peers must have undergone stress testing for both return and capital loss and the product endorsed in writing by the Council's investment advisor, before any funds are invested.

All investment products should also be reviewed on the basis that the investment adheres to the intent as well as the letter of this policy.

### Sector Risk

Sector Risk refers to the risk associated with having a high portion of a portfolio exposed to the same market sector.

A portfolio can be diversified across institutions but if they have all invested in the same market sector the level of exposure to that market is increased.

The Finance Department will also monitor the total asset allocations of the portfolio across all investments to ensure sector risk allocations are identified and managed.

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### **REPORT:**

Council engaged Barrington Asset Consulting (BAC) in 2023 to conduct a review of the investment of Council's cash holdings, termed the Investment Governance Review. BAC invited all Councillors and members of the Executive Leadership Team to participate in the process through both a survey and face to face workshop. The intention of this was to gather information around the current (perceived and actual) state of Council's investments, risk appetite, future cash needs. Council's existing Investment Strategy, Investment Policy, Capital Works Program and current/future cash needs also provided a basis for review.

Key findings of the report were;

1. Creation of a 'Long Term Pool' of funds of approx. \$5m
2. Strategy to incorporate funds to allow for significant capital outlay or response to crisis/ major event.
3. Strategy & Policy to consider four year electoral cycle as well as ratepayer expectations
4. External investment advice considered important – not a core function of Council.
5. Environmental, Social & Governance (ESG) considerations are very important – particularly around ethical investments and carbon emissions.
6. High level discussion around property assets – not specifically addressed in the revised Policy, but part of an ongoing conversation.

Council's Audit Panel Committee has provided feedback on the Policy which has been incorporated to the version tabled for approval.

The key change to this version of the Investment Policy is the addition of a Long Term Pool of investments. The purpose of this is to align the length of the investment and desired returns, with Council's longer term liabilities such as employee entitlements (leave provisions), waste cell rehabilitation obligations and longer term capital projects identified in Council's Strategic Asset Management Plan. The target return for the Long Term Pool is CPI + 2% over a rolling 5 year period, with a maximum amount to be invested of \$5m. Council officers will seek to engage an external investment advisor to assist in the achievement of this aim and appropriately manage the associated risk, noting it is not core business of Council staff.

Following approval of this Policy, the Investment Strategy will be updated and brought to the Chief Executive Officer for approval.

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**RISK IMPLICATIONS:**

Detailed explicitly within the Policy.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

**BUDGET AND FINANCIAL IMPLICATIONS:**

Council has budgeted Interest Revenue of \$5.5m in 2024/2025, which equates to 3.9% of overall budgeted revenues. The implications of a variance to the interest budget are material to Council and can impact reliance on other types of revenue such as rates and fees.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

Nil

**20.5. Lease - 8A Blaydon Street - St Vincent de Paul Society**

**FILE NO:** SF2967

**AUTHOR:** Sharin Imlach (Lease Officer)

**APPROVER:** Nathan Williams (Acting General Manager Organisational Services Network)

**DECISION STATEMENT:**

That Council consider the lease of 8A Blaydon Street, Kings Meadows to St Vincent de Paul Society (Tasmania).

*Pursuant to Section 177 of the Local Government Act 1993 the lease of public land requires an absolute majority decision by Council.*

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**RECOMMENDATION:**

That Council:

1. by absolute majority, pursuant to section 179 of the *Local Government Act 1993* (Tas), decides to lease part of the land situated at 8A Blaydon Street, Kings Meadows (CT12900/70), known as the former YMCA building, as identified on the plan below:



2. requires that the lease is on the following basis:
  - a. the lease will commence on 12 December 2024 for a period of 5 years;
  - b. the commencing rent will be \$340.34 per annum;
  - c. tenant to be responsible for:
    - i. energy costs;
    - ii. volumetric and connection charges for water;
    - iii. contents insurance; and
    - iv. other service charges if any;
  - d. tenant shall continuously maintain:
    - i. building in good and reasonable order;
    - ii. and keep clear all noxious growth from premises;
    - iii. hold public liability insurance of at least \$20 million;
  - e. the exact dimensions of land to be leased and all remaining terms to be determined by the Chief Executive Officer;
3. requests the Chief Executive Officer to:
  - a) determine the exact dimensions of the land to be leased and all remaining terms and conditions;
  - b) exercise any of Council's rights, options, or discretions necessary for the proper administration of the lease; and
4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).

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## REPORT:

The City of Launceston owns the building at 8A Blaydon Street, Kings Meadows. The site was operated as a community recreation facility by the YMCA from 1965 until it closed in 2022.

Following the YMCA's departure from the site, the St Vincent de Paul Society (SVDP) began offering a free shower and laundry service at the site for those in the Launceston community suffering from homelessness. SVDP is a not-for-profit organisation dedicated to supporting and advising Tasmanians in need. SVDP's shower service followed directly on from the cessation of a homelessness shower service previously operated at the site by the Benevolent Society of Tasmania.

With the site being vacant following YMCA's departure (other than for the homeless showers), the City of Launceston received requests from the community to use the site for a wide range of community programs and recreation activities. In 2023, Council received a proposal from SVDP to collaborate with the City of Launceston to enhance community utilisation of the site.

Following a period of consultation with local organisations about whether they could utilise the site while maximising community participation and use, the City of Launceston and SVDP in April 2024 signed a memorandum of understanding (MOU) relating to the use of the Blaydon St site. The MOU was developed to allow SDVP and CoL to support and grow community services and programs at the site with the aim of maximising

community participation and use of the site while concurrently allowing SVDP to provide services to those most vulnerable in society, including our homeless community.

Following the signing of the MOU a lease was drafted to formalise SVDP's use of the site and to enshrine community and recreational use as a cornerstone of the site's operations.

Through this lease, the premises at 8A Blaydon Street will continue to serve as a safe space for those experiencing homelessness to shower, wash clothes and have a hot meal, which is an important part of ensuring dignity and health for those individuals facing hardship. The premises will also remain accessible to traditional users, such as netballers and other sporting groups, for which there is a clear community need.

Under the lease SVDP will manage all licences and bookings and they will ensure that the building is activated to its full potential for the benefit of the community.

**RISK IMPLICATIONS:**

The lack of safe shower facilities for people experiencing homelessness presents several risks, impacting both individuals and the broader community. Health and hygiene risks, mental health impacts, public health concerns, particularly with Covid outbreaks and vulnerability risks, can be reduced through the continued provision of the homelessness services at the site.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Providing safe, assessable shower facilities and clothes washing facilities supports the dignity, health, and stability of individuals while fostering a safer and more inclusive community.

The provision of a community recreation and sport facility contributes to the wellbeing of the Kings Meadows community and contributes to social cohesion and engagement and will resume the community focus of the site following the YMCA's departure.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

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

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

Focus Areas:

4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.
5. To promote and support active and healthy lifestyles of our community.

**BUDGET AND FINANCIAL IMPLICATIONS:**

In accordance with Councils Lease and Licence Policy, the commencing annual rent is recommended to be \$340.34, which is 182 fee units as established under the *Fee Unit Act 1997*. The Act establishes the fee unit for each financial year, with such value indexing in line with the Consumer Price Index (CPI) Hobart. The area to be leased is approximately 1,171m<sup>2</sup> with an annual assessed value (AAV) of \$163,100, resulting in an effective subsidy of \$162,759.70. That comparison does not take into account the individual circumstances of the site, such as capital improvements or maintenance responsibilities.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

Nil



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**20.6. Councillor Nomination for the Community Advisory Committee Facilitated by St Vincent de Paul at the Blaydon Street Site**

**FILE NO:** SF2233

**AUTHOR:** Michelle Ogulin (Acting General Manager Community and Place Network)

**APPROVER:** Michelle Ogulin (Acting General Manager Community and Place Network) and Nathan Williams (Acting General Manager Organisational Services Network)

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**DECISION STATEMENT:**

To consider a Councillor appointment to a community advisory committee for a period of two years.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop – 16 November 2023 – YMCA presentation on the review of the potential future use of the old YMCA site at 8A Blaydon Street, Kings Meadows.

**RECOMMENDATION:**

That Council:

1. following a ballot, if required, appoints Councillor [insert name] to the newly formed community advisory committee to help steer the direction of the community's use of the 8A Blaydon Street site for a period of two years until 2026 when Councillor appointments are next due for review.

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**REPORT:**

Councillors may wish to suspend standing orders to allow for the discussion as to the Councillor to be appointed to this committee.

In the event that more than once councillor nominates for the position a ballot will be held.

**Background**

The City of Launceston owns the building at 8A Blaydon Street, Kings Meadows. Until mid-2022 the site was operated as a community recreation facility by the YMCA.

Following the YMCA's departure from the site in June 2022, the City of Launceston received numerous requests from community groups to use the site for a wide range of community programs and recreation activities.

In 2023, St Vincent de Paul (SVDP) began offering a free shower and laundry service at the site for those in the Launceston community suffering from homelessness.

In May 2024, the General Manager Community and Place signed a Memorandum of Understanding (MoU) with SVDP to operate the former YMCA site as a community facility with a focus on sport and recreation in addition to their homelessness support services. The MoU is included at attachment 1.

As part of the MoU and as further articulated in the lease, SVDP is required to establish a Community Advisory Committee (CAC) to guide the direction of the Centre's use as well as capital upgrades. The CAC will be guided by terms of reference (TOR, attachment 2). As noted in the TOR, the CAC will be required to provide guidance from a range of perspectives to ensure that SDVP, as the lead organisation, is effective in facilitating/offering a range of opportunities through the facility that are accessible and engaging to the Launceston community.

As part of the CAC's establishment SVDP is required to include representation from the City of Launceston. In July 2024, SVDP wrote a letter requesting a Councillor be appointed to their CAC (attachment 3). As such, a Councillor is asked to nominate to join the CAC in accordance with the attached TOR.

This appointment is separate to the scheduled review of committee appointments occurring in early 2025. Given the short lead time with this appointment to coincide with the lease, it is proposed that this appointment continues until the next review of councillor appointments in 2026.

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Appointment of a Councillor to the CAC will help steer the use of the former YMCA site and ensure a strong focus on community use of the site which will provide positive social benefits for the Launceston community.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

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

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

Focus Areas:

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

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

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

Focus Areas:

1. To plan for and provide services and facilities that recognises the changing demographics and needs of our community.
3. To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community.
4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.
5. To promote and support active and healthy lifestyles of our community.

#### **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. MOU - City of Launceston and St Vincent de Paul Tasmania - signed - agreed use of 8 A Blaydon Street [20.6.1 - 6 pages]
2. Terms of reference - Community advisory committee - Blaydon St [20.6.2 - 3 pages]
3. Letter requesting councillor representation [20.6.3 - 1 page]

**20.7. Lease - Tamar Yacht Club**

**FILE NO:** SF2967

**AUTHOR:** Sharin Imlach (Lease Officer)

**APPROVER:** Nathan Williams (Acting General Manager Organisational Services Network)

**DECISION STATEMENT:**

To consider the lease of part of 11 Park Street, Launceston as a Community Lease to the Tamar Yacht Club

*Pursuant to Section 178 of the Local Government Act 1993 the lease of public land requires an absolute majority decision by Council.*

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 13 June 2024 - 19.1 Lease - Tamar Yacht Club

**RECOMMENDATION:**

That Council:

1. by absolute majority and pursuant to section 179 of the *Local Government Act 1993* (Tas), decides to lease part of the land situated at 11 Park Street, Launceston and part of 88-96 Paterson Street, Launceston, described as Volume 49784/1, 49745/2 and part of 159106/1 and as identified on the plan below:



2. Requires that the lease is on the following basis:
    - a. the lease is to commence on the 12 December 2024 for a period of 5 years;
    - b. the commencing rent will be \$340.34 per year;
    - c. tenant to be responsible for:
      - i. energy costs;
      - ii. volumetric and connection charges for water;
      - iii. contents insurance; and
      - iv. other service charges if any.
    - d. The lessee shall continuously maintain:
      - i. building in good and reasonable order;
      - ii. and keep clear all noxious growth from premises;
      - iii. hold public liability insurance of at least \$20 million;
  3. requests the Chief Executive Officer to:
    - a) determine the exact dimensions of the land to be leased and all remaining terms and conditions;
    - b) exercise any of Council's rights, options, or discretions necessary for the proper administration of the lease; and
  4. notes, for the avoidance of doubt, that Chief Executive Officer is a term of reference for the General Manager within the meaning of the *Local Government Act 1993*.
- 

#### **REPORT:**

On 13 June 2024, Council approved a decision to grant a commercial lease to the Tamar Yacht Club based on information provided at the time. However, the Tamar Yacht Club has since questioned this decision, stating that their operations align more closely with those of a sporting club rather than a commercial operation.

The leased area's primary use is a slip yard, an essential facility for maintaining the club's equipment and vessels.

The club offers training programs for both adults and junior sailors and provides use of the slip yard to Sailability, an organisation dedicated to providing boating opportunities to people with disabilities.

The current use aligns more closely with the Lease and License Policy guidelines for a community lease rather than a commercial lease, so it is recommended that a community lease is granted.

#### **RISK IMPLICATIONS:**

Without the essential services that the club provides, the sailing and boating sports would have no local facilities for boat repairs.

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

The Tamar Yacht Club acknowledges environmental sensitivity of the area and its proximity to Kanamaluka/Tamar Estuary and will comply with all Environmental Protection Notices.

### **STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

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

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

Focus Areas:

4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.
5. To promote and support active and healthy lifestyles of our community.

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

In accordance with the Councils Lease and Licensing Policy, the recommended annual rent is \$340.34, which is 182 fee units established by the *Fee Units Act 1997*. The Act establishes a value of a fee unit for each financial year, with such value indexing in line with the Consumer Price Index (CPI) for Hobart.

The area to be leased is approximately 334m<sup>2</sup>, a valuation was conducted in February 2024 and the market rental value was assessed at \$8000 per year, resulting in an effective subsidy of \$7,659.66.

That comparison does not take into account the individual circumstances of the site, such as capital improvement or maintenance responsibilities.

### **DISCLOSURE OF INTERESTS:**

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

### **ATTACHMENTS:**

1. ECM 5079286 v 1 Council Agenda - 13 June 2024 - Item 19 1 - Lease - Tamar Yacht Club [20.7.1 - 17 pages]
2. ECM 5036134 v 1 Lse - Tamar Yacht Club - 11 Park Street - e from LG Valuation Services enc Valuation [20.7.2 - 14 pages]
3. Lease and License Policy [20.7.3 - 7 pages]

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**20.8. Lease - Launceston History Centre**

**FILE NO:** SF2967

**AUTHOR:** Sharin Imlach (Lease Officer)

**APPROVER:** Nathan Williams (Acting General Manager Organisational Services Network)

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**DECISION STATEMENT:**

To consider the lease of 56 Frederick Street, Launceston to The Launceston History Centre Incorporated

*Pursuant to Section 177 of the Local Government Act 1993 the lease of land requires an absolute majority decision by Council.*

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

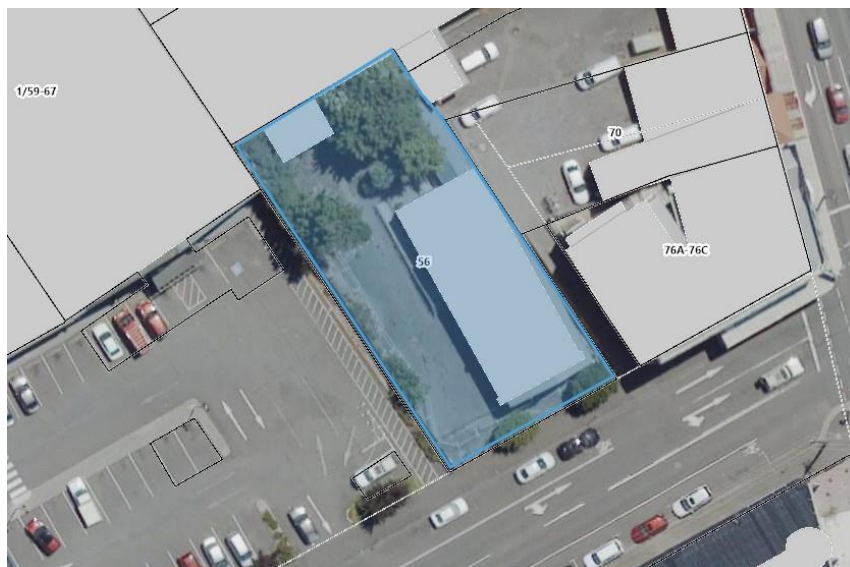
**PREVIOUS COUNCIL CONSIDERATION:**

Next steps in expression of interest process – 56 Frederick Street, Launceston – 4 April 2024 – 15.2

**RECOMMENDATION:**

That Council:

1. by absolute majority and pursuant to section 179 of the *Local Government Act 1993* (Tas), decides to lease the land situated at 56 Frederick Street, Launceston, CT216133/1, as identified on the plan below:



2. Requires that the lease is on the following basis:
    - a. the lease is to commence on or as soon as possible after 12<sup>th</sup> December 2024 for a period of 10 years with a 10-year option;
    - b. the commencing rent will be \$340.34 per annum;
    - c. lessee to be responsible for:
      - i. energy costs;
      - ii. volumetric and connection charges for water;
      - iii. All costs associated with the registration of the lease;
      - iv. Building insurance for any additional building constructed;
      - v. contents insurance; and
      - vi. other service charges if any.
    - d. tenant shall continuously maintain:
      - i. building in good and reasonable order;
      - ii. and keep clear all noxious growth from premises;
      - iii. hold public liability insurance of at least \$20 million;
  3. requests the Chief Executive Officer to:
    - a) determine the exact dimensions of the land to be leased and all remaining terms and conditions;
    - b) exercise any of Council's rights, options, or discretions necessary for the proper administration of the lease; and
  4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
- 

#### **REPORT:**

In October 2023, an expression of interest campaign was conducted for the occupation of 56 Frederick Street, Launceston, in April 2024 a decision was made by Council to endorse the proposal from the Launceston History Centre (LHC) as its preferred proposal.

The LHC has a membership base of over 500 individuals and plays an essential role in the preservation of the region's local history.

The historical significance of 56 Frederick Street makes it an ideal location for the LHC and they propose, at their own expense, to submit plans for approval to construct a temperature controlled archive storage building at the rear of the block, the proposed building will play an essential role in the preservation of over 20,000 significant books and items which will form an archive of local historical material, accessible to the public. The LHC will have occupation of the building upon the completion of the necessary works being carried out by Council.

#### **RISK IMPLICATIONS:**

The building at 56 Frederick Street was built in 1835, if the building is not occupied it may lead to accelerated decay of the building materials, such as rising damp, rodent infestation, and vandalism.



**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

The collection of books and archives that the LHC currently hold is stored in various private locations and not made widely available to the public, the site would allow the collection to be stored correctly, which will preserve the integrity of the materials for future generations and allow the collections to be viewed by the public.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

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

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

Focus Areas:

4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.
5. To promote and support active and healthy lifestyles of our community.

**BUDGET AND FINANCIAL IMPLICATIONS:**

The commencing annual rent is recommended at \$340.34, which is 182 fee units as established under the *Fee Unit Act 1997*. The Act establishes the value of a fee unit for each financial year, with such value indexing in line with the movements in the Consumer Price Index (CPI) for Hobart. The area to be leased has an assessed annual value (AAV) of \$36,400, resulting in an effective subsidy of \$36,059

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

1. Council Meeting Minutes [20.8.1 - 2 pages]

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**20.9. Intention to Lease Four Hospitality Venues at the Launceston Leisure and Aquatic Centre, Gorge Reserve, and Albert Hall**

**FILE NO:** SF2967

**AUTHOR:** Sharin Imlach (Lease Officer)

**APPROVER:** Nathan Williams (Acting General Manager Organisational Services Network)

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**DECISION STATEMENT:**

To consider forming an intention to lease four properties located on public land

*This decision requires an absolute majority of Council.*

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**RECOMMENDATION:**

That Council:

1. pursuant to section 178 of the *Local Government Act 1993*:
  - (a) forms the intention to lease the property currently known as the Aquatic Cafe, located within the Launceston Leisure and Aquatic Centre, Certificate Title 246404/1, as identified in blue on the plan below, for a period of up to ten years:



- (b) forms the intention to lease approximately 108m<sup>2</sup> of space within the extension to the Albert Hall, which is currently under construction, Certificate of Title 50902/1, as identified on the plan below, for a period of up to ten years:



(c) forms the intention to lease the property currently known as the Gorge Restaurant, located within the Cataract Gorge Reserve, Certificate Title 235401/1, as identified in blue on the plan below, for a period of up to ten years:



(d) forms the intention to lease the property currently known as the First Basin Cafe, located within the Cataract Gorge Reserve, Certificate Title 243968/1, as identified on the plan below, for a period of up to ten years:



2. requires that formal notice is given of the intention to lease each of the four properties, as required by section 178(4) of the Local Government Act 1993 (Tas);
3. notes that, following the statutory objection period and completion of expression of interest processes, the selection of the lessee for each of the properties listed above will be made at a future Council meeting, along with the terms upon which each lease will be offered.

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**REPORT:**

The City of Launceston is currently conducting expressions of interest (EOI) campaigns for leases to operate each of the properties listed in the Recommendations above.

Launceston Leisure and Aquatic Centre Café

Between the 2 September 2024 and the 31 October 2024, the City of Launceston conducted an EOI process for the lease to operate the cafe located within the Launceston Leisure and Aquatic Centre.

An assessment of the submissions is currently being made by Council officers, with a recommendation on the preferred lessee to be put to Council for decision in January 2025. The recommendation at that time will also set out the basis upon which the lease should be offered, to be informed by any in-principle agreement reached with the preferred lessee.

Albert Hall café, and restaurant and café at the Cataract Gorge Reserve

On 18 November 2024, the City of Launceston commenced EOI processes for the café to be located at the Albert Hall, along with the restaurant and café located in the Cataract Gorge Reserve.

Those EOI processes are currently open, and members of the public can register their interest until 10 January 2025.

An assessment of the submissions will then be made by Council officers, with a recommendation on the preferred lessee to be put to Council for decision in February 2025.

The recommendation at that time will also set out the basis upon which the lease should be offered, to be informed by any in-principle agreement reached with the preferred lessee.

Legislative requirements for leasing Council owned land

The City of Launceston is able to offer leases of public land for a period of up to five years without a formal public notification process, by reason of section 179 of the Act.

To ensure that the City of Launceston is able to respond to market demands for leases that may exceed five years, it is necessary that formal notice of such an intent is provided to the public, as required by section 178 of the Act.

If the Recommendations are carried, the City of Launceston will be entitled to offer leases of up to ten years for each property.

Legislative requirements for leases exceeding five years, and future decision making

Section 178 of the *Local Government Act 1993* (Tas) requires that, where the Council intends to lease public land, the Chief Executive Officer is to

- (a) publish that intention at least twice in *The Examiner* newspaper;
- (b) display a copy of the notice on any boundary of the public land that adjoins a public highway (road); and
- (c) notify the public that objection to the proposed lease may be made within 21 days of the date of first publication.

Following the public objection period, and completion of the applicable EOI processes, further recommendations will be put to Council in early 2025, setting out the preferred lessee for each property, and the terms upon which a lease should be offered. This will occur whether or not an objection is received.

Where an objection is received as part of the public objection process, the Council is required to formally consider the objection in coming to its decision whether or not to lease the land. Formal notice of that decision is then required to be given to the objector.

An objector has a right to appeal the Council's decision under section 178A of the Act, on the basis that the decision of the Council is not in the public interest in that –

- (a) the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or
- (b) there is no similar facility available to the users of that facility.

Council is unable to proceed with any lease whilst an objection is being considered, or whilst any appeal has not yet been determined.

**RISK IMPLICATIONS:**

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

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

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

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

Focus Areas:

4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.
5. To promote and support active and healthy lifestyles of our community.

**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

**21. CHIEF EXECUTIVE OFFICER NETWORK**

**21.1. Proposal to Establish a Public Register of Interests**

**FILE NO:** SF2346

**AUTHOR:** Leanne Purchase (Acting Manager Parks and Sustainability)

**APPROVER:** Sam Johnson OAM (Chief Executive Officer)

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**DECISION STATEMENT:**

To consider whether to advance a proposal to establish a publicly available register of Councillors' interests, including payments made to Councillors and other interests.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*, Part 5 – Pecuniary Interests, Part 5A - Gifts and Donations, Section 340A – Allowances, Schedule 5 – Office of Councillors  
*Local Government (Code of Conduct) Order 2024*, Part 2 - Conflicts of interests that are not pecuniary  
*Personal Information Protection Act 2004 (Tas)*, Schedule 1 - Personal Information Protection Principles

**RECOMMENDATION:**

That Council:

1. Indicates its support for the development of a policy, which may be similar to the proposed policy outline document which is attachment 1 (ECM Doc Set ID 5162592) to this report, requiring:
    - 1.1 the Chief Executive Officer to maintain a publicly available register containing details of certain interests of Councillors; and
    - 1.2 Councillors to proactively disclose outside interests to the Chief Executive Officer for the purpose of inclusion in that register;
  2. Instructs the Chief Executive Officer to:
    - 2.1 convene a workshop or workshops at which the Councillors may engage in discussion and provide comments and guidance regarding the development of the policy described above;
    - 2.2 bring to a future meeting of the Council, after those workshop/s, a proposed policy which the Council may adopt.
-

## REPORT:

### Background

The Managing conflicts of interest of councillors: Framework proposal/discussion paper published by the Tasmanian State Government in November 2023 observed as follows:

Tasmania is the only Australian jurisdiction that does not require Councillors to lodge a Personal Interests Return (PIR) that discloses and records interests held by Councillors in property, corporations and business partnerships, membership of organisations, as well as sources of income.

State and Federal members of Parliament must also lodge returns of interests.

Local Government in Tasmania is therefore unlike all other levels of representative elected government in Australia, in that there is no obligation upon Councillors in Tasmania to disclose personal interests in any proactive way. Disclosures are only required if and when a conflict (or potential conflict) of interest arises, during a meeting.

To address this discrepancy, the City of Hobart decided, at its own initiative, to adopt and implement its Public Interests Register Policy.

Council administration have been closely following developments in this area and the purpose of this report is to seek the position of the City of Launceston as to whether a similar policy ought to be developed for adoption by the Council.

It is also suggested that any policy for City of Launceston could also include details not just of outside interests but also details of payments made to Councillors by the Council, such as payments of allowances, expenses, and any other payments.

The purposes of adopting such a policy would include demonstrating the Council's commitment to transparency, protecting the organisation's integrity and reputation, and protecting Councillors from allegations of impropriety.

### Relationship with conflict of interest provisions

Under the *Local Government Act 1993* (Tas) (LG Act) and the *Local Government (Code of Conduct) Order 2024* (Code of Conduct), declarations of interests are only required to be made by Councillors at the time when a relevant item of business actually arises during a meeting.

Pecuniary interests which are disclosed under the LG Act must also be recorded by the Chief Executive Officer in a register of pecuniary interests. However, an entry is only made if and when a particular interest is actually declared in a meeting.

It is open to the Council to establish a policy framework whereby Councillors will also proactively make 'standing' declarations of certain interests held by that member and/or certainly closely related/associated persons, on an ongoing basis. Such disclosures would then be included in a public register.



Like declarations made during meetings, it is not proposed that disclosures made for the purpose of this proposed register would include details such as exact dollar figures of outside income or exact addresses of property. The intention is that the existence and general nature of interests will be made available to the public on an ongoing basis, rather than only being declared if and when an item of business happens to arise during a meeting which happens to give rise to a conflict (or potential conflict) with that interest.

It is not intended that the register of interest will include every conceivable different interest which might ever give rise to a conflict of interest, but rather only a few key types of interests such as income, property interests, and corporate directorships.

If it is proposed that disclosures would relate to Councillors and other persons closely related/associated (e.g. spouse and dependent children, and possibly others), then it is suggested that a Councillor may disclose information in the register in such a way that no distinction is made between information relating to the Councillor personally and information relating to those related/associated persons. Such an approach is adopted by Councillors who report interests interstate.

Any interest which gives rise to a conflict of interest under the LG Act or the Code of Conduct would still need to be declared during a meeting at the relevant time, whether or not that interest is also recorded in the proposed register of interests.

#### Relationship with other requirements

Any register of interests voluntarily established by the Council would not replace the requirement to disclose gifts and donations for inclusion in the separate gifts and donations register which must be kept under the LG Act.

It is also not proposed, as part of this report, that there be any alteration to the Council's Councillor's Expenses and Resources Policy. What is proposed, however, is that payments which are made under that policy (e.g. reimbursements for travel and accommodation) will be included in the register of interests, in order to provide additional transparency to ratepayers.

A review of the Councillor's Expenses and Resources Policy is being carried out separately, and a report will be presented to Council at a future meeting regarding this matter.

#### **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:

4. To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains and adopting technological and other process innovations.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

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

**ATTACHMENTS:**

1. Draft Register of Interests Policy [21.1.1 - 5 pages]

**21.2. Tasmanian Government Response to the Future of Local Government Review  
Final Report Recommendations**

**FILE NO:** SF0327

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**APPROVER:** Sam Johnson OAM (Chief Executive Officer)

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**DECISION STATEMENT:**

To consider the Tasmanian Government Response to the Future of Local Government Review Final Report Recommendations.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**RECOMMENDATION:**

That Council:

1. notes the Tasmanian Government Response to the Future of Local Government Review Final Report Recommendations; and
  2. upon release of the discussion paper, prepares a submission.
- 

**REPORT:**

On 27 November 2024 the Honourable Kerry Vincent, Minister for Local Government released a media statement advising that the Government has carefully considered the Review's Final Report and has accepted (either in full, in part, or in principle) 36 of the Review's 37 recommendations (Attachment 1).

In response to the recommendations of the Review, the Tasmanian Government has committed to a Local Government Priority Reform Program (Attachment 2) being implemented before the 2026 local government elections.

The five strategic reform priorities are:

1. Lifting standards of professionalism, conduct, and integrity
2. Driving a high performing, transparent, and accountable sector
3. Improving local democracy and representation
4. Supporting council financial sustainability
5. Supporting council and community-led structural reform

With a number of the reforms requiring legislative underpinning, a Discussion Paper for public consultation will be released within the next ten weeks to enable the finalisation and introduction of a range of amendments into the Parliament by mid-2025, before 2026 Council elections.

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Attachment 3 sets out the Tasmanian Government Principles and Processes of the Structural Reform being:

Phase 1 – Development of Structural Reform Study Proposals

Phase 2 – Commission and Deliver Reform Studies

Phase 3 – Local Government Board Review

**RISK IMPLICATIONS:**

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

Not considered relevant to this report.

**STRATEGIC DOCUMENT REFERENCE:**

*City of Launceston Corporate Strategic Plan 2014 - 2024*

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

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

Focus Areas:

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

**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. Tasmanian Government Response to the Future of Local Government Review Final Report Recommendations [21.2.1 - 24 pages]
2. Supporting Local Government Structural Reform - Principles and Processes [21.2.2 - 3 pages]
3. Attachment 2 - Local Government Priority Reform Program 2024-2026 [21.2.3 - 12 pages]

**22. LATE ITEMS**

**No Closed Items have been identified as part of this Agenda**

**23. CLOSED COUNCIL**

*This decision requires an absolute majority of Council*

**RECOMMENDATION:**

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

**23.1. Confirmation of the Minutes**

**REASON FOR CLOSED COUNCIL:**

Regulation 35(6) of the Local Government (Meeting Procedures) Regulations 2015 states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

**23.2. Redevelopment of 118-122 and 124 Brisbane Street**

**REASON FOR CLOSED COUNCIL:**

This item is **CONFIDENTIAL** in accordance with regulation 15(2)(b)(f) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

- (b) information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business.
- (f) proposals for the council to acquire land or an interest in land or for the disposal of land.

**23.3. Tender - Trevallyn Road Retaining Wall Rehabilitation - CD030/2024**

**REASON FOR CLOSED COUNCIL:**

This item is **CONFIDENTIAL** in accordance with regulation 15(2)(d) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

- (d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

**23.4. Tender - Invermay Road Lindsay Street Traffic Lights Project - CD017/2024**

**REASON FOR CLOSED COUNCIL:**

This item is **CONFIDENTIAL** in accordance with regulation 15(2)(d) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

(d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

**23.5. Tender - John Hart Conservatory Remediation CDO38/2024**

**REASON FOR CLOSED COUNCIL:**

This item is **CONFIDENTIAL** in accordance with regulation 15(2)(d) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

(d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

**23.6. Tender - Hoblers Bridge Netball Courts Redevelopment (Courts 2 & 3) CD040/2024**

**REASON FOR CLOSED COUNCIL:**

This item is **CONFIDENTIAL** in accordance with regulation 15(2) (d) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

(d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

**23.7. Verbal Briefing from the Chief Executive Officer Regarding Past Payments Made to a Councillor**

**REASON FOR CLOSED COUNCIL:**

This item is **CONFIDENTIAL** in accordance with regulation 15(2)(g) and 15(2)(i) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

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

(i) matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council.

**23.8. End of Closed Session**

**24. MEETING CLOSURE**

**25. NEXT COUNCIL MEETING DATE**

**The next Ordinary Meeting of Council will be held at 1.00pm on 23 January 2025 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.**